

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

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

**Date: Monday, 30th September, 2019**

**Time: Chairman's Briefing – 9.20 a.m.  
Meeting - 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 11th March, 2019 and any matters arising (copy herewith) (Pages 1 - 4)  
  
To discuss matters arising from the previous minutes, which are not included elsewhere on the agenda.
6. Joint Waste Board (herewith) (Pages 5 - 9)  
To agree:-
  - Appointment of Chairman.
  - Appointment of Vice Chairman.
  - Authorised Representatives.
  - IAA Delegations Report (herewith).
7. BDR Managers Annual Report 2018-19 (herewith) (Pages 10 - 21)  
To consider and agree:-
  - Governance.
  - Contract Delivery.
  - Legal.
  - Financial.
  - Communications.
  - Resources.
  - Glossary of Terms.

8. BDR Manager Report April to July 2019 (herewith) (Pages 22 - 37)  
To consider:-

- Governance.
- Contract Delivery.
- Legal.
- Financial.
- Communications.
- Resources.
- Other.
- CLG Minutes

9. Current Issues (Beth Baxter to report)

10. Risk Register (herewith) (Pages 38 - 45)

11. Any Other Business.

12. Date, time and venue for the next meeting

Monday, 2nd December, 2019 at 9.00 a.m. in Rotherham Town Hall, in the Council Chamber.

**BARNSELEY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD**  
**Monday, 11th March, 2019**

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

**23 TO DETERMINE IF THE FOLLOWING MATTERS ARE TO BE CONSIDERED UNDER THE CATEGORIES SUGGESTED IN ACCORDANCE WITH THE LOCAL GOVERNMENT ACT 1972.**

**Resolved:-**

That under Section 100(A)4 of the Local Government Act 1972, the public be excluded from the meeting during consideration of agenda items 7 and 9 on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of such Act indicated, as now amended by the Local Government (Access to Information)(Variation) Order 2006.

**24 TO DETERMINE ANY ITEM WHICH THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY.**

The Chair reported that there were no items of business requiring urgent consideration by Members at the meeting.

As this was the last meeting where Councillor Roy Miller would be a serving councillor from Barnsley MBC, the Chair led Members in paying tribute to his service and contribution to the Board and since the partnership was formed between the three authorities. The Chair invited the Mayor of Rotherham, Councillor Alan Buckley, to present a gift to Councillor Miller to recognise his service. Councillor Miller responded in kind to the compliments received.

**25 DECLARATIONS OF INTEREST**

There were no declarations of interest reported at this meeting.

**26 MINUTES OF THE PREVIOUS MEETING HELD ON 3RD DECEMBER, 2018 AND ANY MATTERS ARISING**

Consideration was given to the minutes of the previous meeting of the Barnsley, Doncaster and Rotherham Joint Waste Board held on 3rd December, 2018.

**Resolved:-**

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

**27 BDR MANAGERS REPORT 2018-19**

Consideration was given to the update report of the BDR Manager covering the period from November 2018 to February 2019.

A number of issues were highlighted including:-

- Resources
- Contract Delivery
- Complaints
- Health and Safety
- Legal
- Finance
- Human Resources
- Household Waste and Recycling Centre Procurement

Discussions focused on fly complaints and odour and reference was made to the recent communications in the local community that were impacting on the perception of the BDR facility and inflating the number of complaints received. Further assurances were provided in respect of the actions being taken to manage the growth of the fly population prior to the warmer weather in the spring and summer. The Board felt that active engagement and communication from the BDR, coupled with a well promoted schedule of open days at the facility throughout the year would be required in addressing the concerns of the community. Members also recommended that officers continue to work with the Environment Agency to identify the cause of the odour in the area near to the BDR facility.

Members also focused on health and safety compliance data from April 2018 to January 2019. Officers detailed the actions undertaken by management to proactively monitor and manage the health and safety of staff at the BDR facility and Members welcomed the update.

**Resolved:-**

That the report be received and its contents noted.

**28 CURRENT ISSUES**

Consideration was given to any current issues.

Following on from the BDR Manager's report (minute 27 refers), Members welcomed the notification that recycling rates were strong, although noted that the recycling of plastics had reduced and this was reflective of the national picture in respect of the recycling of plastics. It was further noted

that the significant collection changes had occurred, specifically in Rotherham following the introduction of a new waste and recycling service.

**Resolved:-**

That the update on current issues be noted.

**29 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 register were considered by the BDR Steering Committee every eight weeks.

A number of risks were on the risk register and one new risk had been proposed to be included or deleted. A number of specific risks were highlighted:-

- Risk 9 Change in Law risk - this risk had been increased due to the release of the Waste and Resource Strategy and supporting consultations. The consultation outcomes could result in legislative change that would potentially have impacts on service design in the region.
- Risk 7 Insurance risks – this remained the highest risk although insurance had been obtained for 2019/20. This was due to the hardening of the market and the requirement by the 3SE insurers for more mitigation equipment that had not been installed
- Risk 16 was a new risk – this risk had been added due to the financial pressures that the Contractor had faced.

**Resolved:-**

1. That the updated Risk Register be received and the contents noted.
2. That any further risks be identified that require deletion or addition to risk register.

**30 ANY OTHER BUSINESS.**

Reference was made to the implications of UK's withdrawal from the European Union which was anticipated to take place on 29 March 2019. It was noted that the UK government had committed to converting the body of existing EU law in British law, "wherever practical", on the date of exit through the European Union (Withdrawal) Act 2018.

It was noted that Local Resilience Forums were taking a lead role in the business continuity planning for the withdrawal from the EU. This planning

included arrangements for continuity of fuel supply which would be critical in maintaining service delivery for the partnership.

Members noted the risk register in respect of the UK's withdrawal from the EU.

**Resolved:-**

That the update in respect of the implications of the UK's withdrawal from the European Union be noted.

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

**Resolved:-**

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

Public Report  
Barnsley, Doncaster and Rotherham Waste Partnership Joint Waste  
Board Meeting – 30 September 2019

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## Summary Sheet

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

### **Approval of Delegations under Second Inter-Authority Agreement for Municipal Year 2019/20**

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

No it is not a key decision.

### **Strategic Director Approving Submission of the Report**

Paul Woodcock, Strategic Director, Regeneration & Environment

### **Report Author(s)**

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

### **Ward(s) Affected**

None

### **Summary**

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

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

**Recommendations that the Joint Waste Board note that:-**

- a) **With the exception of the decisions reserved to the Authorities for a unanimous decision under the IAA all other decisions in respect of the Principal Contract are delegated by the JWB to the Authorised BDR Steering Committee Member.**
- b) **The Authorised BDR Steering Committee Member may elect to delegate certain decisions to the BDR Manager.**
- c) **The BDR Manager may delegate any decisions delegated to them to a member of the Joint Waste Team (if the right to delegate is granted by the Authorised BDR Steering Committee Member).**
- d) **That Rotherham Council's representative on the BDR Steering Committee will be the Authorised BDR Steering Committee Member for 2019/20**

**List of Appendices Included**

None.

**Background Papers**

Joint Waste Board IAA Delegations report 4.6.18 Final  
Inter Authority Agreement (IAA2)

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

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

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## **Main Report**

### **Approval of Delegations under Second Inter-Authority Agreement for Municipal Year 2019/20**

#### **1. Recommendations that the Joint Waste Board note that:**

- a) With the exception of the decisions reserved to the Authorities for a unanimous decision under the IAA all other decisions in respect of the Principal Contract are delegated by the JWB to the Authorised BDR Steering Committee Member.**
- b) The Authorised BDR Steering Committee Member may elect to delegate certain decisions to the BDR Manager.**
- c) The BDR Manager may delegate any decisions delegated to them to a member of the Joint Waste Team (if the right to delegate is granted by the Authorised BDR Steering Committee Member).**
- d) That Rotherham Council's representative on the BDR Steering Committee will be the Authorised BDR Steering Committee Member for 2019/2020**

#### **2. Background**

2.1 Local Authorities may arrange for the discharge of functions by (i) a joint committee or (ii) by an officer of one of them under the Local Government Act 1972 s101(5)(a). In this case, a group of officers is established under IAA called the BDR Steering Committee, which will be empowered to make the day-to-day decisions required for the management and administration of the Principal Contract. However, the 1972 Act does not allow the delegation of powers to be exercised jointly by a committee of officers.

2.2 To fit with the legislative requirements the JWB therefore delegates its powers to one of the BDR Steering Committee officers (the "Authorised BDR Steering Committee Member"), who will then act in consultation with the others. For the municipal year 2018/19, this delegation was made to the Barnsley member of the Steering Committee, who also acted as the Chairman of that body. It has been agreed previously that the roles of the Chairman and Vice-Chairman of the JWB will rotate between the three Authorities on an annual basis. In line with this principle, it has been agreed that the Authorised BDR Steering Committee Member will also rotate annually. For the municipal year 2019/20, this delegation should therefore be made to the Rotherham member of the Steering Committee. This officer will subsequently delegate certain functions to the BDR Manager in order to more efficiently deal with the day-to-day decisions that will be required under the Principal Contract.

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

Barnsley Representative

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

Doncaster Representative

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

Rotherham Representative

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

### **3. Key Issues**

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

### **4. Options considered and recommended proposal**

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

### **5. Consultation**

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

### **6. Timetable and Accountability for Implementing this Decision**

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

### **7. Financial and Procurement Implications**

7.1 No financial implications associated with this.

### **8. Legal Implications**

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

**9. Human Resources Implications**

9.1 None.

**10. Implications for Children and Young People and Vulnerable Adults**

10.1 None

**11 Equalities and Human Rights Implications**

11.1 None

**12. Implications for Partners and Other Directorates**

12.1 None

**13. Risks and Mitigation**

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

**14. Accountable Officer(s)**

Tom Smith, Assistant Director, Community Safety and Street Scene

Martin Raper, Street Scene Manager

Lisbeth Baxter, BDR Manager

Approvals Obtained from:-

Interim Strategic Director of Resources and Transformation:- Stuart Booth

Assistant Director of Legal Services:- Dermot Pearson

Head of Procurement (if appropriate):- Not applicable

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

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

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

Document is Restricted

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

**APRIL 2019 – JULY 2019**

**1.0 Governance**

**1.1 Resources**

- 1.1.1 The BDR team is now fully resourced and work has commenced on the Team plan taking into account the Waste and Resource Strategy for England and the key projects that are underway on the BDR Waste Treatment Facility.
- 1.1.2 The BDR CELO is currently on secondment to Rotherham council to work with the engagement team to help with the new recycling services and bin changes.

**2.0 Contract Delivery**

**2.1 Bolton Road**

- 1.1.1 Table 1 contains the information about the number of tonnes processed from April to July 2019. The overall tonnage forecast in table 1, will be reviewed quarterly to better reflect the anticipated outturn.
- 2.1.2 In the July 2019 invoice the forecast tonnage for all three Councils has been reduced in line with the actuals. As the Rotherham service change has resulted in a decrease in the residual waste, the apportionment has been recalculated to reflect this change.

**Table 1 – Year to date tonnes processed from 1 April 2019 to 31 July 2019**

Inputs		2018/19	April	May	June	July	YTD 2019/20
	<b>Contract Waste (Limbs)</b>						
Barnsley	A (Household)	52717.51	4241.24	4844.06	3993.08	4518.12	17596.50
	B (Commercial)	5203.84	423.66	466.86	421.60	480.80	1792.92
	C (HWRC)	5469.45	499.04	465.62	428.62	438.56	1831.84
	D (Public Highways etc)	1091.27	99.98	86.74	94.48	100.08	381.28
	E (Grounds Maintenance)	0.00	0.00	0.00	0.00	0.00	0.00
Doncaster	A (Household)	69143.14	5600.28	6667.82	5725.36	5940.94	23934.40
	B (Commercial)	5360.16	157.54	165.76	158.80	177.56	659.66
	C (HWRC)	7562.06	667.40	644.64	536.46	594.22	2442.72
	D (Public Highways etc)	0.00	0.00	0.00	0.00	0.00	0.00
	E (Grounds Maintenance)	0.00	0.00	0.00	0.00	0.00	0.00
Rotherham	A (Household)	56246.07	3969.14	4175.74	3678.52	4291.64	16115.04
	B (Commercial)	3496.32	273.54	294.24	271.28	322.48	1161.54
	C (HWRC)	6393.60	559.04	548.68	478.22	524.82	2110.76
	D (Public Highways etc)	0.00	0.00	0.00	0.00	0.00	0.00
	E (Grounds Maintenance)	0.00	0.00	0.00	0.00	0.00	0.00
	<i>Limbs A&amp;B Sub-Total</i>	192167.04	14665.40	16614.48	14248.04	15731.54	61259.46
BDR	A (Household)	178106.72	13810.66	15687.62	13396.96	14750.70	57645.94
	B (Commercial)	14060.32	854.74	926.86	851.68	980.84	3614.12
	C (HWRC)	19425.11	1725.48	1658.94	1443.30	1557.60	6385.32
	D (Public Highways etc)	1091.27	99.98	86.74	94.48	100.08	381.28
	E (Grounds Maintenance)	0.00	0.00	0.00	0.00	0.00	0.00
	<b>Total</b>	212,683	16,491	18,360	15,786	17,389	68026.66

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 2019 to 31 July 2019**

Inputs - 3rd Party		2018/19	April	May	June	July	YTD 2019/20
	Renewi Derby	15407.70	2347.82	2467.00	3239.38	2131.76	10185.96

1.1.3 Table 2 above 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 2019 to 31 July 2019**

Performance	2018/19	April	May	June	July	YTD 2019/20
Recycling (%)	11.41%	12.85%	13.23%	13.59%	10.47%	12.51%
Diversion (%)	97.09%	102.02%	90.26%	91.94%	98.78%	95.71%
Moisture Loss (%)		27.29%	27.50%	27.63%	32.56%	

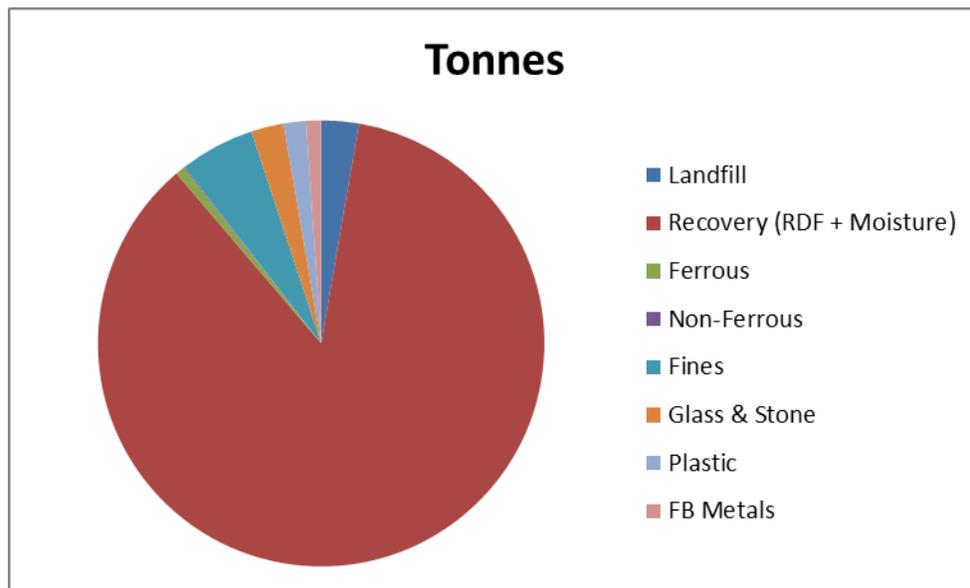
1.1.4 Contract recycling was 10.47% in July with the year to date recycling figure running at 12.51%. At the request of the Environment Agency,

organic contamination of the glass and stone fraction was reduced. This adversely impacted the total volume of glass and stone generated.

**Table 4 - Contract Outputs**

<b>Council Outputs</b>	<b>2018/19</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>July</b>	<b>YTD 2019/20</b>
<b>Landfill</b>	7303.41	526.19	420.07	509.58	399.98	1855.82
<b>Recovery (RDF + Moisture)</b>	188598.96	15273.84	14711.55	12888.68	15872.46	58746.53
<b>Ferrous</b>	1673.95	123.78	127.95	113.18	87.28	452.19
<b>Non-Ferrous</b>	309.64	21.42	6.32	14.59	14.53	56.86
<b>Fines</b>	8848.05	728.23	794.75	781.38	810.97	3115.33
<b>Glass &amp; Stone</b>	2451.67	292.57	489.02	514.05	315.47	1611.11
<b>Plastic</b>	4613.20	384.45	442.41	202.26	77.00	1106.12
<b>Direct Delivered</b>	0.00	0.00	0.00	0.00	0.00	0.00
<i>Recycling Sub-Total</i>	17896.51	1550.46	1860.44	1625.45	1305.24	6341.59
<b>Ferrybridge Metals</b>	2364.62	197.69	188.22	164.25	190.45	740.61
<b>AWM-Recycling</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Fines CLO Uplift</b>	1656.85	136.37	148.82	146.32	151.86	583.37
<i>Recycling Total</i>	21917.98	1884.52	2197.48	1936.02	1647.55	7665.57
<b>Outbound Total</b>	213798.88	17350.49	16992.06	15023.71	17577.68	66943.94

**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 2019 to July 2019 is 4.29% or 95.71% diversion from landfill.

## 1.2 Complaints

### Flies

2.2.1 Table 5 below illustrates the number of fly complaints by month.

2.2.2 During this “fly season” both the Contract Management Team and the Environment Agency have been working with the Contractor to improve the fly management programme at site.

At this time of year a large amounts of maggots and flies are delivered in to the plant via RCV's from residents bins. A regular regime of insecticide treatment within the plant kills the majority of flies, maggots, larvae and eggs.

2.2.3 The contractor has put a large amount of time, resources and investment into fly management and continue to look for improvements. Working with the Environmental Agency guidance, huge strides have been undertaken to improve fly management, including but not exclusively:

- The removal of any waste sorted or pre-sorted in the tipping hall.
- Increased frequency of insecticide treatments within the plant
- Installation of bait bags around the site
- Clearing of the tipping pit down to ground level
- Cleaning up of glass and stone outputs to ensure it is less attractive to flies
- Embedding their fly management plan into all working practices
- Tighter trailer management, including spraying of wheels and stops
- Sample capture and analysis of flies on site, in residences and local businesses and around the local area
- Liaison with local businesses (Next) both on the analysis of fly numbers and types, supply of information of what action the plant takes to minimise fly numbers, advice on how to improve their own fly management activities through good housekeeping and pro-active fly eradication through installation of bait boards.

2.2.4 15 Monitoring stations are situated inside and outside of the facility to record fly numbers and species. From weekly analysis of the monitoring stations situated inside and outside the plant the indication is that there is a minimal percentage of flies actually escaping from the plant. There is also a normal background population of a number of species of flies that if the plant was not there would still be within the local environment. This is evidenced as there are none of that species on the internal traps.

2.2.5 Also analysis of the fly counts and number of complaint closely tracks with the weather. The warmer the temperature the higher the readings of all species of flies in the local area, inside and outside of site and the number of complaints increases. Again this leads to the conclusion that as all species of fly breed in warmer conditions, in fields, river banks, waste ground, old industrial sites, in residents bins and on site complaints will also rise and unfortunately be attributed directly to site.

2.2.6 Excluding 15 complains made in one three hour time frame that we believe came from a local action group, Renewi have received 39 complaints about flies this year to date. By this time last year, there were 72 complaints. A number of these are too far afield to be substantiated as coming from site and a number (and often repeated) are also from residents who were against the site being built in the first place.

2.2.7 One complaint from a local resident recently wrote to all three councils, their CEO, Portfolio Holder and/or Leader requesting to know what fly management was being undertaken at site as his home was infested with flies from the plant. Through discussion with the complainant he feels the plant should not have been located in the Dearne valley and weekly bin collections is the only action to prevent flies. He has also intimated that if “action” is not taken he will instigate an Action Group to achieve these aims (see note of 15 complaints in one evening above) and will seek election to local government on a campaign to close the site.

The complainant has attributed all the flies at his properties as coming from the treatment facility. We have obtained a sample of over 150 files from him and after examination by an entomologist as to the genesis of these flies, 100% of the flies captured were not common houseflies (the type of fly associated with the plant). Over 90% were in fact field flies, and as harvesting was taking place in the field adjacent to his property at the time would more than likely be attributed to this.

2.2.8 The same picture is appearing from other sampling taken in Bolton, at both monitoring stations placed by Renewi, and from samples from other residents, he overwhelming majority of flies captured are not common house flies, and therefore cannot be attributed to the plant.

2.2.9 The contract team continue to monitor the situation and are working with the contractor and the EA to minimise flies on site, but both the EA and the Contract team are satisfied that the proactive positive fly management on site is effective.

**Table 5 - Fly complaints by month**

	<b>April 2019</b>	<b>May 2019</b>	<b>June 2019</b>	<b>July 2019</b>	<b>YTD</b>
No. Fly Complaints	0	0	9	32	41

**Odour**

2.2.10 Table 6 below illustrates the number of odour complaints by month. The EA have undertaken monitoring exercises around the facility and only detected an odour that could potentially be malodourous on 1 occasion out of 30 visits.

2.2.11 The EA inspected the site on 24th June following a meeting to discuss the interim fire management plan during the fire improvement works. As part of the inspection the subject of odour and flies was discussed. The EA have conducted odour surveys in the surrounding area over recent weeks and are collating the information which will be shared. Informally the EA have expressed the view that odours from site are low level and intermittent and would not be regarded by them as polluting. The EA Officer also expressed the view that the bio-filter would seem to have bedded in. We await the formal report from their findings.

2.2.12 Complaints have been received from local MPs and one resident complained to the Mayor, the Leaders of Barnsley and Rotherham Council and the Chair of Joint Waste Board. A response was provided that outlined the actions that are being taken.

**Table 6 - Odour complaints by month**

	April 2019	May 2019	June 2019	July 2019	YTD
No. Odour Complaints	24	17	6	6	53

**2.3 Fire Protection Improvements**

2.3.1 The Fire Improvement Works project proposals have been approved by all parties. The costs for this work are in the order of £2M. Mobilisation is complete and the contractors are onsite and works have commenced. The insurers technical advisors are engaged in the process.

2.3.2 The approval process was delayed (internal issues between SPV and funders) this has impacted on the timetable for delivery as shown below:

**Table 7 - High Level Timetable**

<b>Activity</b>	<b>Programmed Date</b>	<b>Actual</b>
Award of Contract	13 <sup>th</sup> May 2019	21 <sup>th</sup> June 2019
Procurement of long lead items	20 <sup>th</sup> May 2019	02 <sup>nd</sup> July 2019
Mobilisation	10 <sup>th</sup> June 2019	29 <sup>th</sup> July 2019
Start of Commissioning	23 <sup>rd</sup> September 2019	11 <sup>th</sup> November 2019
Project completed	11 <sup>th</sup> October 2019	02 <sup>nd</sup> December 2019

## **2.4 Fines Clean Up**

2.4.1 The fines clean-up project is now complete and performing as expected.

## **2.5 Grange Lane**

2.5.1 Work has been completed on the replacement of the roof at Grange Lane transfer station and Barnsley RCVs and Street Scene vehicles are now tipping at BTS where this is optimal for the service.

2.5.2 There are also areas of the floor that need replaced and work is underway to procure a contractor to ensure this work is completed in this financial year.

2.5.3 BMBC have proposed to build an enclosure around the electrical distribution board, this has been approved and a date to commence work is to be proposed.

2.5.4 The Contractor site improvement work project which takes the facility above good tenantable standard is now in the final stages of preparation, with prices obtained for all the proposed improvements.

## **2.6 Health and Safety**

2.6.1 There were 12 Be Aware Safety (BOS) audits conducted during April 2019 and July 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. Renewi's Safety Week was held at all UK sites in the first week of June 2019.

**Table 8 – Compliance from April 2019 to July 2019**

2019/20	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	36	5	0	3	0	0	0	1
May	158	2	0	1	0	0	0	0
June	161	0	0	7	0	0	0	0
July	151	4	0	3	0	0	0	2
<b>YTD Total</b>	<b>506</b>	<b>11</b>	<b>0</b>	<b>14</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>

**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 has now been signed by all Councils

### 4.0 Financial

**Table 9 – Operational Management Budget Outturn 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	32,298	32,298	22,765	9,533
Call off Finance	0	0	1,120	-1,120
Call off Legal	58,472	58,472	66,897	-8,425
Call off Technical	0	0	0	0
External Finance	11,217	11,217	30,000	-18,783
External Legal	723	723	50,000	-49,278
External Technical	15,195	15,195	24,850	-9,655
Management	109,508	109,508	117,075	-7,567
HWRC Project	0	0	0	0
Insurance Advisors	0	0	0	0
<b>Grand Total</b>	<b>227,413</b>	<b>227,413</b>	<b>312,707</b>	<b>-85,294</b>

3.1.1 The budget included costs for the HWRC procurement exercise, the modelling of RMBC collection changes, technical due diligence on the Fire Improvement Works, negotiation of changes and on-going work on Operational savings.

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

**Table 10 - Operational Management Budget 2019/20**

Contract Manager detail	Data			
	Sum of Spend to date	Sum of Total Forecast 2019/20	Sum of Budget 2019-20	Sum of Variance 2019/20
Administration	3,982	26,912	28,294	-1,382
Call off Finance	0	1,120	1,120	0
Call off Legal	19,721	57,888	58,103	-215
Call off Technical	0	0	0	0
External Finance	10,944	28,944	30,000	-1,056
External Legal	1,632	8,632	10,000	-1,368
External Technical	6,268	20,268	25,000	-4,732
Management	56,044	136,149	136,150	0
HWRC Project	0	0	0	0
Insurance Advisors	2,000	6,000	10,000	-4,000
Grand Total	100,590	285,913	298,667	-12,754

4.1.4 The BDR Manager would like to propose that the Budget remains the same for 2019/20 £370,984.00, due to the need for further due diligence on the Fire Improvement Works and negotiation of changes likely to arise from the implementation of the Waste and Resource Strategy for England.

## 5.0 Communications

### 5.1 Community Education and Liaison Officer (CELO)

4.1.1 Appendix 1 contains the minutes from the last Community Liaison Group (CLG) Meeting on 10 June 2019.

4.1.2 A composting campaign ran from 29/4/19- 31/5/19 (the school competition ended at the beginning of June to account for half term holiday at end of May). There were 11 posts in total- on Facebook they reached 10542 people and received 409 comments, majority of which came from the compost bin give away post. On Twitter- same number of posts 6856 people impressions (number of people who saw it) and 121 engagements (likes, comments and retweets). There was a press release at the start of the campaign; a further release announcing the winners along with photographs of some of the winners is currently being drafted. There were 258 entries from schools 2 each from local authority area.

There were two winners from Ladywood as there were entries from KS1 and KS2 but they won 1 set of prizes.

The Assistant CELO has delivered the prizes to the schools 4/6 and presented them in celebration assemblies, for the other 2 teachers presented as she was unavailable on the given dates.

Name	School	Local Authority
Ryan Colley	Hoyland Common	Barnsley
Jack Turner	Ladywood Primary	Barnsley

Eva Burgess	Ladywood Primary	Barnsley
Kira Leigh Cook	Shaw Wood Academy	Doncaster
Caleb Morris	Stone Hill School	Doncaster
Grace Boocock	Blackburn Primary	Rotherham
Alexa Fletcher	Laughton All saints CofE	Rotherham

- 4.1.3 A press release about the compost poster and Facebook competition has been distributed to local press and councils and appears on the BDR website. A press release about bin hygiene has also been created for all councils in correspondence to a rise in fly complaints.
- 4.1.4 The first phase of the compositional analysis for 2019-20 has been completed. Awaiting results, which will be analysed and should be disseminated to the Councils in due course?
- 4.1.5 Information on this year's Recycle Week campaign has been released by Wrap. Assets and press release to be made available soon. Recycle week to take place 23rd-29th of September.

## 6.0 Resources

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

## 7.0 Other

### 7.1.1 Sheffield ERF

Veolia are undertaking programmed maintenance during July and the BDR plant will receive an additional 88 loads from 22/7/19 to 9/8/19 equating to 2250 tonnes. This tonnage is already accounted for under the guaranteed third party waste requirement and will not attract the higher royalty payment.

## 8.0 Glossary of Terms

Term	Definition
<b>3SE</b>	The name for the partnership between Shanks Group plc and Scottish & Southern Energy plc.
<b>A2A (formerly Ecodeco)</b>	Italian company who research, design, construct, and manage plant and equipment for the disposal of waste.
<b>Anaerobic Digestion (AD)</b>	A series of biological processes in which micro-organisms break down biodegradable material in the absence of oxygen. One of the end products is biogas, which is combusted to generate electricity and heat.
<b>Compositional Analysis</b>	Waste Composition Analysis is a study that provides essential information about the weight and type of each component waste material that is in any given waste stream. It firstly involves obtaining representative samples of these waste streams, then manually hand sorting into various pre-defined sort categories using the correct methodology, which are then weighed in each individual fractions in align with Waste Data Flow (WDF) municipal reporting each waste stream has its own European Waste Code (EWC).
<b>Department for Environment, Food and Rural Affairs (DEFRA)</b>	The UK government department responsible for policy and regulations on environmental, food and rural issues.
<b>Environment Agency (EA)</b>	An executive non-departmental public Body responsible to the Secretary of State for Environment, Food and Rural Affairs for issues affecting the environment.
<b>FCC Environment</b>	One of the UK's leading waste and resource management companies.
<b>Facebook</b>	Facebook, Inc. is an American online social media and social networking service company.

<b>Ferrybridge Multifuel 1 (FM1)</b>	Multifuel Energy Ltd. (MEL) operates a new £300 million multifuel plant on land owned by SSE at Ferrybridge 'C' Power Station near Knottingley in West Yorkshire. This project is called Ferrybridge Multifuel 1 (FM1)
<b>Household Waste Recycling Centre (HWRC)</b>	A civic amenity site (CA site) or household waste recycling centre (HWRC) is a facility where the public can dispose of household waste and also often containing recycling points.
<b>Joint Waste Board (JWB)</b>	The Statutory Committee comprising Portfolio Holders and Senior Officers with responsibility for waste.
<b>Key Stage 1 (KS1) &amp; Key Stage 2 (KS2)</b>	Is a part of the National Curriculum and tells schools what subjects to teach and it tells teachers which topics to cover and at what level.
<b>Liaison Committee</b>	Review the Waste Management contract in operation, seek out future development opportunities and to review the operational year identifying any learning points and advise the Joint Waste Board of any corrective action requirements
<b>Mechanical Biological Treatment (MBT)</b>	A type of waste processing facility that combines a sorting facility with a form of biological treatment such as composting or anaerobic digestion. MBT plants are designed to process mixed household waste as well as commercial and industrial wastes.
<b>Private Finance Initiative (PFI)</b>	Mechanism for creating "public-private partnerships" (PPPs) by funding public infrastructure projects with private capital.
<b>Recycle Week</b>	Recycle Week is a celebration of recycling, organised by WRAP under

	the Recycle Now brand. The aim of the week is to encourage the public to recycle more, by demonstrating the benefits of recycling items from all around the home
<b>Refuse Collection Vehicle (RCV)</b>	The collection of rubbish and waste, usually in a rubbish or refuse truck, before final disposal.
<b>Renewi UK Services</b>	The new trading name for Shanks Waste Management.
<b>Sheffield ERF</b>	The Energy Recovery Facility (ERF) in Sheffield, generates electricity for the National Grid and heat for the city's award winning District Energy Network from the rubbish put in the black wheeled bin.
<b>Solid Recovered Fuel (SRF)</b>	A fuel produced by shredding and dehydrating solid waste (MSW) with a waste converter technology.
<b>SSE plc (formerly Scottish and Southern Energy plc)</b>	A British energy company headquartered in Perth, Scotland.
<b>Veolia</b>	Veolia Environment S.A., branded as Veolia, is a French transnational company with activities in three main service and utility areas traditionally managed by public authorities – water management, waste management and energy services
<b>Waste Infrastructure Credits</b>	Awarded by DEFRA to incentivise local authorities to develop infrastructure to treat waste as an alternate to landfill.
<b>Waste Transfer Station (WTS)</b>	Facilities where municipal solid waste is unloaded from collection vehicles and briefly held while it is reloaded onto larger long-distance transport vehicles for shipment to landfills or other treatment or disposal facilities.

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**BDR PFI Waste Treatment Facility – Community Liaison Group Meeting on Monday, 10<sup>th</sup> June.**

**Attendance:**

**Non members:**

**1. Welcome** The chair welcomed everyone to the meeting and BDR Senior Contracts Officer introduced himself.

**2. Apologies.** Were received.

**3. Minutes of the last meeting on 8<sup>th</sup> April.** With the exception of a small amend to issues arising, these were approved as a true record.

**4. Issues arising.** There were no issues arising which were not on the agenda.

**5. Complaints update.** The Contract Director brought slides to demonstrate how the Line 1 bio filter worked. When new virgin woodchip was installed 11 months ago, the odour produced changed, although it was not judged to be malodorous. In February there had been a spike in complaints to 39. These were now reducing considerably, down to 16 in May, and just two so far in June. The EA had visited on 1<sup>st</sup> May to carry out an odour inspection and their full report and recommendations were awaited, but they were happy the facility was operating within normal parameters. However, in view of the issues, changes to Line 2 bio filter would be delayed. The BDR Senior Contracts Officer said overall BDR was happy with the way the facility was being run. Around 40 per cent of complaints could not be attributed to the plant because it was the wrong kind of smell or the wind was not in the right direction. The EA were undertaking unannounced to checks on odours in the vicinity. They had also issued diaries to a number of residents and businesses so that a record could be kept of any odours they noticed. The BDR Manager said that since the facility opened it had not caused major problems in the community and when issues had arisen, a lot of money had been spent putting it right. No complaints were ignored, but because of the type of facility it is the perception is that odours and flies will be coming from it. The chair felt that some residents had forgotten historical problems created by the coking plant on the old Manvers site.

The Contract Director gave an update on fly containment and prevention measures. He said by this time last year there had been 53 complaints. This year there had been just four, three of them from one business. The facility is currently trialling a new pesticide and early indications were that it was working. Data was being examined by a consultant entomologist. The BDR Manager said an audit was being undertaken to check the cleanliness of refuse vehicles, and a campaign was being considered to encourage householders to wrap food waste before putting it into bins.

The chair thanked them for their reports and felt progress on both issues was going in the right direction.

**6.3SE update.** The Contract Director said work on the installation of an acid scrubber was now 70 per cent complete and should be finished by the end of July. It would reduce further ammonia emissions from the AD plant. There was now a

preferred bidder for fire prevention works requested by insurers and it was hoped to begin work on site in July and be completed by December. The glass clean-up installation had been modified further in April to eliminate blockages and the process was now performing correctly. The new facility at Ferrybridge (FM2) was on schedule for a July start and full operation in the last quarter of 2019. The facility would be available to take waste from Renewi BDR from September/October onwards.

**7. BDR update.** The BDR Senior Contracts Officer said the four local authorities were working on the consultation for the Government's Resources and Waste Strategy for England. The focus was on consistency of materials to be collected by local authorities including food waste and charges for garden waste; a deposit return scheme for drinks containers; a tax on packaging containing less than 30 per cent recycled plastic; and extended producer responsibility (EPR) regulations on packaging waste. Each authority would put in their own response in addition to a joint South Yorkshire response. The results of the consultation were being analysed nationally, and then a further consultation would take place on the outcomes. The Community Education Liaison Officer reported that the major waste collection changes in Rotherham had now been rolled out to households. There had been an increase in recycling, a reduction in contamination and the amount of overall leftover household waste had reduced. The next stage was to roll out the scheme to flats, including 5,500 local authority properties and 1,000 private properties. Almost 40,000 households had signed up for the paid for garden waste scheme. In addition, the number of properties with additional bins had been reduced from 10,500 to 3,000.

**8. CELO update.** The Assistant Community Liaison Officer reported that plans were being drawn up for marketing campaigns and how to deliver them over the next three years. These would include WRAP's Love Food Hate Waste in the summer and Recycle Week in September, which this year would build on the momentum of the growing national and international environmental movement to encourage more recycling. A recent composting campaign on social media attracted more than 100 entries in a competition for prizes including a compost bin and gardening equipment. School visits were continuing, last week 260 children visited and four more were planned. A site tour for members of the public was scheduled for 25<sup>th</sup> June and there were still spaces at 2pm and 6pm.

There was a discussion about an article in the Daily Mail flagged up at the last meeting by a CLG member warning that home composting could be dangerous if not done properly. The general view was that this was sensationalist scaremongering.

**9. Communications update.** Stratiji reported on a press release on the successful Renewi Corporate Social Responsibility (CSR) Fund projects issued to local and regional media with a photograph of a winning project from last year. This got widely used on local authority websites, the BDR website and Doncaster Free Press. An article about odour complaints in the Dearne Valley Weekend discussed at the last CLG meeting had been reproduced in its sister paper the Rotherham Advertiser a few weeks later. A response about the odour issue had been prepared for John

Healey MP to make sure he had the full facts. An article from the Yorkshire Post about an increase in fly-tipping across the region had been forward to CLG members. The same article praised Barnsley and Doncaster Council for issuing more fines for littering than any other places in Yorkshire. The next pro-active communication campaign would be for Love Food Hate Waste in the summer and Recycle Week in September.

**10. Any other business.** The BDR Manager proposed to raise the issue of non-attendance by elected members of the CLG.

**Action: BDR Manager to raise this with steering committee and portfolio holders.**

**11. Date, time and venue for next meeting.** This will be on Monday, 2<sup>nd</sup> September, 7pm at the Visitor Centre.

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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 11 March 2019.
- 2.2 There are 3 categories of risk Red, Amber, Green (RAG) representing varying degrees of exposure. Each category contains a range of risk scores and the table below shows how the RAG rating and score are derived.

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

### 3. Key Issues and Risks

- 3.1 There 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	30/9/2019
Red	2	2	2	2	3	3
Amber	9	9	5	5	5	4
Green	4	4	8	8	8	9
Total	15	15	15	15	16	16

Target RAG Rating	20/09/18	1/10/18	22/11/2018	3/12/2018	1/3/2019	30/9/2019
Red	0	0	0	0	0	0
Amber	7	7	5	4	5	5
Green	8	8	10	11	11	11
Total	15	15	15	15	16	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 implementing upgrade of the Fire Protection systems, this is now reducing risk. Insurance broker is working with Insurance market to build confidence	4	3	12	Robust case against Uninsurable argument. Ensure Contractor completes the fire improvement works.	5	2	10	BDR MANAGER	30/12/2019	
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	30/12/2019	
17	Contractor breached financial requirement	Funder have to step in	Contractor to limit exposure to unnecessary costs and protect income during any negotiations of change	3	5	15	Ensure levels of insurance are appropriate	3	3	9		30/12/2019	NEW RISK
7	Obtaining required terms for Insurance is difficult due to market conditions - <b>Insurance costs increase</b>	There is a lack of Markets for Insuring waste plants	Robust fire strategy, latest technology for fire suppression . Fire plan signed off by insurers BDR Technical advisors and Independent Certifier. Regular fire drills. Contractor liaison and education of insurance markets. Contractual position on insurance. Implementation of fire improvement works.	2	5	10	Consider reviewing the insurance requirements. Enforcement of Contractual positions	2	4	8	BDR MANAGER	30/12/2019	
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-ative 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	30/12/2019	
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 and other controls within the contract to divert waste to other waste facilities. No current short to medium threat.	3	2	6	Undertake a communications campaign. Use contingency sites and/or other contracts where possible e.g. Veolia landfill contract. Use emergency procurement if absolutely necessary.	3	2	6	BDR MANAGER	30/12/2019	
15	Recycling Markets	Lack of recycling markets impacts on Contractors ability to achieve recycling rate	Reviewing disposal points, ensuring Contractor has contingency in place	2	5	10	Councils may consider taking on more risk (as long as this is properly assessed) to deliver savings. Currently being investigated as part of the Councils' operational savings review.	2	4	8	BDR MANAGER	30/12/2019	
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. Termination of City of Derby Council/Derbyshire County Council PFI contract.	5	3	15	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	5	2	10	Chair of Steering Committee	30/12/2019	

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	4	2	8	Regular visits by health and safety officers. Quarterly health and safety meetings.	3	2	6	BDR MANAGER	30/12/2019	
8	Changes to Collection services to support budget savings that impact on the PFI Contract - <b>waste volumes change</b>	Potential to impact on the performance of the plant. Potential to impact on the Third Party Revenue Share due to the Councils. Implications on PFI Credits. Implications on Inter Authority Agreement.	Inter Authority Agreement measures. Significant collection change clause in the PFI Contract. Current WIDP/DEFRA position in terms of Credit Allocation position requires BDR to abide by the terms and conditions in the Promissary letter and the Final Business Case.	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	30/12/2019	
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 Guarentees exist to provide and/or pay for interm/alternative arrangements to be made. Funders would work with BDR to bring in a new contractor to deliver the service. Contingency arrangements may be implemented in the short term. Robust contract monitoring procedures	4	2	8	Ensure monitoring staff are sufficiently skilled to manage this situation. Liaison with other PFI Contract Managers, knowledge transfer	3	2	6	BDR MANAGER	30/12/2019	
11	Failure of plant equipment results in withdrawal of credits ( <b>Review of WICS</b> )	Reputational damage and adverse publicity emanating from poor performance of state of the art facility. Potential for Local/National interest. Budget impact	Regular contract meetings/Monitoring and review procedures/Contingency facilities in place/Performance deduction , Step in provisions exist. It is likely that the Funders would step in an appoint another Contractor if performance is poor. Alternately the Councils could step in until the Contract could be retenderd	3	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	30/12/2019	
12	Lack of resources due to restructures, and staff resignations failure to have a knowledge management plan ( <b>Business Continuity - BDR</b> )	Failure to monitor the contract effectively/make payments resulting in Breach	Contract manual to document the processes and procedures. To be maintained and updated when changes occur. Contract information held on CIPFA site and on a Sharepoint portal. Staff training and development. Knowledge management plan.	3	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	30/12/2019	
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	30/12/2019	
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. 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	30/12/2019	
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 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	30/12/2019	