

BARNSLEY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD

Venue: Microsoft Teams

Date: Monday 15 March 2021

Time: 9.30 a.m.

A G E N D A

1. To determine if the following matters are to be considered under the categories suggested in accordance with the Local Government Act 1972.
2. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for absence
4. Declarations of Interest
5. Minutes of the previous meeting held on 14 December 2020 (copy attached) (Pages 2 - 4)
6. Matters Arising
To discuss matters arising from the previous minutes, which are not included elsewhere on the agenda.
7. BDR Managers Report (Pages 5 - 15)
 - Governance
 - Contract Delivery
 - Legal
 - Financial
 - Communications
 - Resources
 - Glossary of Terms
 -
8. Current Issues (Verbal Report)
9. Risk Register (Pages 16 - 20)
10. Any Other Business
11. Date, time and venue for the next meeting
The next meeting will be held on Monday, 14 June 2021 at 9.30am – venue yet to be confirmed.

BARNSELEY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD
Monday 14 December 2020

Present:- Councillor Hoddinott (in the Chair); Councillors Sansome.

Apologies for absence were received from Councillors .

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

Agreed.

71 TO DETERMINE ANY ITEM WHICH THE CHAIRMAN IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY.

There were no urgent items to consider.

72 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Matthew Gladstone and David Coulson.

73 DECLARATIONS OF INTEREST

There were no declarations of interest.

74 MINUTES OF THE PREVIOUS MEETING HELD ON 28 SEPTEMBER 2020 (COPY ATTACHED)

The Minutes of the previous meeting were approved.

75 MATTERS ARISING

There were no matters arising.

76 BDR MANAGER'S REPORT

The Barnsley, Doncaster and Rotherham Waste Partnership Manager presented a report which highlighted and updated the following issues relating to the Joint Waste Private Finance Initiative (PFI) for the period April to October 2020:-

- Resources
- Contract Delivery
- Community Liaison Group
- Bolton Road
- Complaints
- Grange Lane

- Health and Safety
- Financial
- Communications
- Resources
- Joint Working and BDR Support

In response to questions, the BDR Manager confirmed that it was normal to have odour complaints in winter as the steam coming from the plant was more visible. It was confirmed that the Biofilter 2 refurbishment works were scheduled to commence in 2020 which should result in fewer complaints. The BDR Manager also confirmed that work had been undertaken between Renewi and the Environment Agency to address the fly issue. One of the concerns that had been highlighted was that fly larvae were being delivered to the plant in the collected waste.

The plant had performed well during the pandemic with the contractors ensuring standards were maintained. Recycling rates had increased from 12% for 2019/20 to 14.56% for 2020/21. Tonnages had increased due to Covid but the contractor was managing the increase and the plant was performing. There was a slight variance to the agreed budget due to the increases but officers were confident that the final budget would be in the region of an agreed new forecast for the year 2020/21.

The BDR Manager explained to the Board the “close call” protocols that were in place. The fact that the number was high was a good sign that health and safety practices were being followed and that lessons were being learnt. All employees were encouraged to report near misses in order to improve safety in the working environment.

Resolved:- That the report be noted.

77 CURRENT ISSUES

The Board were informed that the insurance was due for renewal. Nigel Naisbitt confirmed that renewal costs were up across the waste market. It was agreed that an update on the insurance renewal be brought to the next meeting.

78 RISK REGISTER

The BDR Manager and the Assistant Director for Community Safety and Street Scene confirmed that whilst the transition from the EU was on the risk register, the risk was low as plans were in place. It was also confirmed that waste material went to local sites and as such should not be disrupted by the United Kingdom leaving the European Union.

79 EXCLUSION OF THE PRESS AND PUBLIC

Resolved:- That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for Minute 79 on the

grounds that the report involves the disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12(A) of such Act indicated, as now amended by the Local Government (Access to Information) (Variation) Order 2006.

80 ANY OTHER BUSINESS

The Board were given an update on a business case that had been prepared regarding bin hygiene. It was confirmed that a budget was already in place for the project and as such the Board were just asked for comments and to note the report.

Agreed –

- (1) that the report be noted;
- (2) that the timescales in the report be amended to include more flexibility; and
- (3) that the table at page 36 of the pack be split into separate authorities with explanations of the costs.

81 DATE, TIME AND VENUE FOR THE NEXT MEETING

The next meeting would be held on Monday 15 March, 2021 at 9.30am. It was anticipated that the meeting would be held on Microsoft Teams.

**BDR WASTE PFI
BDR MANAGER UPDATE REPORT
APRIL 2020 – JANUARY 2021**

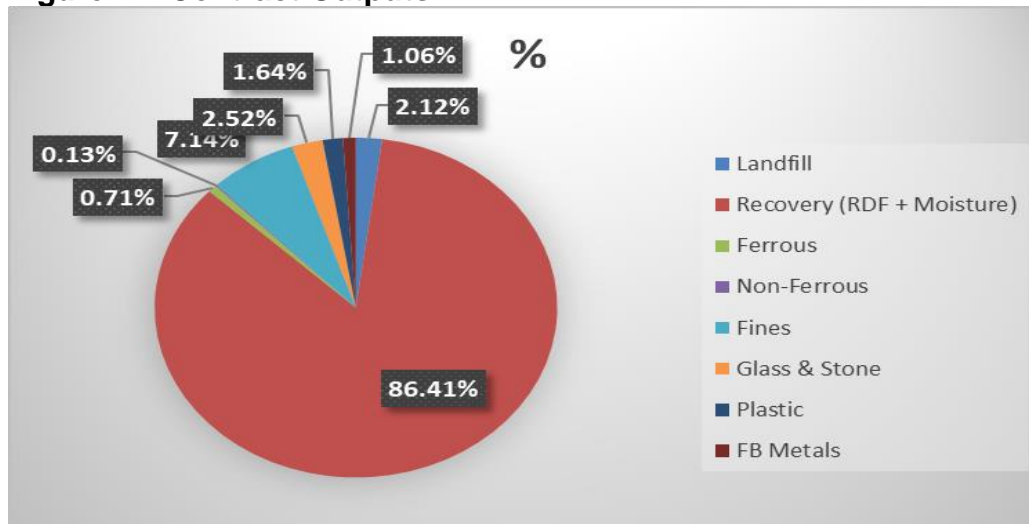
1. Governance

- 1.1. Contract Data - Performance reports are produced by the contractor on the 15th of each month and include the previous month's information. As February's information will not be received until the 15th March, February's data is not included in this report. Through monitoring of the contract and communication with the Contractor, the BDR team have no concerns with performance and service delivery in February.
- 1.2 Resources - The BDR Team continue to work from home, complying with Government and Council guidelines and they will continue to do so. As well as our workload we are supporting and helping to co-ordinate the three councils' responses to the Covid-19 crisis. This includes ensuring the Bolton Road waste treatment facility and Barnsley Transfer Station continue to accept waste, supporting a joint BDR response to managing HWRCs, and supplying the latest guidance, information, and legislation (including work on Covid-19 financial claims).
- 1.3 Further to SSE's announcement in October 2020 on the sale of their Multifuel Energy business (Ferrybridge FM1 and FM2 plus other facilities) there has been a change to the structure of the SPV formally known as 3SE. Previously the SPV was a shared ownership between Renewi (75%) and SSE (25%). Following SSE's exit from Ferrybridge, Renewi now control 100% of the SPV. The new name of this business entity is Renewi BDR Limited. Aside from the change of ownership there is no change in the contract terms between Renewi and Ferrybridge and our RDF will continue to be supplied to Ferrybridge throughout the term of the PFI contract which ends in 2040.

2. Contract Delivery

2.1. Bolton Road

Figure 1 – Contract Outputs



2.1.2. Table 1 contains information on tonnes of waste processed from April to January 2021. The overall tonnage received is reviewed quarterly to re-calculate the anticipated full-year outturn to ensure accurate forecasting, invoicing, and budgeting.

Table 1 – Year to date tonnes processed

Inputs	FY19/20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	FY20/21
Contract Waste (Limbs)												
A (Household)	53,046.88	5,348.90	5,120.42	5,022.82	5,476.78	4,339.90	4,815.06	4,874.28	4,591.30	5,133.42	5,257.30	49,980.18
B (Commercial)	5,304.32	253.28	294.10	382.74	476.48	400.08	467.26	454.92	376.56	447.18	367.24	3,919.84
C (HWC)	5,402.57	-	183.64	331.30	397.94	350.26	381.76	399.28	410.46	412.38	438.96	3,305.98
D (Public Highways etc)	1,227.36	66.96	69.52	98.74	103.65	94.64	104.86	101.98	88.86	98.74	88.72	916.67
E (Grounds Maintenance)	-	-	-	-	-	-	-	-	-	-	-	-
Barnsley												
A (Household)	72,043.24	6,971.18	6,680.32	6,367.16	7,369.98	5,972.52	6,483.28	6,703.80	5,987.94	6,775.20	6,690.62	66,002.00
B (Commercial)	2,264.16	144.56	234.96	425.88	366.16	222.84	105.18	105.40	300.84	275.44	254.36	2,435.62
C (HWC)	7,057.99	-	246.84	463.52	582.06	526.34	559.42	531.90	584.74	587.38	613.28	4,698.28
D (Public Highways etc)	-	-	-	-	-	-	-	-	-	-	-	-
E (Grounds Maintenance)	-	-	-	-	-	-	-	-	-	-	-	-
Doncaster												
A (Household)	48,909.02	4,854.40	4,686.70	4,847.86	4,950.82	4,367.10	4,518.50	4,391.68	4,461.82	4,655.54	4,758.96	46,493.38
B (Commercial)	3,379.36	178.72	190.16	251.52	275.12	230.96	282.24	270.06	244.44	258.92	221.06	2,403.20
C (HWC)	6,207.54	-	225.98	336.74	376.58	344.88	349.04	354.94	385.76	403.08	432.04	3,206.24
D (Public Highways etc)	-	-	-	-	-	-	-	-	-	-	-	-
E (Grounds Maintenance)	-	-	-	-	-	-	-	-	-	-	-	-
Rotherham												
A (Household)	184,946.98	17,751.04	17,206.66	17,297.98	18,915.34	15,533.40	16,671.52	16,800.14	15,962.90	17,545.70	17,549.54	171,234.22
B (Commercial)	19,895.46	66.96	725.98	1,230.30	1,460.23	1,316.12	1,395.08	1,388.10	1,469.82	1,501.58	1,573.00	12,127.17
C (HWC)	-	-	-	-	-	-	-	-	-	-	-	-
D (Public Highways etc)	-	-	-	-	-	-	-	-	-	-	-	-
E (Grounds Maintenance)	-	-	-	-	-	-	-	-	-	-	-	-
Limbs A&B Sub-Total												
Limbs C,D,E Sub-Total												
Direct Delivered												
Landfill	-	-	-	-	-	158.60	-	-	-	-	-	158.60
Recovery	-	-	-	-	-	-	-	-	-	-	-	-
Recycling	-	-	-	-	-	-	-	-	-	-	-	-
Sub-Total												
Total Contract												
Non-Contract												
Barnsley	17,640.75	234.47	381.16	4,099.90	2,918.28	1,451.92	2,307.28	1,438.56	1,260.14	204.89	168.78	14,465.38
Doncaster	-	-	-	-	-	-	-	-	-	-	-	-
Rotherham	-	-	-	-	-	-	-	-	-	-	-	-
3rd Party												
Renewi Derby	26,673.85	688.32	580.78	811.10	1,559.86	2,585.24	1,094.94	3,408.10	871.98	1,624.56	483.88	13,708.76
Outputs												
Council Outputs												
Landfill	6,094.91	29.08	407.69	379.18	266.82	338.18	1,158.35	551.91	385.32	168.55	199.31	3,884.39
Recovery (RDF + Moisture)	180,524.55	15,805.69	13,684.08	16,720.73	17,346.89	14,702.52	14,924.91	15,461.98	15,933.50	16,383.92	17,524.78	158,489.01
Ferrous	1,384.81	121.49	112.62	175.70	129.93	121.85	127.04	135.23	114.61	102.75	160.77	1,301.99
Non-Ferrous	200.67	14.96	28.72	23.70	24.80	24.32	43.01	21.99	13.61	31.85	18.35	245.32
Fines	10,051.19	1,327.10	1,250.10	1,298.44	1,075.80	986.22	1,127.80	1,072.43	1,068.56	939.78	883.89	11,030.12
Glass & Stone	3,721.37	452.35	445.15	529.41	502.40	359.37	574.95	471.96	506.13	422.11	360.30	4,624.13
Plastic	2,789.54	398.08	203.76	273.16	262.13	415.21	380.64	308.52	241.20	286.38	238.70	3,007.77
Direct Delivered	-	-	-	-	-	-	-	-	-	-	-	-
Recycling Sub-Total	18,147.58	2,313.97	2,040.35	2,300.41	1,995.07	1,906.96	2,253.43	2,010.12	1,944.11	1,782.89	1,662.01	20,209.33
Ferrybridge Metals	2,307.82	193.52	162.02	206.07	213.45	172.71	170.20	187.85	201.94	217.24	222.36	1,947.35
AWM-Recycling	-	-	-	-	-	-	-	-	-	-	-	-
Fines CIO Uplift	1,882.14	248.51	234.09	243.14	201.45	184.67	211.19	200.82	200.09	175.98	165.51	2,065.45
Recycling Total	22,337.54	2,756.00	2,436.46	2,749.61	2,409.97	2,264.35	2,634.81	2,398.79	2,346.14	2,176.10	2,049.89	24,222.13
Outbound Total												
Performance												
Recycling (%)	12.08%	15.53%	14.16%	15.90%	12.74%	14.43%	15.80%	14.28%	14.70%	12.40%	11.68%	14.13%
Diversion (%)	96.99%	101.69%	87.69%	102.66%	94.93%	97.66%	95.08%	96.06%	102.55%	95.38%	100.34%	97.37%
Moisture Loss (%)	-	29.66%	31.53%	29.56%	30.17%	32.52%	31.81%	30.20%	28.12%	25.78%	28.82%	29.79%

Table 2 - Third-Party Waste Year to date 1 April 2020 to 31 January 2021

Inputs - 3rd Party	2019/20	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	YTD 2020/21
Renewi Derby	26673.85	688.32	580.78	811.10	1559.86	2585.24	1094.94	3408.10	871.98	1624.56	483.88	13708.76

2.1.3. Third-party waste is municipal waste from other Renewi local authority contracts. The amount being accepted has been reduced to ensure enough capacity to process BDR waste under Covid-19 working restrictions and to allow for improved reception pit cleaning as part of Renewi's fly management measures.

Table 3 - Contract Outputs

Contract Outputs	2019/20	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	YTD 2020/21
Landfill	6094.91	29.08	407.69	379.18	266.82	338.18	1158.35	551.91	385.32	168.55	199.31	3884.39
Recovery (RDF + Moisture)	180524.55	15805.69	13684.08	16720.73	17346.89	14702.52	14924.91	15461.98	15933.50	16383.17	17524.78	158488.25
Ferrous	1384.81	121.49	112.62	175.70	129.93	121.85	127.04	135.23	114.61	102.75	160.77	1301.99
Non-Ferrous	200.67	14.96	28.72	23.70	24.80	24.32	43.01	21.99	13.61	31.85	18.35	245.31
Fines	10051.19	1327.10	1250.10	1298.44	1075.71	986.22	1127.80	1072.43	1068.56	939.74	883.89	11029.99
Glass & Stone	3721.37	452.35	445.15	529.41	502.40	359.37	574.95	471.96	506.13	422.09	360.30	4624.11
Plastic	2789.54	398.08	203.76	273.16	262.13	415.21	380.64	308.52	241.20	286.37	238.70	3007.77
Direct Delivered	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Recycling Sub-Total	18147.58	18148.75	16132.12	19400.32	19608.68	16947.67	18336.70	18024.02	18262.93	18334.52	19386.10	182581.81
Ferrybridge Metals	2307.82	193.52	162.02	206.07	213.43	172.71	170.20	187.85	201.94	217.23	222.36	1947.33
AWM-Recycling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fines CLO Uplift	1882.14	248.51	234.09	243.14	201.45	184.67	211.19	200.82	200.09	175.97	165.51	2065.44
Recycling Total	22337.54	2756.00	2436.46	2749.61	2409.97	2264.35	2634.81	2398.79	2346.14	2176.00	2049.89	24222.02
Outbound Total	204767.04	18148.74	16132.13	19400.32	19608.79	16947.66	18336.69	18024.02	18262.93	18334.53	19386.11	182581.92

Table 4 – Performance Year to Date from 1 April 2020 to 31 January 2021

Performance	2019/20	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	YTD 2020/21
Recycling (%)	12.08%	15.53%	14.09%	15.87%	12.74%	14.58%	15.80%	13.49%	14.70%	12.40%	11.68%	14.13%
Diversion (%)	96.99%	101.69%	87.63%	102.49%	94.93%	98.58%	95.08%	95.44%	102.55%	95.38%	100.34%	97.37%
Moisture Loss (%)		29.66%	31.55%	29.56%	30.17%	32.52%	31.81%	30.20%	28.12%	25.78%	28.82%	29.79%

2.1.4. Landfill diversion is calculated by total waste diverted from landfill divided by the total waste delivered.

2.1.5. Some months, diversion is above 100%. This is due to the processing of waste taking 14 days (over a month-end). Therefore, some months more processed material may leave the site than is received. The landfill diversion target is an annual target.

2.2 Complaints

2.2.1. Flies

Table 5 - Fly complaints by month

	April 2020	May 2020	June 2020	July 2020	August 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020	Jan 2021	YTD
No. fly Complaints	3	21	80 (38)*	8 (6)*	4	2	0	0	0	0	119

* complaint substantiated by the EA due to proximity to the site

2.2.2. There were 0 fly complaints received in January 2021. Fly numbers on site are still holding at low numbers across all Renewi's internal fly counting boards, and negligible on external boards. The contractor continues to manage its controls on-site. They are working closely with the EA to review actions concerning their fly management plan for the year ahead, this includes some new alternative treatment and insecticide options in the bio drying halls.

2.2.3. Odour

Table 6 - Odour complaints by month

	April 2020	May 2020	June 2020	July 2020	August 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020	Jan 2021	YTD
No. Odour Complaints	4	5	1	0	1	2	4	0	1	1	19

2.2.4 The one odour complaint received in January 2021 was described as a burning smell so this has not been attributed to Renewi.

2.2.5 Line Two's biofilter media exchange was completed on the 23rd of January as planned. Renewi will be carrying out odour monitoring of both biofilters in mid-February. The BDR Contract Officer has been to the site to carry out a visual and odour inspection and found no issues.

2.2.6 Noise.

Table 7 – Noise complaints by month

	April 2020	May 2020	June 2020	July 2020	August 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020	Jan 2021	YTD
No. Noise Complaints	1	0	1	0	0	0	0	0	0	0	2

2.2.7 There have been 0 noise complaints received in January 2021.

2.3 Fire Protection Improvements

2.3.1 The situation currently remains the same due to Covid-19. Some snagging works remain outstanding and have been put on hold. This outstanding work does not impact the operational effectiveness of the system.

2.4 Biofilter Replacement

2.4.1 Biofilter 2 refurbishment was completed in the month and appears to be functioning correctly. Testing of the new media will be completed when the biofilter has settled.

2.5 Acid Scrubber

2.5.1 Work on the acid scrubber project is ongoing. In February the first delivery of acid was received, "hot" commissioning of the system will be completed by the sub-contractor in the next few weeks.

2.6 Landfill Diversion

- 2.6.1 The BDR Manager along with the legal and commercial advisors continue to liaise with the Contractor to further incentivise diverting the maximum amount of material from landfill. A letter has been drafted to Defra to ensure the proposal meets the requirements of the WICS letter and that no variation business case will be required. Defra has requested a copy of the draft agreement once this is finalised to ensure this is appropriate.

2.7 Grange Lane

- 2.7.1 Upgrade Works - Renewi is progressing the upgrade works with the new office, welfare facilities and the weighbridge installed.
- 2.7.2 Dilapidation Works - Contractor has confirmed that they will rectify the apron cracks and will propose an alternative solution. The paintwork has been inspected by an independent consultant who is to provide a report to BDR on the options available for rectification.
- 2.7.3 Fire Update – work the Transfer station refurbishment following the fire is substantially complete with a few snagging items outstanding..

2.8 Health and Safety

- 2.8.1 One hundred and fifteen close calls raised in December generating a ratio of 1.72 close calls raised per employee per month with a closeout rate for the recorded actions of 86%. (Renewi set a target of 2 per month per employee). The close out rate is not 100% as some of the items require minor works to be undertaken.
- 2.8.2 One minor accident – First aid administered and no further action was required.
- 2.8.3 Seven members of staff were required to self-isolate during the month. All absentees were required to take a test, with all tests returned as negative. One staff member continues to shield throughout lockdown 3 due to an underlying health condition.

Table 8 – Compliance from April 2020 to January 2021

2020/21	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	54	2	0	6	0	0	0	4
May	105	1	0	3	1	0	0	1
June	126	1	0	3	0	0	0	5
July	164	1	0	2	0	0	0	3
Aug	118	2	0	1	1	0	0	1
Sep	130	1	0	1	0	0	0	0
Oct	111	1	0	0	0	0	0	0
Nov	111	2	0	2	0	0	0	1
Dec	94	1	0	1	0	0	0	0
Jan	115	1	0	3	0	0	0	0
YTD Total	1128	12	0	22	2	0	0	15

3 Legal

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

4. Financial

Table 9 - Operational Management Budget 2020/21

20/21 Budget approved by JWB			
	2020-21 Budget	Forecast	Variance
Management	£131,888	£121,878	-£10,010
Administration	£24,806	£21,718	-£3,088
Call off Legal	£62,691	£108,732	-£21,209
External Finance	£30,000		
External Legal	£12,250		
External Technical	£15,000		
Insurance Advisors	£10,000		
Call off Finance	£0		
Call off Technical	£0		
HWRC Project	£0	£0	£0
Total	£286,635	£252,329	-£34,306

- 4.1. For 2020/21 the advisor costs include ongoing work to implement operational changes and potential variations to contracts (inc landfill diversion & Covid-19), verification of compliance with insurance requirements, support individual Councils contracting requirements. Going forward there will be a need to assist BDR councils determine implications of the emerging Resource and Waste Strategy.
- 4.2. There is an underspend to date with advisors as the team have been able to deal with many of the issues with limited advisor input. The BDR Contract Officer has revised the anticipated year-end spend in this area to show potential £20k budget savings. There is a further £10k saving anticipated due to the reduced working hours of the BDR Manager and non-filling of the vacant hours. There has been a commitment to backfill the vacant hours so this saving will not be reflected in the 2021/22 budget.

5. Communications

5.1. Community Education Liaison Officer (CELO)

- 5.1.1. Social media content posted every Friday in January with the hashtag #FoodWasteFriday to support the Love Food Hate Waste Campaign and encourage food waste prevention. The posts were focused on New Year resolutions, utilising your freezer to prevent food waste, salad leaves, veganuary recipes and bananas. Since the start of this campaign, Fridays have become the day where the greatest amount of our audience visits our social media.
- 5.1.2. Social media content posted every Tuesday in January with the hashtag #ChooseDaysReuseDay and the topic was re-usable nappies and the environmental and economic benefits of using them were emphasised throughout the month. The South Yorkshire Nappy library was also involved in this month's campaign. Their real nappy lending service and helpful hints and tips videos were promoted through social media posts. Press releases have been issued for each campaign.
- 5.1.3. In January, a Facebook live session on cooking meals on a budget was held and has received over 230 views. This video has had captions added to improve accessibility and remains viewable on Facebook. The Love Food Hate waste videos on Facebook have been viewed over 2,000 times to date.
- 5.1.4. Posts were shared in January relating to loving the clothes you already own and discovering forgotten clothes in your wardrobe.
- 5.1.5. Renewi's Corporate Social Responsibility Fund (CSRF) was launched in October. A press release was sent to media and an article about the fund was published in the Rotherham Advertiser. The deadline for applications was 31st of December 2020 and the CELOs scored all 26 applications. In total, there were 7 from Barnsley, 12 from Doncaster and 7 from Rotherham. 6 of these applications were located with 3.5km of the BDR waste treatment facility. The CELOs, the CLG chair and the BDR

manager met via zoom at the beginning of February to award the funding and volunteer time.

6. Resources

6.1 The BDR team have been assisting Barnsley, Doncaster and Rotherham councils with projects as identified in section 7.0. There is additional support as required from a legal locum, internal and external technical and financial advisors for more complex matters.

7 Joint working and BDR support

7.1 Listed below are the current projects and areas the BDR team are assisting individual councils with or co-ordinating:

7.2. BMBC

- Support on current and potential new DMR / Paper and Card disposal contracts
- Facilitating movement on the dilapidation work
- Variations to the BTS contract with Barnsley to allow Paper and Card to be managed as a contingency measure.

7.3. DMBC

- Support on Waste Data Flow data collation and input for 20/21.
- Training of DMBC Staff for self-reporting ability from Q3 input (Apr21) onwards
- Assistance with the development of the Doncaster Environmental Strategy

7.4. RMBC

- The BDR Manager is a Climate Change Champion for RMBC
- Support for Technical Officer on inputting of WasteDataFlow.
- Support of Contract Manager on review and creation of recycling and waste monitoring spreadsheets

7.5. **B.D.R**

- Covid-19 support
 - Co-ordinating approach across BDR(S) including reinstatement of weekly meeting across the 4 councils as we are in lockdown.
 - Support on all aspect of the crisis, including guidance, industry insight, legislation changes, resource support/availability, updates and action logs
 - In conjunction with Renewi, ensuring the Waste Treatment Facility remains operational and taking as much household waste as possible.
 - Ensuring joint working on management of BDR contracts such as HWRC to fulfil the requirements of the service
 - Joint communication
 - Best practice and networking
- Solutions and progression of HWRC contract variation requirements
- Co-ordinated work on a response to a loss of income Covid-19 claim from FCC (for both Supplier Relief scheme and beyond October where no current Government guidance is available)
- Tetra Pak and/or P.T.T introduced into kerbside recycling and PFI contract variation requirements
- Waste and Resource strategy collation of materials to enable individual Councils to respond to consultations if required.
- South Yorkshire Municipal Waste Strategy
 - Changes required due to Resource and Waste Strategy
 - Initial work on Strategic Review of SYMWS as requested at JWB, including:
 - Project timeline
 - Review of outcomes of previous strategies targets and aims
 - Horizon scanning to be aware of waste-related legislation due in future years.
 - Creation of joint BDRS PESTELD analysis to understand all BDRS factors
 - Creation of a long-list of potential directions, aims, objectives and aspirations to allow the drafting of new SYWS after strategic review completed

8. 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.
Compliance Assessment Report (CAR) form	A CAR form is used by Environment Agency officers when assessing compliance with Environmental Permits.
Compliance Classification Scheme (CCS)	Compliance Classification Scheme (CCS) score and what action EA are considering. A CCS score is recorded where non-compliance with a permit condition(s) has been identified
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).
Covid	COVID-19 is a disease caused by a new strain of coronavirus. 'CO' stands for corona, 'VI' for virus, and 'D' for disease. Formerly, this disease was referred to as '2019 novel coronavirus' or '2019-nCoV'.
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.
Facebook	Facebook, Inc. is an American online social media and social networking service company.
Ferrybridge Multifuel 1/Multifuel 2 (FM1/FM2)	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 1/2 (FM1/FM2)
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.
Jones Celtic BioEnergy (JCBE)	Is a leading innovator who will take a project from concept through to operation. Who provide a complete solution for the generation of renewable energy from biodegradable sources, such as municipal waste, food waste, agricultural waste and biomass. We offer unparalleled delivery of a range of BioEnergy technologies which are modelled and tailored to the specific requirements of our clients.
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.
Microsoft Teams	Is a business-oriented communication and collaboration platform that combines workplace chat, video meetings, file storage, and application integration.
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 BDR Ltd	Following SSE's exit from Ferrybridge, Renewi now control 100% of the SPV. The new name of this business entity is Renewi BDR Limited
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 Data Flow	WasteDataFlow is the web-based system for municipal waste data reporting by UK local authorities to government.
Waste Infrastructure Credits	Awarded by DEFRA to incentivise local authorities to develop infrastructure to treat waste as an alternate to landfill.
Waste Transfer Station (BTS)	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.
Waste and Resources Action Programme (WRAP)	WRAP works with governments, businesses and communities to deliver practical solutions to improve resource efficiency.
Wood Group UK Ltd	Wood provides performance-driven solutions throughout the asset life cycle, from concept to decommissioning across a broad range of industrial markets, including the upstream, midstream and downstream oil & gas, power & process, environment and infrastructure, clean energy, mining, nuclear, and general industrial sectors.

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BRIEFING	TO:	Barnsley, Doncaster and Rotherham Joint Waste Board
	DATE:	3 March 2021
	LEAD OFFICER:	Lisbeth Baxter
	TITLE:	BDR PFI Project Risk Register
1. Background		
1.1	<p>Barnsley MBC, Doncaster Borough Council and Rotherham Borough Council (the Councils) entered into a principal agreement called the Project Agreement (the PA) in March 2012 with 3SE (Barnsley, Doncaster and Rotherham) Limited (the Contractor). The agreement is to manage Barnsley Transfer Station and design, build and operate a facility to manage the residual waste for the Councils from July 2015 to end of June 2040. The PA also requires the Contractor to achieve agreed levels of recycling and landfill diversion.</p>	
1.2	<p>The Contractor is a special purpose vehicle company set up purely for this PFI project, meaning it has no significant balance sheet strength or assets. It sub-contracts its service obligations, and most of its PA obligations, to Renewi UK Services Limited (formerly Shanks Waste Management Limited), a waste management service company as its operator (the Operator). The Operator produces solid recovered fuel (SRF) from contract waste which is shipped to Ferrybridge for thermal treatment. The Councils pay a unitary charge each month to the Contractor who then pays the Operator through an operating contract. The total Councils' payments between 2015 and 2040 are approximately £721M (as forecast at PA signature) so this scheme is, for each Council, one of the highest value contractual commitments.</p>	
1.3	<p>Initially the Contractor was ultimately owned by a pair of shareholders in the proportion 75:25 through a Renewi investment vehicle and an SSE investment vehicle. In October 2020 SSE announced the sale of their "Multifuel Energy" business (Ferrybridge FM1 and FM2 energy from waste facilities plus other assets) and the Contractor ownership changed. Following SSE's exit from Ferrybridge, Renewi now owns the Contractor through an investment vehicle. The Contractor is expected to be renamed as Renewi BDR Limited. Although the ownership of the Contractor has changed there is no change in the offtake supply contract terms between Renewi and the offtaker at Ferrybridge so the SRF will continue to be supplied to that offtaker throughout the term of the PFI contract which ends in 2040.</p>	
1.4	<p>The BDR Joint Waste Board last considered the risk register at its meeting on 29 June 2020.</p> <p>The risk categories are split between red, amber and 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.</p>	

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
IMPACT (B)						

2. Key Issues

2.1 No change

All risks remain at the same level as previously reported. This is due to the stable contractual relationship and plant performance of the PFI project's key facility at Manvers.

There are currently no risks proposed for deletion in the risk register.

The risk areas under each of these headings are as in Appendix 1 with their respective current and target RAG rating.

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 key facility became operational in July 2015.







2.2 Summary of previous risks

Current RAG Rating	01/10/18	22/11/2018	3/12/2018	1/3/2019	30/9/2019	21/11/2019	5/3/2020	30/6/2020	28/9/2020	14/12/2020	15/3/2021				
Red	2	2	2	3	3	3	3	3	3	1	1				
Amber	9	5	5	5	4	4	4	5	5	7	7				
Green	4	8	8	8	9	9	10	9	9	9	9				
Total	15	15	15	16	16	16	17	17	17	17	17				

Target RAG Rating	01/10/18	22/11/2018	3/12/2018	1/3/2019	30/9/2019	21/11/2019	5/3/2020	30/6/2020	28/9/2020	14/12/2020	15/3/2021				
Red	0	0	0	0	0	0	0	0	0	0	0				
Amber	7	5	4	5	5	5	4	4	4	3	3				
Green	8	10	11	11	11	11	13	13	13	14	14				

	Total	15	15	15	16	16	16	17	17	17	17	17				
2.3	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.															
3. Key Actions and Timelines																
3.1	Monitoring The PFI project risk register is reviewed by the BDR Steering Committee at their regular meeting every six (6) weeks and reported corporately via the individual Councils' risk registers. Additionally, the BDR Manager reports to the Joint Waste Team and draws attention to issues to allow internal challenge. The BDR Manager and the Councils' core contract management team will review and update the risk register on a six (6) week cycle to ensure risks are able to be effectively monitored and managed.															
4. Recommendations																
4.1	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.															

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		Target Score	Risk Owner (Officer responsible for managing risk and controls)	Risk Review Date	Movement
				I	L			I	L				
9 (CSS13)	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. Ensure contribution to consultations	3	4	12	BDR MANAGER	01/04/21	↔
17 (CSS13)	Contractor is in Contractor Default due to financial failure of contractor	Funders assess the position and decide whether to step in and avoid Contractor Default. If they do not then the Contractor could be terminated by the Councils.	Contractor to limit exposure to unnecessary costs and protect income during any negotiations of change. Councils have standard HMT approved contract drafting to manage termination process.	4	3	12	Ensure appropriate application and understanding of the contract. Continue to maintain a good contractual relationship with operator and key staff.	4	3	12	BDR MANAGER	01/04/21	↔
10 (CSS13)	Environmental Impact to Local Area from Noise/Odour/Flyes/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. Close liaison with the Local Environment Agency officer to monitor the plant and agree Fly and Odour Management Plans	3	4	12	Increased fly spraying during the fly season. Use of different insecticides. Increased pit management and emptying. Communicate to householders to wrap waste. Ensure biofilters are adequately maintained	3	3	9	BDR MANAGER	01/04/21	↔
16 (CSS 13)	Operating sub-contractor exits UK Municipal market due to financial pressures	Service disruption	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 their investment/loans) before the Councils bear additional costs risk. The Contractor would be required to replace the Operating Sub-Contractor and pay the costs of doing so. Compensation would be payable by operating sub-contractor in addition to the letter of credit they have in place.	4	3	12	The Councils will identify areas where they could work with the Contractor and operating sub-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 they 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. Ensure appropriate application and understanding of the contract. Continue to maintain a good contractual relationship with operator and key staff.	4	2	8	Chair of Steering Committee	01/04/21	↔
14 (CSS13)	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.	4	2	8	BDR MANAGER	01/04/21	↔
18 (CSS13)	Pandemic	Lack of staff/consumables due to a Pandemic results in facility not being able to function	Contingency plan in place. Staff able to work from home social distancing measures in place. Provision of information to staff on preventative measures e.g. hygiene measures. Minimising the amount of person to person contact. Minimising sharing of handheld equipment. Use of PPE e.g. gloves. Closely monitoring all developments internationally as well as advice from Governments and local health experts	3	4	12	Work closely with partners to monitor situation and communicate if any cases occur locally. Escalate risk as appropriate. BDR team work from home where necessary, also have meetings by SKYPE if situation escalates to minimise chance of cross infection. Testing/Immunisation program for contractors staff and household members. Liaison with Statutory bodies to ensure waste operators have essential status for accessing PPE if necessary. Source several suppliers.	1	5	5	BDR MANAGER	01/04/21	↔
7 (CSS13)	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. Implementation of fire improvement works.	2	5	10	Consider reviewing the insurance requirements. Enforcement of Contractual positions	2	4	8	BDR MANAGER	01/04/21	↔
15 (CSS 13)	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	01/04/21	↔
6 (CSS13)	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	01/04/21	↔

8 (CSS13)	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 IAA3. Lobby Government on recycling definitions.	2	3	6	BDR MANAGER	01/04/21	
2 (CSS13)	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	01/04/21	
13 (CSS13)	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	01/04/21	
12 (CSS13)	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. From the 1/9/20 the current PFI Manager has reduced her hours to work 3 days a week.	2	2	4	BDR MANAGER	01/04/21	
5 (CSS13)	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	01/04/21	
4 (CSS13)	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	01/04/21	
11 (CSS13)	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	01/04/21	
1 (CSS13)	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	01/04/21	