

BARNSLEY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD

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

Date: Thursday 9 September 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 June 2021 (copy attached) (Pages 2 - 5)**
- 6. Matters Arising**
To discuss matters arising from the previous minutes, which are not included elsewhere on the agenda.
- 7. BDR Managers Report (Pages 6 - 16)**
 - Governance
 - Contract Delivery
 - Legal
 - Financial
 - Communications
 - Resources
 - Site Visits Cllr / New AD's
- 8. Current Issues (Verbal Report)**
 - Covid planning – Winter situation planning
 - Christmas collection scheduling
- 9. Risk Register (Pages 17 - 22)**
- 10. Any Other Business (Verbal Report)**
 - HWRC Review progress
- 11. Date, time and venue for the next meeting**
Monday 20 December 2021 at 9.30am at Rotherham Town Hall Council Chamber.

**BARNSELY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD
MONDAY 14 JUNE 2021**

Present: Councillor Lamb (outgoing Chair); Councillor Houlbrook (incoming Chair) and Councillor Beck with Lisbeth Baxter, Paul Hutchinson, Paul Castle, Tom Smith, Lee Garrett, Nigel Naisbitt and Samantha Stonebanks.

92. APPOINTMENT OF CHAIR AND VICE-CHAIR FOR THE 2021/2022 MUNICIPAL YEAR

Resolved:- that

- (1) Councillor Houlbrook of Doncaster Metropolitan Borough Council be appointed Chair and Councillor Beck of Rotherham Metropolitan Borough Council be appointed Vice-Chair of the Barnsley, Doncaster and Rotherham Joint Waste Board for the 2021/22 Municipal Year; and
- (2) The Barnsley Metropolitan Borough Council Steering Committee Representative be appointed Chair and the Doncaster Metropolitan Borough Council Steering Committee Representative becomes Vice-Chair of the Steering Committee.

(Councillor Houlbrook in the Chair)

93. 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.

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

Agreed.

95. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Rhonda Fleetwood.

96. DECLARATIONS OF INTEREST

There were no declarations of interest.

97. MINUTES OF THE PREVIOUS MEETING HELD ON 15 MARCH 2021

The Minutes were approved as a correct record of the meeting.

98. MATTERS ARISING

There were no matters arising.

99. JOINT WASTE BOARD

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

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

The recommendations in the report in relation to authorised representatives had already been resolved under agenda item 1.

Resolved: That the IAA Delegations report the Terms of Reference be noted.

100. CURRENT ISSUES

Beth Baxter explained that the recent hot weather had lead to an increase in flies on site but that there had been no complaints from the Environment Agency. In response to questions on the measures taken to deal with flies, it was explained that the fly’s and fly larvae were coming in with the waste. Following a consultation with the Environment Agency, a number of recommendations had been acted on to improve matters. This included a campaign to improve the cleanliness of household waste bins and to reduce the levels of cross-contamination within waste. It was however also confirmed that no measures can be taken to completely stop fly’s.

Resolved: That the information provided be noted.

101. RISK REGISTER

The BDR Senior Contract Officer introduced the Risk Register and highlighted the key changes:

- Brexit – this risk had been de-coupled from the Legislative Changes risk and the level of risk had been reduced due to the fact the Council and Renewi were only seeing minimal effects due to pre-Brexit planning and supply chain management.
- The risk relating to Changes in Government Law/Regulation including Waste and Resource Strategy had increased. The risk relating to Changes to Collection services and the impact on the PFI Contract – waste volumes changes had also increased. These

increases have occurred to focus on the likely and imminent changes to legislation proposed by the Government in their Resources and Waste Strategies and the new Environment Bill.

In response to questions regarding insurance, Nigel Naisbitt and Beth Baxter confirmed that the insurance market for waste management facilities was hard and involved high costs. It was confirmed that if insurance could not be procured, local authorities can self-insure.

Resolved: That the risk register be noted.

102. 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 the Minute 103 on the grounds that the report involves the likely 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.

103. BDR MANAGER ANNUAL REPORT 2020-21

Beth Baxter introduced the Annual Report which had been circulated prior to the meeting and highlighted the following issues relating to the Joint Waste Private Finance Initiative for the period April 2020 to March 2021:-

- Resources
- BDR Liaison Committee Meeting
- Steering Committee
- South Yorkshire Leaders' Meeting
- Operating Contractor
- Bolton Road
- Complaints (including fly management and odour)
- Environmental reports
- Fire Protection Improvements
- Acid Scrubber
- Ferrybridge
- Grange lane – Barnsley Transfer Station (upgrade works and fire update)
- Health and Safety
- Legal and Insurance
- Financial
- Communications
- Community Liaison Group
- Joint Working and BDR Support

In response to questions it was confirmed that complaints were down on last year which was very positive due to the number of people remaining at home for the past year. The cooler spring could also have had an impact on fly levels and odour. It was also confirmed that the budget for the refurbishment of the damaged Barnsley transfer station came from insurance through Barnsley Council as this is not a shared facility.

The Chair explained that he wanted the reduction of carbon emissions to be the focus during his year as Chair. It was explained that waste minimisation was part of the PFI contract and that the contractor reported their emissions to the team. However, due to the complex calculations required on this data, it would not be possible to include it in every update. It was **agreed** that it would be included in the annual report going forward. Officers confirmed that the reduction of carbon emissions continued to be taken into account when reviewing strategies and projects.

Resolved: That the report be noted.

104. DATE, TIME AND VENUE FOR THE NEXT MEETING

The next meeting will take place on 27 September 2021 at 9.30am at Rotherham Town Hall.

**BDR WASTE PFI'
BDR MANAGER UPDATE REPORT
APRIL 2021 – JULY 2021**

1. Governance

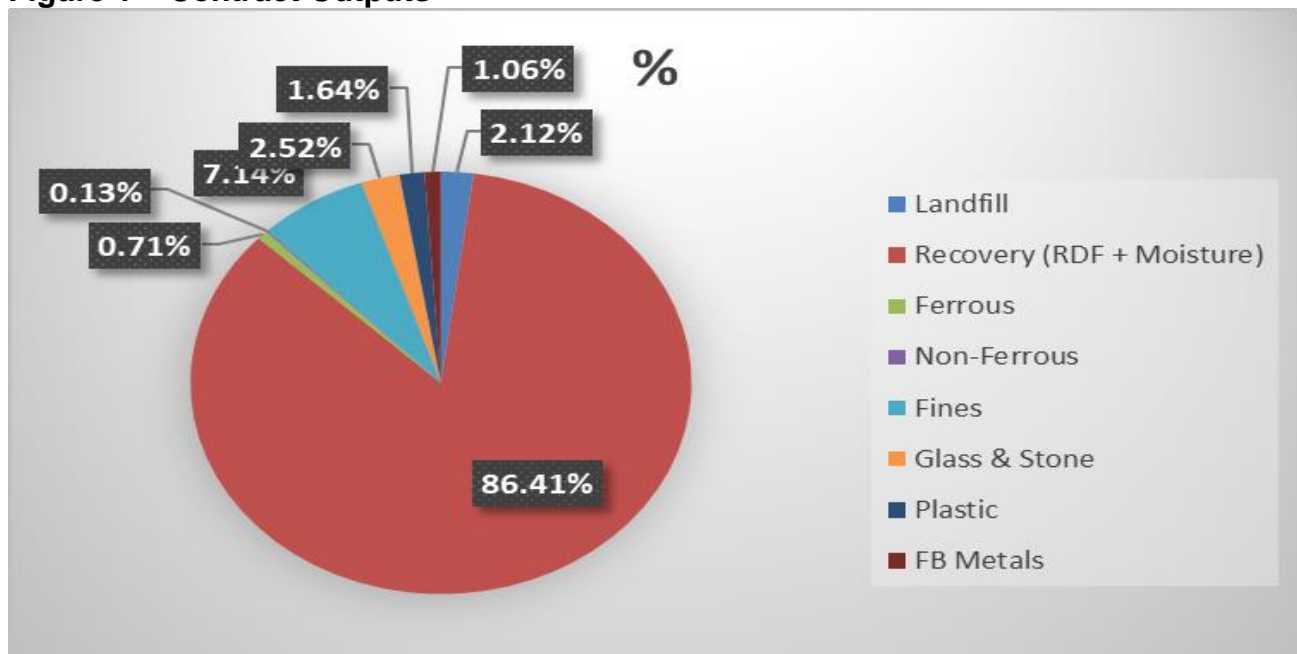
- 1.1. Contract Data - Performance reports are produced by the contractor on the 15th of each month and include the previous month's information. As August's information will not be received until the 15th September, August data is not included in this report. Through monitoring of the contract and communication with the Contractor, the BDR team have no concerns with performance and service delivery in August.
- 1.2 The BDR Team continue to work mainly from home, complying with Government and Council guidelines and they will likely continue to do so until advised otherwise. Any visits required to Bolton Road, BTS or any of the Councils' officers is done in a Covid-compliant way.

The vacant 2 days of the Waste Manager's Post has now been filled by the Senior Contract Officer. The BDR Team Action Plan for 2021/22 has been created, this will include a review of the team's workload and staffing levels to determine on the actions to be taken to fill the Senior Contract Officer's vacant 2 days.

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 July 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		2020/21	April	May	June	July	YTD 2021/22
	Contract Waste (Limbs)						
Barnsley	A (Household)	59793.54	5231.76	4473.50	4972.54	4895.06	19572.86
	B (Commercial)	4698.90	414.48	446.88	496.28	493.32	1850.96
	C (HWRC)	4234.34	448.56	416.00	432.14	420.16	1716.86
	D (Public Highways etc)	1120.55	105.32	91.44	112.02	114.74	423.52
	E (Grounds Maintenance)	0.00	0.00	0.00	0.00	0.00	0.00
Doncaster	A (Household)	78370.85	6790.78	6171.14	6328.48	6810.17	26100.57
	B (Commercial)	3090.00	356.22	312.20	287.28	352.56	1308.26
	C (HWRC)	6061.38	684.60	639.12	644.32	630.04	2598.08
	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)	55728.94	4752.05	4444.70	4727.54	4594.36	18518.65
	B (Commercial)	2885.00	264.96	273.32	272.12	287.51	1097.91
	C (HWRC)	4138.70	457.22	463.26	510.04	507.06	1937.58
	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&B Sub-Total</i>	204567.23	17810.25	16121.74	17084.24	17432.98	68449.21
BDR	A (Household)	193893.33	16774.59	15089.34	16028.56	16299.59	64192.08
	B (Commercial)	10673.90	1035.66	1032.40	1055.68	1133.39	4257.13
	C (HWRC)	11463.04	1262.00	1191.46	1229.46	1279.78	4962.70
	D (Public Highways etc)	1120.55	105.32	91.44	112.02	114.74	423.52
	E (Grounds Maintenance)	0.00	0.00	0.00	0.00	0.00	0.00
	Total	217,150.82	19,177.57	17,404.64	18,425.72	18,827.50	73835.43

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

Inputs - 3rd Party	2020/21	April	May	June	July	YTD 2021/22
Renewi Derby	16465.28	920.76	879.48	516.76	341.88	2658.88

- 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 ensure BDR waste capacity is prioritised due to increased tonnages being delivered throughout the Covid pandemic and to allow for improved reception pit cleaning as part of Renewi's fly management measures.

Table 3 - Contract Outputs

Contract Outputs	2020/21	April	May	June	July	YTD 2021/22
Landfill	4270.96	175.18	170.56	187.37	169.72	702.83
Recovery (RDF + Moisture)	192118.07	16602.15	15976.23	16625.94	15477.07	64681.39
Ferrous	1559.00	114.00	136.23	111.43	110.43	472.09
Non-Ferrous	302.01	12.89	21.99	26.16	13.36	74.40
Fines	12630.64	825.19	1250.49	1249.74	1046.55	4371.97
Glass & Stone	5497.66	588.74	640.92	599.22	540.56	2369.44
Plastic	3508.25	311.00	330.82	375.33	288.88	1306.03
Direct Delivered	0.00	0.00	0.00	0.00	0.00	0.00
<i>Recycling Sub-Total</i>	23497.55	1851.82	2380.48	2361.88	1999.78	8593.96
Ferrybridge Metals	2406.89	200.15	201.09	211.07	198.55	810.86
AWM-Recycling	0.00	0.00	0.00	0.00	0.00	0.00
Fines CLO Uplift	2365.16	154.52	234.16	234.02	195.97	818.67
<i>Recycling Total</i>	28269.60	2206.50	2815.74	2806.97	2394.26	10223.47
Outbound Total	219886.58	18629.15	18527.27	19175.20	17646.56	73978.18

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

Performance	2020/21	April	May	June	July	YTD 2021/22
Recycling (%)	13.80%	12.39%	17.47%	16.43%	13.73%	15.00%
Diversion (%)	97.88%	95.60%	103.53%	101.09%	91.48%	97.92%
Moisture Loss (%)	28.82%	31.55%	28.04%	27.69%	27.39%	28.67%

2.1.4. Landfill diversion is calculated by total waste diverted from landfill divided by the total waste delivered. 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 2021	May 2021	June 2021	July 2021	YTD
No. fly Complaints	0	0	1	5*	6

* Classified as Unsubstantiated by the EA (Distance from site, wind direction, closeness to other sources, Hygiene / lack of own fly management at complainant's address).

2.2.2. There were 5 fly complaints received in July 2021 from the neighbouring areas. Some were considerable distance from the plant and others were in close proximity to other waste operations. Because of this the EA have not substantiated any fly complaints. Fly numbers on site have continued holding at low numbers across all of our sampling boards. Renewi continue to trial the new treatment method in our bio halls and the feedback from their operators and assured is still very positive.

2.2.3. John Healey MP visited the Bolton Road Facility on 9th July to discuss the improvements to the environmental controls. A positive joint press release was issued following the visit. Additionally, the EA Area Manager and Local Officer attended the site on 22nd July to review the changes to the fly treatment process.

2.2.5 Odour

Table 6 - Odour complaints by month

	April 2021	May 2021	June 2021	July 2021	YTD
No. Odour Complaints	2	0	0	4*	6

* Classified as Unsubstantiated by the E.A (Distance from site, wind direction, closeness to other sources).

2.2.6 There have been 4 odour complaints received in July 2021 from the neighbouring areas. Again, as some were considerable distance from the plant and others were in close proximity to other waste operations, the EA have not substantiated any odour complaints.

2.2.4 Noise.

Table 7 – Noise complaints by month

	April 2021	May 2021	June 2021	July 2021	YTD
No. Noise Complaints	0	0	0	0	0

2.2.5 There have been 0 noise complaints received in July 2021.

2.3 Fire Protection Improvements

2.3.1 The situation currently remains the same due to Covid19. Some snagging works remain outstanding and have been put on hold. This outstanding work does not impact the operational effectiveness of the system. At the next OpCo meeting, Renewi will be pushed by the BDR team to resolve the ongoing delay in closing off this project due to minor snagging.

2.4 Acid Scrubber

2.4.1 Work on the acid scrubber project is ongoing. JCBE have been requested to provide a new date to commission the acid dosing system. Due to JCBE being based in Ireland, Covid19 travel restrictions are impacting on progress. Again at the next OpCo meeting, Renewi will be pushed by the BDR team to resolve the ongoing delay in closing off this project.

2.5 Grange Lane

2.5.1 Dilapidation Works - Repaint of the structural steel where the paint has failed has been completed as had the repair of the outside concrete apron (awaiting sign off from BMBC). Funds approved and orders place for the BTS improvement programme (Renewi work on site improvements), work has commenced and will be completed in this financial year.

2.5.2 Fire Update – The work on the fire system reinstatement and improvements commenced in July with completion in August.

2.6 Health and Safety

2.6.1 Ninety-Six close calls raised in July generating a ratio of 1.54 close calls raised per employee per month with a close out rate for the recorded actions of 85%. Low numbers recorded in the month due to Coronavirus impact.

2.6.2 There has been one minor accident in July 2021. An engineer trapped his finger under a cover plate on the zig zag screen. First aid initially given with no further treatment required.

2.6.3 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 2021 to July 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	94	0	0	0	0	0	0	2
May	99	0	0	0	0	0	0	0
June	97	2	0	0	0	0	0	1
July	97	1	0	0	0	0	0	1
YTD Total	387	3	1	0	0	0	0	4

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 2021/22

21/22 Budget - Approved by JWB			
	2021-22 Budget	Forecast	Variance
Management	£132,000	£129,079	-£2,921
Administration	£25,000	£22,005	-£2,995
Call off Legal	£65,000	£112,839	-£17,161
External Finance	£35,000		
External Legal	£0		
External Technical	£20,000		
Insurance Advisors	£10,000		
Call off Finance	£0		
Call off Technical	£0		
Projects	£0	£59,000	£59,000
Total	£287,000	£322,923	£35,923

4.1. RMBC requested an HWRC options appraisal project to be commissioned which has resulted in an additional spend of £59K in contracted services. The work will be produced by Local Partnerships. Some of this new additional spend is to be offset by forecasted in year savings in contracted services expenditure. Consequently the BDR operational management budget will need to be increased. The BDR Manager is seeking approval for this spend at Joint Waste Board in September 2021.

4.2. The cost of the majority of this work will be split 1/3 between BDR. Sheffield CC may wish to participate in a specific section, in which case the costs for that part of the project will be split equally across the four councils.

4.3. Some savings will continue to be made in the Management area of the budget as, although the BDR Manager's vacant two days has been filled, there is now two days unfilled in the Senior Contract Officer's role. Options for ensuring the contract management team are appropriately resourced are currently being worked up.

4.4. Individual lines will be re-profiled on a monthly basis to reflect actual spend required.

4.5. To cover the anticipated additional spend, after forecasted savings on other lines have been taken into consideration, approval is sought to raise the BDR

Operational Budget from £287,000 to £325,000.

5. Communications

5.1. Press Releases

- 5.1.1. Press releases were issued to local, regional print and broadcast media on the following topics: launch of Re-use Revolution campaign, benefits of home composting, going green in the garden, re-usable sanitary products, Love Food Hate Waste, easy ways to help the planet and fire hazard of disposable BBQs warning. These are also on the BDR website and local authority websites.

5.2. Community Education Liaison Officer (CELO)

- 5.2.1. Social media content posted every Friday with the hashtag #FoodWasteFriday to support the Love Food Hate Waste Campaign and encourage food waste prevention. In July the focus of the posts were strawberries, preserving techniques, portioning tips, utilising your freezer, and reducing food waste at a BBQ tips. So far, the campaign has received 88,667 impressions across Facebook, Twitter, and Instagram.
- 5.2.2. Social media content posted every Tuesday with the hashtag #ReuseRevolution. The theme in July, the topic was easy reusable swaps and included water bottles, coffee cups, shopping bags and other reusable items that have been promoted on the Waste Less South Yorkshire social media since the start of 2020/21. So far, the campaign has received 14,370 impressions from Facebook, Twitter, and Instagram so far this year.
- 5.2.3. Campaign social media will continue to be posted every 1st and 2nd Monday of the month using #RubbishMythBusting. The myth for July was 'It is unsafe to put batteries in our bins at home'. The campaign has received 12,995 impressions from Facebook, Twitter, and Instagram this year.
- 5.2.4. Hubbub Campaign - Insight gathering sessions with the Councils' waste officers, neighbourhood teams, communications teams and portfolio holders have been completed. The areas chosen for the pilot campaigns are as follows:
- Bolton upon Dearne (Barnsley)
 - Dunsville (Doncaster)
 - Maltby and Dinnington (Rotherham)
- Household interviews have now been concluded and a summary of the insights and possible interventions have been shared with the Councils for feedback. The pilot interventions have now been chosen for Barnsley and Doncaster.
- 5.2.5. Love Food Hate Waste (LFHW) Campaign started on 21 June 2021 and will run until August. Each week will focus on a different call to action. So far, the campaign has gained 128,951 impressions on the Waste Less South Yorkshire social media accounts.
- 5.2.6. Planning began in July for the Love Your Clothes campaign. The plan will be sent to the communications working group for approval by the 10th September 2021.

5.2.7. Recycle week is confirmed to take place 20th - 26th September 2021. It is expected that the social media assets will be available by the end of August 2021.

5.2.8. Site tours for BDR personnel are to be re-instated although numbers are limited dates are-

16:00 – 18:00 Wednesday 22nd September

17:00 – 19:00 Thursday 7th October

15:00 – 17:00 Wednesday 27th October

Renewi are currently capping these at six people to accommodate their COVID rules. To ensure that they capture all of the information they need all requests must go via this form (<https://forms.gle/DgQpT7JpDMHJtoeR9>which). This should be completed by the person wishing to participate in the tour. To complete it they require:

- Preferred date
- Name
- Email address
- (Mobile) phone number
- PPE requirements including shoe and jacket size

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 helping to support the individual councils or co-ordinate joint work:

BMBC

- Continued support in the investigation of current and potential new DMR / Paper and Card disposal contracts
- Facilitating movement on the delays work at BTS
- Variations to the BTS contract with Barnsley to allow Paper and Card to be managed at BTS as a contingency measure.
- The CELO is assisting BMBC with some operational changes.

DMBC

- Assistance with the development of the Doncaster Environmental Strategy

RMBC

- BDR Manager acting as interim RMBC Waste Manager for two days of the week until new full time interim manager appointed
- The BDR Manager is a Climate Change Champion for RMBC
- The BDR Manager is also contributing to BMBC Positive Climate Partnership work
- Support for Technical Officer on inputting of WasteDataFlow. Support of Contract Manager on review and creation of recycling and waste monitoring spreadsheets.

BDR

- Covid 19 support
- Solutions and progression of HWRC contract variation requirements
- South Yorkshire Municipal Waste Strategy
 - Changes required due to Resource and Waste Strategy
 - Pre-work on Strategic Review of SYMWS as requested at JWB

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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<h1>BRIEFING</h1>	TO:	Barnsley, Doncaster and Rotherham Joint Waste Board
	DATE:	9 September 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 14 June 2021.</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 Changes

There have been three new risks added to the Register - **Lack of resources having exited the European Union** this has been added due to current reduced resource implications to deliver waste services. Other potential impacts of maintaining supply chain due to lack of EU workforce and resources have not as yet affected the contractor. Contractor unable to fill key posts or maintain haulage capacity due to UK exiting the EU. **Changes in Local Authority policy** – there are potential financial implications where a council changes their service delivery due to local ambitions that are not covered by the current risks and **Lack of resources** due to contractor staff restructures, staff resignations, or retirement.

There have been three risks that have been decreased - **Pandemic** due to the robustness of the contingency plan in place. The impacts of the current pandemic have been lower than were anticipated due to the measures that were taken including staff able to work from home and social distancing measures. **Lack of Recycling markets** this has been reduced for the PFI contract as the contractor has several outlets for the recycles they produce and contingencies in place. Although the recycling markets in general are still volatile the contractors recycling performance and ability to place recycle on the market is less of a risk than it was at the start of the contract. **UK having exited the European Union** this risk is around the financial impacts of exiting the EU and limiting unnecessary costs and delays in supply chain from the EU. Ensuring long term planning of stocks and supplies. Ensuring waste off-take is primarily UK based. The Contractor, Renewi, is a waste to product company predominately based in Europe so this was felt to be less of a risk.

All other 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 two risks proposed for deletion in the risk register as these have been combined with existing risks - **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**

2.2

paying for and

Ensure the balance of risk between Contractor and BDR is maintained.

2.3

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.

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	14/6/2021	9/9/2021		
Red	2	2	2	3	3	3	3	3	3	1	1	2	2		
Amber	9	5	5	5	4	4	4	5	5	7	7	7	8		
Green	4	8	8	8	9	9	10	9	9	9	9	9	9		
Total	15	15	15	16	16	16	17	17	17	17	17	18	19		

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	14/6/2021	9/9/2021		
Red	0	0	0	0	0	0	0	0	0	0	0	0	0		
Amber	7	5	4	5	5	5	4	4	4	3	3	4	4		
Green	8	10	11	11	11	11	13	13	13	14	14	14	15		
Total	15	15	15	16	16	16	17	17	17	17	17	18	19		

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				
8 (CSS13)	Changes to Collection services and 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.	4	5	20	Dialogue with WIDP/DEFRA and between BDR Councils. Test potential impacts to the contract/Councils against the IAA3. Lobby Government on recycling definitions.	3	4	12	BDR MANAGER	01/10/21	
9 (CSS13)	Changes in Government Law/Regulations including W&RS (Legislative Change)	Potential financial implications due to change in law triggering negotiated changes to BDR PFI contract and financial model to cover the required service / disposal change . Councils could take more risk than anticipated	Procedure incorporated in the Contract Conditions. Impact and actions to be jointly agreed with the Contractor to mitigate costs as far as possible. In-depth negotiation will be undertaken with (already procured) Legal and Financial expertise working for the Councils. Application of the Change in Law Clauses within the contract	4	5	20	Consider the need for the Change in Law retention fund. Ensure contribution to consultations. In-house Legal & Financial expertise has worked on the PFI Contract from inception - Large in-depth knowledge of PFI contract.	3	4	12	BDR MANAGER	01/10/21	↔
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	01/10/21	↔
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	01/10/21	↔
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	01/10/21	↔
NEW 20 (CSS13)	Lack of resources having exited the European Union	Potential reduced resource implications to deliver waste services. Maintaining supply chain due to lack of EU workforce and resources. Contractor unable to fill key posts or maintain haulage capacity due to UK exiting the EU	Ensuring long term resources and man-power planning monitored and maintained. Ensuring workforce and resources are primarily UK based.	3	4	12	Work with trade bodies to ensure staff skill maintained and engaging with stakeholders to encourage new entries into Waste Management arena	2	2	4	BDR MANAGER	01/10/21	↑ NEW RISK
New 21 (CSS13)	Changes in Local Authority policy.	Potential financial implications due to change in service negotiated for changes to BDR PFI contract and financial model to cover the required service delivery .	Procedure incorporated in the Contract Conditions. Impact and actions to be jointly agreed with the Contractor to mitigate costs as far as possible. In-depth negotiation will be undertaken with (already procured) Legal and Financial expertise working for the Councils. Risk may be transferable to Council if changes requested by them and not national change in law	3	4	12	In-house Legal & Financial expertise has worked on the PFI Contract from inception - Large in-depth knowledge of PFI contract, will ensure that if possible any changes are covered under contract change protocols, or minimise risk and costs re-charged to the Authority.	2	1	2	BDR MANAGER	01/10/21	↑ NEW RISK

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	01/10/21	
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	01/10/21	
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	3	9	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.	3	2	6	BDR MANAGER	01/10/21	
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	01/10/21	
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	4	8	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. Encourage market development of local Waste Treatment / recycling infrastructure through Waste Management Plan and DPD	2	2	6	BDR MANAGER	01/10/21	
19 (CSS13)	UK having exited the European Union	Potential financial implications to cover the cost of supply chain if involves markets in the EU.	Contractor to limit exposure to unnecessary costs and delays in supply chain from the EU. Ensuring long term planning of stocks and supplies. Ensuring waste off-take is primarily UK based.	2	4	8	For main off-take of EFW is contracted long-term to UK based Ferrybridge MF EFW facility. Encourage development of local development of supply chains for key equipment through DPD.	2	2	4	BDR MANAGER	01/10/21	
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	3	2	6	Regular visits by health and safety officers. Quarterly health and safety meetings.	3	2	6	BDR MANAGER	01/10/21	

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	01/10/21	
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	1	3	BDR MANAGER	01/10/21	
New 22 (CSS13)	Lack of resources due to contractor staff restructures, staff resignations, or leaving company. Failure to have a knowledge of current level of management of facility and contract.	Failure to deliver the contract effectively, and deliver the terms of the contract to ensure not in breach of the contract requirement. Reduction in the good working relationship between contractor and client	Client contract manual to document the processes and procedures. To be maintained and updated when changes occur. Staff training and development. Knowledge of contractual processes and procedures to be held on contractors management system	3	2	6	To ensure regular operational meetings where staffing and contingency is discussed. Obtain prior knowledge of staff changed due. Work with new staff members to maintain client Contractor relationship and adherence to contract delivery	3	1	3	BDR MANAGER	01/10/21	 NEW RISK
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	2	2	4	Continue to ensure open door policy maintained and easy access to information (contract requirement) continues. Regular site visits. Maintain good contractor client relationship. Duty of care audits with 3rd party off-takers	2	2	4	BDR MANAGER	01/10/21	
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.	2	2	4	Staff retention could be improved if a clear career path existed. CIPFA Asset Management system to hold all relevant documentation. PFI Manager post now fully staffed. Review of PFI structure and building skill of existing staff through training and upskilling. Additional succession planning to be undertaken.	2	1	2	BDR MANAGER	01/10/21	
1 (CSS13) Remove this risk as now covered with other risk listed.	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 COTG.	2	4	2	BDR MANAGER	01/10/21	TO BE DELETED
5 (CSS13) Remove an include in another risks	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	01/10/21	TO BE DELETED