

BARNSLEY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD

**Venue: Council Chamber -
Rotherham Town Hall,
Moorgate Street,
Rotherham, South
Yorkshire S60 2TH**

Date: Monday 18 July 2022

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
To receive apologies, if any.
4. Declarations of Interest
5. Minutes of the previous meeting held on 7 March 2022 (copy attached) and matters arising (Pages 3 - 6)
6. Joint Waste Board (Pages 7 - 12)
 - Appointment of Chairman - Verbal
 - Appointment of Vice Chairman - Verbal
 - Authorised Representatives - Verbal
 - Terms of reference - Attached
 - Briefing Rotation Of Chair – Attached
7. BDR Managers Report (Pages 13 - 29)
 - Governance
 - Contract Delivery
 - Legal
 - Financial
 - Communications
 - Resources
8. Current Issues
9. Risk Register (Pages 30 - 36)
10. Any Other Business
 - HWRC procurement
11. Date, time and venue for the next meeting
12 September 2022 at 9.30am in Rotherham Town Hall.

Future meetings are scheduled for:
12 December 2022 and 6 March 2023

BARNSELEY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD
Monday 7 March 2022

Present: Councillor Houlbrook (Chair), Councillor Allen (acting as substitute for Councillor Beck) and Councillor McCartney (acting as substitute for Councillor Lamb) with Lisbeth Baxter, Paul Castle, Tom Smith, Nigel Naisbitt, Rhonda Fleetwood and Samantha Mullarkey.

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

Agreed.

118 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.

119 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor Beck, Councillor Lamb, Matthew Gladstone, Paul Woodcock, Dan Swaine and Paul Hutchinson.

Following the apologies for absence, it was **agreed** reasons for apologies would be recorded in the minutes starting with the next meeting.

120 DECLARATIONS OF INTEREST

There were no declarations of interest.

121 MINUTES OF THE PREVIOUS MEETING HELD ON 9 SEPTEMBER 2021 AND MATTERS ARISING (COPY ATTACHED)

The Minutes were approved as a correct record of the meeting. There were no matters arising.

122 BDR MANAGERS REPORT

The Barnsley, Doncaster and Rotherham Joint Waste Manager submitted a report which highlighted and updated the following issues relating to the Joint Waste Private Finance Initiative (PFI) for the period up to 31 January 2022:

- Governance
- Contract Delivery
- Legal
- Financial
- Communications

- Resources
- Site Visits for Cllr's/ New AD's

Beth Baxter confirmed that there had been no impact on service provision following high winds which had caused the refinement deducing stack to tilt towards the building. Work was underway to repair/replace the affected sections. It was also confirmed that there were budgetary savings due to the Senior Contract Officers roles being vacant. These budgetary savings could offset the need for the additional £38k that was approved at the last JWB meeting for the HWRC options appraisal project.

The use of social media was praised by the Board. Of particular note was the #FoodWasteFriday initiative that focused on reducing food waste and had received 214,851 impressions in the year.

In response to questions it was confirmed that, whilst waste levels had increased in June and July and decreased in August, this was not always the case. Increases and decreases tended to change with the seasons. It was anticipated that there would be increases following events such as the Jubilee Weekend in June.

It was noted that:

- collection of 3rd party waste had been limited during the pandemic in order to prioritise waste from Barnsley, Rotherham and Doncaster.
- The number of complaints were down which was praised by the Board.
- Work was ongoing to keep the number of complaints low, especially in relation to flies.
- The number of close calls/near misses had increased which was good health and safety practice.
- The Renewi Corporate Social Responsibility Fund had been allocated.

It was **agreed** that Beth Baxter would provide further details of the successful bids for the Corporate Social Responsibility Fund and links to the social media campaigns.

The Board wished to place on record their thanks to the BDR team and all officers involved for exceptional performance.

Resolved: That the information provided be noted.

123

HWRC UPDATE

Officers provided a verbal update on the contract for the HWRC which was due to end in October 2023. Work had started on the specification and timetable for the new contract. It was **agreed** that further updates on the HWRC contract would be provided at future meetings.

Discussions were held in relation to the benefits/draw backs of partnership working. Discussions were also held in relation to ANPR cameras at HWRC. It was confirmed that a clear policy was required to effectively use ANPR cameras as there were many complications related to their use.

It was expected that a report would be taken to the Rotherham Cabinet in Summer 2022 setting out the next steps for Rotherham and also discussing the options of outsourcing and insourcing. Rotherham MBC would keep Barnsley MBC and Doncaster MBC up to date on the progress.

It was **agreed** that the South Yorkshire Mayoral Combined Authority would be informed of the matter.

124 **CURRENT ISSUES**

There had been a delay in Government issuing their response from the consultations on the Resource and Waste Strategy and a subsequent delay in producing secondary legislation from the R&WS and Environment Act. It was anticipated that there would be a lot of work going forward in relation to the Strategy and Act.

125 **RISK REGISTER**

Beth Baxter introduced the Risk Register and highlighted the following key change:

- New risks – **Changes in Technology due to innovation or Government Law/Regulations (Carbon Capture) at Energy from Waste Plant.** This has been added as there could be potential financial implications should the EfW end destination be forced to alter their technology to capture Carbon. Carbon reduction was a major priority both nationally and internationally.

The Board discussed the potential risks associated with the increasing cost of energy/fuel. It was confirmed that this risk was not the responsibility of BDR but of the contract holders.

Resolved: That the risk register be noted.

It was also **agreed** that the formatting of the risk register be reviewed for the next meeting, specifically focussing on the size of text used.

4

126 ANY OTHER BUSINESS

Community Liaison Group

The minutes of the previous two Community Liaison Group meetings were attached to the agenda for information.

It was **agreed** that a list of expected attendees would be distributed to all relevant Members in order to improve attendance.

Resolved: That the report be noted.

127 DATE, TIME AND VENUE FOR THE NEXT MEETING

The next meeting will take place on 6 June 2022 at Rotherham Town Hall subject to confirmation of attendance by representatives of all member Councils.

BDR Joint Waste Board

Terms of Reference

1.0	Membership of the BDR Joint Waste Board
1.1	The BDR Joint Waste Board will consist of Portfolio Holders with responsibility for Waste Services (or their deputy) and will be chaired by a Portfolio Holder on an annually rotating basis.
1.2	Members will be identified at the June Annual Meeting of the BDR Joint Waste Board.
1.4	For the BDR Joint Waste Board to be quorate, a minimum of three Portfolio Holders (or their deputies) must be present at the meeting.
1.5.	The end date for the Joint Waste Board is the expiry of the BDR PFI Contract or such other date as unanimously agreed in writing.
2.0	Objective is to Work together towards efficiencies and the sharing of best practices and opportunities
3.0	Scope of the BDR Joint Waste Board
3.1	<p>The scope of the BDR Joint Waste Board is to:-</p> <ul style="list-style-type: none"> ➤ consider the performance of joint contracts i.e. <ul style="list-style-type: none"> ○ BDR PFI and Royalty Deed ○ Household Waste Recycling Centres ○ Organic ○ Treatment and disposal ➤ Consider the effectiveness of management of the above contracts ➤ Develop a procurement strategy to gain further opportunities from joint working ➤ Agree resources for projects to deliver efficiencies/savings including allocation of budgets ➤ Agree the Operational Management Budget for the BDR PFI Contract ➤ Agree proposed communication strategies for joint working ➤ Recommend items for consideration by Steering Committee and the Joint Waste Team
3.2	<p>The members of the BDR Joint Waste Board will be asked to:-</p> <ul style="list-style-type: none"> ➤ Give due consideration to the management of the BDR Operational Management Budget ➤ provide strategic direction to any project ➤ monitor the progress of agreed projects against any project plans, ➤ agree allocation of funds for the projects subject to approval by the Authorities ➤ receive regular reports from the project team and provide any comments and/feedback on these reports,

	<ul style="list-style-type: none"> ➤ act as 'critical friends' throughout the process by providing challenge, feedback and comments, ➤ agree and assign resources to support any projects and ensure sufficient priority is given to the projects to allow them to progress, ➤ Provide a responsive decision-making group to the Project Leads to ensure the project timelines are achieved ➤ Make approvals at key stages, subject to delegation by their Authority ➤ Ensure that any project is delivered on time and within budget ➤ Review and manage the risks associated with projects.
3.3	Any procurement project that is proposed as part of the actions for this Joint Waste Board will be run in accordance with the Lead Authorities Procedure Rules and will be in accordance with The Public Contracts Regulations 2015.
4.0	Format of Meetings
4.1	The Joint Waste Board will be facilitated by the BDR Manager and supported by the BDR Senior Contracts Manager and Administrative Officer. The agenda and reports will be set by the Joint Waste Board Chairperson in consultation with the BDR Manager and sent to Joint Waste Board at least 5 days in advance of the meeting.
4.2	The meetings will be held every 3 months unless otherwise agreed at meetings. The venue for the meetings will be in the administrative area of the Chairperson.
4.3	<p>The following may be invited to attend meetings :-</p> <ul style="list-style-type: none"> ➤ Waste Service Managers ➤ Legal Officers ➤ Finance Officers ➤ Communication Officers ➤ Development Planning Officers ➤ Technical Advisors ➤ Legal Advisors ➤ Financial Advisors ➤ Waste Infrastructure and Development Transactor ➤ Contractors Representatives <p>The above list is not exhaustive</p>
4.4	<ul style="list-style-type: none"> ➤ If BDR Joint Waste Board wish specific issues to be considered these can be raised at the meeting and officers will research these issues and present them to a future meeting of the Joint Waste Board. ➤ The Joint Waste Board will report key milestones during any project, and any decision the Joint Waste Board wishes their Individual Authorities to take, to their individual Councils. ➤ The internal approvals process that is necessary for any specific project should be provided to the Project Lead Officer for inclusion in the overall project plan.
5.0	Working Manner
5.1	<p>The overriding principles for working together is that all parties should :-</p> <ul style="list-style-type: none"> ➤ act in good faith, ➤ be open, honest and transparent,

	<ul style="list-style-type: none"> ➤ willing to contribute and commit, ➤ treat everyone with respect ➤ mutually support and co-operate with each other ➤ share learning and best practice. ➤ Respect the mutual need for commercial confidentiality ➤ seek to fully motivate Officers to act with drive, enthusiasm and a determination to succeed
6.0	Review of the Terms of Reference
6.1	These terms of reference to be reviewed every two years, at the written request of an Authority or if a significant change occurs

<h1>BRIEFING</h1>	TO:	BDR Joint Waste Board
	DATE:	6/7/2022
	LEAD OFFICER:	Lisbeth Baxter BDR Manager Waste Management, Regeneration and Environment
	TITLE:	Rotation of Chair

1. Background

1.1 One of the contractual documents entered into between Barnsley Metropolitan Borough Council, Doncaster Borough Council and Rotherham Borough Council (the “Authorities”) at financial close of the BDR Waste PFI project was an Inter-Authority Agreement (“IAA3”) being the third joint working agreement between the Authorities following on from procurement phase and pre-financial close versions. This IAA3 creates the Joint Waste Board (“JWB”) as a joint committee pursuant to section 101(5) of the Local Government Act 1972, which is established as part of the joint working arrangements between the Authorities for the management and administration of what are termed Relevant Contracts under the IAA3. At the date of this meeting, the BDR Waste PFI Contract is the only Relevant Contract to which IAA3 applies and is referred to as the “Principal Contract”.

This briefing details how the functions of the JWB will be delegated down to the BDR Steering Committee chair and then to the BDR Manager (as chair of the Joint Waste Team which reports to the BDR Steering Committee) in order to more efficiently deal with the day to day decisions that will be required under the Principal Contract. All decisions of the JWB, BDR Steering Committee chair and BDR Manager will be made in accordance with the provisions of the prevailing IAA3.

Local authorities may arrange for the discharge of functions by (i) a joint committee or (ii) by an officer of one of them under section 101(5)(a) of the Local Government Act 1972. In this case, a group of officers is established under IAA3 called the BDR Steering Committee, which will be empowered to make the day to day decisions required for the management and administration of the Principal Contract. However, the Local Government Act 1972 does not allow the delegation of powers to be exercised jointly by a committee of officers.

To fit with the legislative requirements the Joint Waste Board (JWB) as a joint committee of members therefore delegates its powers to one of the BDR Steering Committee officers (the “Authorised BDR Steering Committee Member”), who will then act in consultation with the other officers from the Authorities on the BDR Steering Committee.

It has been agreed previously that the roles of the Chairman and Vice-Chairman of the JWB will rotate between the three Authorities on an annual basis at the AGM in June. For the municipal year 2021/22, this delegation was made to the Doncaster Borough Council member of the BDR JWB, who also acted as the Chairman of that body.

The structure of the BDR JWB for 2022/23 will be as follows:-

Rotherham Borough Council Representative: Chair

Cabinet Member Transport and Environment

Barnsley Metropolitan Borough Council representative: Vice Chair

Cabinet Spokesperson - Environment and Highways

Doncaster Borough Council representative

Portfolio Holder for Sustainability and Waste

In line with this principle, it has been agreed that the Authorised BDR Steering Committee Member will also rotate annually

For the municipal year 2021/22, this delegation was made to the Barnsley Metropolitan Borough Council member of the BDR Steering Committee, who also acted as the Chairman of that body. For the municipal year 2022/23, this delegation will therefore be made to the Doncaster Borough Council member of the BDR Steering Committee. This officer, as Authorised BDR Steering Committee member, will subsequently delegate certain functions to the BDR Manager in order to more efficiently deal with the day to day decisions that will be required under the Principal Contract.

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

Doncaster Borough Council representative: Chair

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

Rotherham Borough Council representative: Vice Chair

Assistant Director (Community Safety and Street Scene) or in their absence Service Manager (Community Safety and Street Scene).

Barnsley Metropolitan BC representative: Chair

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

2. Key Issues

- | | |
|------------|---|
| 2.1 | Delegation of decisions in the manner requested facilitates the smooth running of the Joint Waste Board. Without such delegations in place, given that this is a high value, long term joint project involving three local authorities with central government revenue support funding, there would be a serious risk that proper and prompt decision making would prove to be very difficult, with a consequent adverse effect on the efficient operation of the PFI project |
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3. Key Actions and Timelines

- | | |
|------------|--|
| 3.1 | The delegations and rotation of Chair and Vice-Chair of the JWB are a contractual requirement of the IAA3 and should take place at the AGM of the JWB in June each year. |
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4. Recommendations	
4.1	<p>That the JWB note that:</p> <ol style="list-style-type: none">1. With the exception of the decisions reserved to the Authorities for a unanimous decision under the IAA3, all other decisions in respect of the Principal Contract are delegated by the JWB to the chair of the BDR Steering Committee (the “Authorised BDR Steering Committee Member”).2. The Authorised BDR Steering Committee Member may elect to delegate certain decisions to the BDR Manager.3. The BDR Manager may delegate any decisions delegated to them to a member of the Joint Waste Team (if the right to delegate is granted by the Authorised BDR Steering Committee Member).4. That Doncaster Borough Council’s representative officer on the BDR Steering Committee will be the Authorised BDR Steering Committee Member for 2022-2023.

BDR WASTE PFI
BDR MANAGER ANNUAL REPORT 2021-2022

1.0 Governance

1.1 Resources

- 1.1.1 The BDR Team continue to work flexibly from Council offices and home utilising MS Teams. With new Instructions from RMBC to re-commence some office working to increase inter-team connections, the BDR Team will look to work, when appropriate to do so, from across offices in all three Authorities and the Bolton Road facility.

Research into the BDR Team's current and future workload and the support required for the three B, D & R Waste Teams has been undertaken. From the review findings it is clear that the implementation of legislative change over the next one to five years will require an increase in the level of shared resource to provide a continued high-quality level of support to the three Councils. Increasing the level of resource will allow for more mentoring and support of the existing individual council teams

A proposed re-structure report with new staffing levels has been presented and approved by the BDR Steering Committee, the report recommended enhancing the current Admin Assistant post into a career grade to allow for knowledge transfer, increased responsibility and accountability. Creation of a new 2-year Technical Officer post is proposed, to assist with anticipated large legislation changes and subsequent contract re-negotiation work. It is also proposed that this post assists with the development of a new South Yorkshire Waste and Resource Strategy once Government provides a level of clarity on the way forward. Additionally, the creation of a new 2-year Admin Apprentice post is proposed to support the Team as it delivers the anticipated workloads

Work is currently being undertaken with RMBC HR to create the correct Job Descriptions and take the process through the RMBC administrative process.

The current initial financial requirements for this Team restructure have been highlighted in the BDR Operational Budget section of this report

- 1.1.2 As per the previous year, the BDR Steering Committee have delegated the development of the 2022/23 Community Education Liaison Officer (CELO) plan and spend of the pre-approved budget (Index linked), to the communications working group. The aims are to increase waste minimisation, reuse and recycling, engage with the community and to raise awareness of the waste hierarchy and preserving resources. Development and roll-out of a waste minimisation and engagement campaign is underway. Multi-platform targeted

social media posts promoting waste minimisation and recycling campaigns continue to be delivered.

1.1.3 From May 2021 to March 2022 BMBC requested the support of the CELO to support the introduction of a service change and potential public consultation. Agreement was made to second the CELO to BMBC four days of the week. BDR continued to receive CELO support from the CELO for one day a week and retained the Assistant CELO. BMBC were re-charged for the CELO's time when working for them.

1.2 Strategic Meetings

1.2.1 BDR Joint Waste Board

The BDR Joint Waste Board should meet quarterly and in 2021/22 it has been possible to meet in person. There have been some occasions where it has been necessary to send deputies and the Elected Members that attend these meetings has changed due to local elections.

1.2.2 South Yorkshire Leaders' Meeting

Due to Covid-19 restrictions the South Yorkshire Leaders' Meeting scheduled for 21/22 has not been held. The next South Yorkshire Leaders' Meeting will be held on 19th September 2022 and the BDR Manager or Senior Contract Officer has agreed to attend this meeting to deliver an update on the PFI, and as the Project is now running successfully, ascertain if future updates are still required.

2.0 Contract Delivery

2.1 Contract Strategic Meetings

2.1.1 BDR Liaison Committee Meeting

The Liaison Committee meetings between the Councils, the Contractor and the Operating Contractor continue to be positive, the representatives across all parties have been in post for some time and this allows for a collective understanding of contractual positions. They were held (via MS Teams) in October 2021 and May 2022 due to COVID-19.

2.1.2 Operating Contractor (OpCo)

Monthly meetings are held between the BDR team and Renewi, the Operating Sub-contractor. At these meeting the BDR team receive updated reports on plant performance and maintenance, duty of care, health and safety, any projects, contractual performance and site inspection outcomes. The BDR team raise any performance issues and agree deductions that should be applied, and the Contractor is measured against contractual requirements.

2.2 Bolton Road

- 2.2.1 As at the start of 21/22 the two primary monitoring metrics for the contract are recycling performance and diversion from landfill. The recycling performance contractual target was set at 18% (default-termination trigger below 10.5%) and diversion of waste from landfill of more than 96.64% is required.
- 2.2.2 BMBC introduced the collection of plastic pots, tubs and trays in their Dry Mixed Recycling (DMR) from December 2021. This was implemented through a previously negotiated variation, this change to the waste composition reduced the recycling target by 0.5%. Therefore, the new pro-rata apportioned target in 21/22 was 17.85% and will be 17.5% in 22/23
- 2.2.3 In 2021/22 the facility achieved a recycling rate of 14.96%, an increase of 1.16% on the 2020/21 rate. This recycling rate includes all material presented to the market for recycling from the BDR waste treatment contract.
- 2.2.4 In the same year, the facility achieved 98.09% diversion from landfill, an increase of 0.21% on the previous year. This rate includes all the waste from the contract presented for recycling, processed through the AD facility, moisture reduction and/or sent for energy recovery.

Table 1 – 2021-22 Tonnage forecast v out-turn

	Barnsley	Doncaster	Rotherham	Total
Mar 21 Forecast Review	66,713	84,297	59,990	211,000
	31.62%	39.95%	28.43%	
Year End Outturn	69,243	87,493	62,265	219,000
	31.62%	39.95%	28.43%	
Tonnage Variance	2,529	3,196	2,275	

- 2.2.5 Table 1 shows the proportion of waste delivered from April 2021 to March 2022 and the variance between the Initial forecast and the final year end forecasted Unitary Charge amount invoiced. The variances can be attributed to the prolonged effects of the second, third and fourth wave of Covid-19. As Covid-19 measures eased it had been anticipated that household waste tonnages would decline however the actual tonnages did not reflect this and increases in tonnages continued.
- 2.2.6 The BDR team and Renewi's Financial officer have pro-actively reviewed the anticipated tonnage forecast (at least quarterly). Where necessary the monthly UC payments invoiced to each council have been adjusted to minimise as far as possible any significant re-charges or rebates at year end.

2.2.7 After the year end reconciliation was performed, the final input tonnage figure for the 2021/22 financial year was 217,951 tonnes of contractual residual waste from Barnsley, Doncaster and Rotherham. March 2022 saw less waste than anticipated due to a later Easter at the same time as Covid-19 restrictions lifted resulting in less home working and home schooling. It is possible that the current cost of living crisis may now be taking effect and less waste may be being produced.

2.2.8 20/21 saw 220,446 tonnes delivered. The 21/22 figure of 217,951 sees a decrease of 1.13% on the previous year.

Figure 1 - Tonnage Tracker

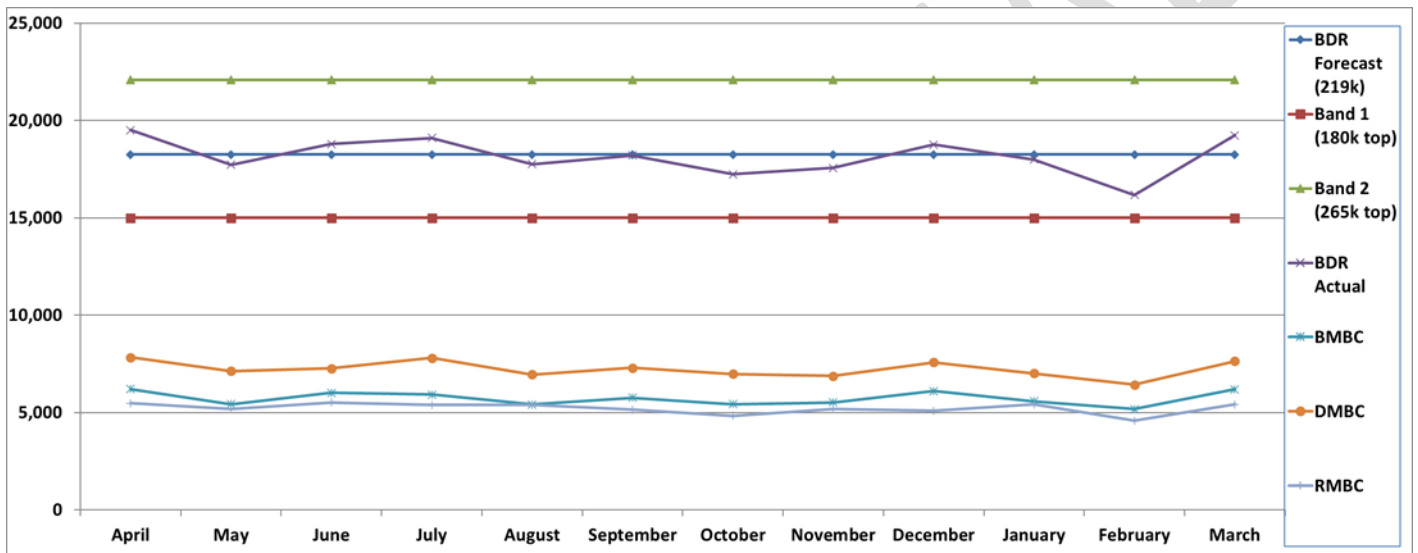
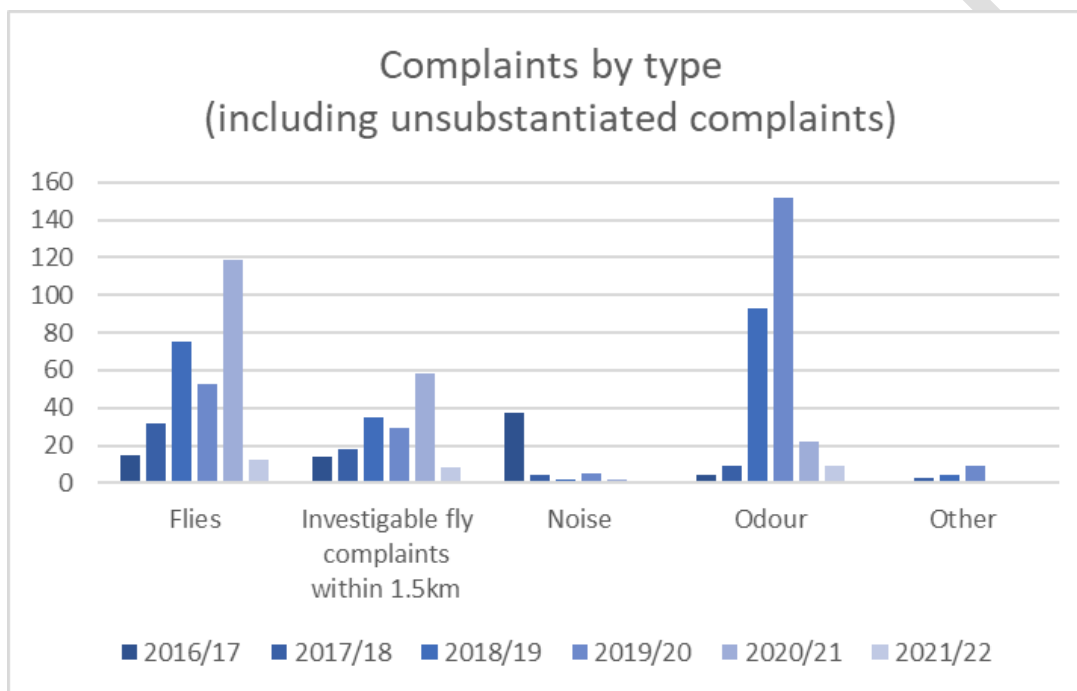


Figure 1 above shows the actual tonnage profile from April 2021 to March 2022 across the partnership.

2.3 Complaints

2.3.1 A total of 22 complaints were received during 2021-22, which is an 84.3% decrease over the previous year and includes four unsubstantiated complaints. None were received regarding Barnsley Transfer Station.

Table 2 - Complaint Statistics



2.3.2 **Fly Management.** The table above shows an 86% reduction in investigable fly complaints from 2020/21 to 2021/22.

2.3.3 Of the 12 fly complaints received in 2021/22, four were unsubstantiated following direction from the Environment Agency that any complaint received from over 1.5km from site be unsubstantiated. The 'Investigable fly complaints within 1.5km' segment of the graph shows those eight complaints that remain once the unsubstantiated complaints have been removed.

2.3.4 The BDR team are confident that all best practices are in place, following substantial interaction and advice from the EA and good relationships with the EA and MP have been built. Proof is to hand about the low fly numbers being seen in and around site, and there is better understanding of the activities of other waste facilities in close proximity to site.

2.3.5 Throughout 2021/22 Renewi continued to use the new crane mounted Neporex dosing system to prevent flies. Once the waste has been shredded and placed in the bio-drying halls it is topped with dried waste and then the surface treated with Neporex from above. This new system is proving highly effective with fly numbers regularly at a third of those reported in previous years.

2.4 Report Environmental

2.4.1 In 2021/22 six unscheduled releases took place. These self-reported, Schedule 5 notifications are made to the Environment Agency (EA), regulator as per requirements.

2.4.2 In 2021/22 the Environment Agency (EA) issued four Compliance assessment Report (CAR) forms to the BDR Waste Treatment Facility and one to Barnsley Transfer Station.

- Two relate to the Schedule 5 breaches in May and December 2021.
- None of the forms include any breaches or points.
- The two forms, issued at the BDR Facility, not relating to the Schedule 5 breaches above were issued following a site visit to discuss the Fly Management Plan and to introduce a new member of the EA's team.
- The form issued to Barnsley Transfer Station was in relation to a site inspection.

Table 3 - Details of Communications with any relevant Authority

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
EA inspections @ BDR Bolton Road			1	1								
EA inspection @ Barnsley Transfer Station								1				
CAR Received BDR Bolton Road			1	1				1	1		1	1
CAR Received Barnsley Transfer Station								1				
HSE Enforcement notices BDR Bolton Road												
HSE Enforcement notices Barnsley Transfer Station												
HSE Cautions BDR Bolton Road												
HSE Cautions Barnsley Transfer Station												
Environmental Complaints (All Operations)												
New Permits, Variations, Revocations & Suspensions issued. (All Operations)												

2.5 Damaged Stack

2.5.1 High winds in January damaged the silencer for the de-dusting stack. The affected section was removed, inspected, redesigned and refabricated. Following inspection of the fabrication of the new section reinstallation will

take place. It is anticipated that work will be completed by the end of July 2022.

2.6 Ferrybridge

2.6.1 During 2021/22 Ferrybridge generated 112.874 MWhrs of electricity and accepted 129,239 tonnes of BDR's SRF.

2.7 Grange Lane – Barnsley Transfer Station

2.7.1 **Upgrade Works** – All dilapidation s work is now completed. BMBC have commissioned a survey standard for Renewi to maintain to the end of the contract. Final review of the survey by BMBC is outstanding. Once the review is completed a variation to the BTS contract will be drawn up to agree the ongoing maintenance of the facility. There will be specific conditions regarding the condition of the paintwork of the steel.

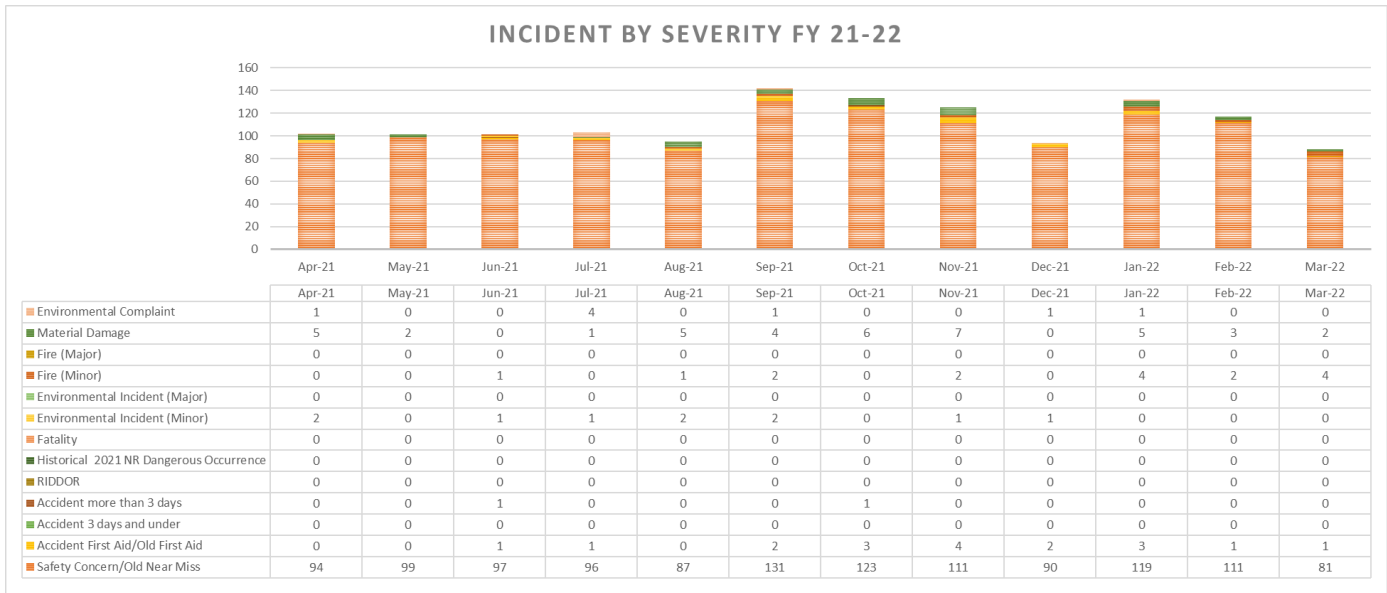
2.7.2 There was a small battery fire detected whilst sorting HWRC waste this was quickly dealt with and there was no risk of the fire spreading to any waste.

2.8 Health and Safety

2.8.1 All close call reports are reviewed by the Renewi Safety, Health, Environmental and Quality (SHEQ) department which uses use this information to understand any common issues at operational sites, update site rules, standard operating procedures and identify areas where further training may be required. Renewi pro-actively encourage their staff to report “near misses” when they see them to help improve safety and instil a “safety” mentality within their staff.

2.8.2 Comprehensive action is taken by Renewi operational staff where incidents occur. Incidents and actions are reviewed by Operational Managers from each authority and internal Health and Safety Officers at the quarterly health and safety meetings.

Figure 2.- Health and Safety Statistics 2021-22



3 Legal

3.1 Insurance

3.2 The Contractor has obtained full cover of insurance for 2022, the lead insurer is still Aviva. The insurance market for waste still sees difficulties in placement and according to the Contractor’s insurance advisor there has been an increase in premiums across the Sector.

4 Financial

4.1 21/22 Operational Management Budget

Table 4 – Operational Management Budget Outturn 2021-22

21/22 Budget - Approved by JWB			
	2021-22 Budget	Forecast	Variance
Management	£132,000	£118,394	-£13,606
Administration	£25,000	£20,801	-£4,199
Call off Legal	£65,000	£88,003	-£41,997
External Finance	£35,000		
External Legal	£0		
External Technical	£20,000		
Insurance Advisors	£10,000		
Call off Finance	£0		
Call off Technical	£0		
Projects	£38,000	£59,925	£21,925
Total	£325,000	£287,123	-£37,877

4.1.1 The 2021-22 Operational Management Budget expenditure was £37,877 underspent. Most of the savings have come from prudent use of external consultants. Anticipation for calling on this knowledge and expertise to implement operational changes and potential variations to the contract have not arisen due to the Government's delay in detailing the requirements of the much-anticipated Resource and Waste Strategy.

4.1.2 Approval from the Joint Waste Board in September 2021 meant, the Operational Management Budget was increased from £287,000 to £325,000 (+£38K) to cover the additional spend of £59k for the RMBC commissioned, Local Partnership produced, HWRC options appraisal project. In year savings have been achieved to cover the additional spend within the original budget of £287k.

4.2 Operational Management Budget forecast

Table 5 – Operational Management Budget forecast 2022-23

22/23 Budget - for approval by JWB	
	2022-23 Budget
Management	£132,000
Administration	£25,000
Call off Legal	£65,000
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
Total	£287,000

- 4.2.1 **The BDR Manager would like to propose that the Joint Waste Board approve the 22/23 budget which remains at the same (original) level as 21/22 - £287,000.** Expenditure has been profiled and re-calculated to ensure the team meets all the anticipated workloads due in the 22/23 financial year.
- 4.2.2 Technical, Legal and Financial advice expenditure has not been reduced as it is anticipated that within this financial year (Summer/Autumn) that the Government will announce the outcomes of the consultations on the Resource and Waste strategy for England. The BDR Team anticipate the potential need to commence negotiations on the impacts of the R&WS on the PFI contract, cover costs for ongoing work to implement operational changes and potential variations to the PFI contract (inc landfill diversion & Joint Insurance cost report). The team will also use these resources to support BDR Councils' aspects of partnership working, including the HWRC re-contracting and supporting Councils as their waste management teams work towards any individual or joint impacts emerging from the Resource and Waste Strategy.
- 4.2.3 Existing savings within the current management budget (0.4 vacant FTE of Senior Contract Officer Post) will be utilised to change the current Admin Assistant post into a three-tier career development grade, becoming Technical Officer. This post enhancement has been agreed to enable skill and knowledge

gaining within the team to build for team continuity and future contingency planning.

- 4.2.4 In addition, a restructure to the current BDR team has been proposed and approved by Steering Committee. The re-structure will see two, two-year temporary positions created within the team, specifically to assist the BDR Partnership deliver the outcomes of the R&WS. The two posts to be created will 1) a Senior Technical Officer and 2) an Admin Apprentice. The posts are to be temporary for two years. The recruitment date for both posts will depend upon the Government and their eventual revised timetable of the R&WS. A full year's salary expenditure (with on-costs) will be 1) £39,399 & 2) £23,611 (Pro-rata within the first and last year dependant on when recruited).

The Joint Waste Board is asked to approve this additional spend, and for it to be added to the Operational Management Budget

- 4.2.5 The BDR team will look to be prudent with any expenditure and will seek to make savings on the budgetary aspect where possible.

4.3 The Unitary Charge for the 2021/22 financial year totalled. £24,255,666.80.

4.4 The BDR Partnership received Waste Infrastructure Credits from DEFRA to the value of £5,962,016.00.

5.0 Communications

5.1 Renewi's Corporate Social Responsibility Fund (CSR Fund) was launched for 2021-22, the closing date for applications was 18th February 2022. In February, the winning projects were selected by the CELOs and these were as follows:

- **£3,000** – Barnsley area -Mexborough food bank. To assist with the continued operation of the food bank in the Mexborough area including collection of 'waste' food from supermarkets.
- **£1,000** – Barnsley area – Darton East Community fridge. To introduce a 2nd community fridge in Barnsley.
- **£1,000** – Doncaster area – Yorkshire Bike Shack CIC. To run training sessions to repair and recondition old bikes to safe, road-worthy condition, run in-school bike maintenance sessions and promote sustainable travel. Also being funded by SUEZ environmental fund.
- **£1,000** – Rotherham area – Community Connect CIC (£1,000) To increase accessibility to their community sensory garden to increase their provision to people with mobility issues.

5.3 The first Food Waste Action week ran from 1st-7th March 2021. This campaign included a press release, social media posts and a blog post on the Waste Less South Yorkshire website. The campaign received over 18,000 impressions across Facebook, Twitter and Instagram. The campaign's messages were also

shared via Doncaster Council's Gov Delivery system, whereby engaged residents directly received an email newsletter. This was shown to be successful and was delivered to over 10,000 residents. This will be utilised in the upcoming 2021/22 campaigns where possible.

5.4 Social media content was posted every Friday in 2021/22 with the hashtag #FoodWasteFriday. The campaign received 252,925 impressions across Facebook, Twitter and Instagram and the topics covered each month were as follows:

- Easter food, cooking for children, dates on packaging, leftovers and biscuits
- Avoidable food waste, salad, soft fruits and freezer tips
- National fish and chips day, planning a BBQ, wasting food at home and bananas
- Strawberries, preserving techniques, portioning, BBQs and freezing food
- Shopping lists, chocolate, top tips for reducing food waste and tomatoes
- Rice, potatoes, fruit & veg and bread
- Portions, eggs, baking ingredients, apples and pumpkins (and other alternatives for carvings)
- Pasta portioning, saving money, food storage tips and cheese
- Planning, correct portioning, using leftovers and Christmas food
- Reducing food waste tips, know your dates, garlic, onions and ginger and soup
- Checking your fridge temperature, chicken, bread and love your leftovers
- Tomatoes, mushrooms, planning and milk

5.5 Re-use themed content was posted every Tuesday in 2021/22 using #ReuseRevolution. The campaign received 36,561 impressions from Facebook, Twitter and Instagram and the topics for each month were as follows:

- Reusing while looking after our health and wellbeing
- Reusing in the garden
- Reusable sanitary products
- Easy reusable swaps i.e. water bottles, coffee cups
- Reusing at university
- Reusable beauty and grooming products
- Clothes
- Upcycling
- Reusing at Christmas
- Gadgets and electronics
- Tool repair, servicing and hiring
- Reusing for kids

5.6 Social media content was posted every 1st and 2nd Monday of the month in 2021-22 with the hashtag #RubbishMythBusting. The campaign received 31,071 impressions from Facebook, Twitter and Instagram and the topics for each month were as follows:

- 'Bleach bottles cannot be recycled'
 - 'All waste goes to landfill'
 - 'It doesn't matter if I put something wrong in the recycling bin, the bin workers will sort it out'
 - 'It is unsafe to put batteries in our bins at home'.
 - 'Takeaway pizza boxes cannot be recycled'
 - 'Rinsing tins and cans is a waste of time'
 - 'Wrapping paper cannot be recycled'
 - 'All plastic is the same and can be recycled in my recycling bin'
 - 'There's no point recycling, it all just gets burnt'
 - 'It's okay to waste food because it will just rot away'
- 5.7 A home composting campaign launched in April and concluded in May 2021. The campaign has generated over 171,641 impressions so far this year. A press release about the campaign was distributed and picked up by the Doncaster Free Press and Rotherham Advertiser. The CELO also gave an interview about the Campaign to BBC Radio Sheffield. The press release is also available to view on the BDR online website. Nine blogs for the campaign were posted on the Waste Less South Yorkshire website.
- 5.8 Love Food Hate Waste (LFHW) Campaign ran 21st June – 8th August. For 2021/22, the campaign gained 170,982 impressions on the Waste Less South Yorkshire social media accounts.
- 5.9 Recycle week took place 20th-26th September 2021. The press release was circulated and distributed. Four social media posts provided by Recycle Now were shared on Facebook, Twitter and Instagram and received 9,162 impressions.
- 5.10 The main Love Your Clothes campaign started in October 2021. The campaign has received 189,786 social-media impressions. Phase 2 of the campaign began in March 2022.
- 5.11 The Christmas campaign took place throughout December 2021 - topics including reducing waste at Christmas, Christmas jumpers, Christmas leftovers, wrapping paper alternatives and what to do with old video game consoles and gained 80,304 social-media impressions.
- 5.12 The Spring and Autumn compositional analysis were carried out and information distributed to the councils.
- 5.13 **Community Liaison Group**
Due to ongoing Covid-19 restrictions, it has not been possible to meet face to face, however community liaison group meetings were held via Zoom in June, September, December 2021 and February 2022, detailed written updates have been provided via email. - [Community Liaison Group – BDR Waste Partnership \(bdronline.co.uk\)](https://www.bdronline.co.uk)

6.0 Resources

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

Joint working and BDR support

- 7.1 Listed below are the projects and areas the BDR team have helped to support the individual councils with and joint work they have co-ordinated:

BMBC

- Support in investigation of current and potential new DMR / Paper and Card disposal contracts
- Variations to the BTS contract with Barnsley to allow Paper and Card to be managed as a contingency measure.
- Support in drafting and go-live of a new Garden Waste Disposal Contract
- Facilitation through Renewi for alternative disposal site when BTS was closed
- Liaison on work at BTS – Fire and remedial works.
- Acceptance of new non-contract waste streams through BTS
- Pots, Tubs and Trays introduced into kerbside recycling and PFI contract variation requirements

DMBC

- Assistance with the development of the Doncaster Environmental Strategy

RMBC

- Support on tendering new Clinical Waste Disposal contract
- Assistance on contractual changes and waste options at HWRCs
- Support for waste management team
- Assistance with finalisation of recycling waste contract and interpretation of contract when issues/disputes raised.
- Assistance with the commercial waste recycling pilot

B.D.R

- Covid-19 support
 - Co-ordinating approach across BDR(S)
 - 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 fully operational and taking waste as normal
 - Ensuring joint working on management of BDR contracts such as HWRCs to fulfil the requirements of the service
 - Joint communication
 - Best practice and networking
- Solutions and progression of HWRC contract variation requirements
- South Yorkshire Municipal Waste Strategy

- Waste and Resource strategy
 - Review of all Government consultations relating to waste
 - Collation of national / sector / specific guidelines and information
 - Evidence gathering of Authority data / Local Partnership authority specific data / independent data / financial data / tonnage data
 - Co-ordination of individual waste management teams on timelines for consultation completion
 - Guidance to individual waste management teams on consultation submission answers
 - Creation and submission of joint SY consultation response

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8. Glossary of Terms

Term	Definition
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.
Instagram	Post (a photograph or video of something) on the social media application.
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.
Neporex	Is an insecticide for professional use against nuisance flies and biting flies in animal housing and landfill sites including waste management sites.
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.
Tetra Pak	A type of plasticized cardboard carton for milk and other drinks, folded from a single sheet into a box shape.
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.

CONFIDENTIAL

<h1>BRIEFING</h1>	TO:	Barnsley, Doncaster and Rotherham Joint Waste Board
	DATE:	18 th July 2022
	LEAD OFFICER:	Paul Hutchinson
	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 Enfinium Multi-Fuel, 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 two 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 fully owns the Contractor through an investment vehicle and 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 previous meeting on 7th March 2021. Since that date the Risk register has been updated bi-monthly and submitted to Steering Committee every 6 weeks and reviewed by BDR Assistant Directors.</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 no new risks added to the Register.

Two Risks have been reduced slightly,

Changes in Local Authority policy – this risk has lowered due to renewed commitment to work together where possible on policies and contracts, and continued co-operation and co-ordination in responding to Government consultations.

Environmental Impact to Local Area from Noise/Odour/Flies/Vermin etc (Compliance) has been further reduced due to continued improvement in site management. The number of flies within the plant has dramatically reduced. Positive inspection reports from the Environment Agency, and their process for substantiating complaints has allowed this risk to be reduced.

The BDR Team are keeping a watchful eye on all risk pertaining to Supply Chain, Cost of Manufacture, Energy Supply, Human Resources and Euro/Brexit. Due to the current “cost of Living crisis” all these associated risks may see alteration over the next 12 months. The BDR Team regularly undertake deep-dive reviews of all risks with input from legal and financial advisors, and input from Renewi to ensure we evaluate and set the correct level of risks and potential mitigations

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.

Summary of Risks

2.2

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	13/12/21	7/3/2022	18/7/2022
Red	2	2	2	3	3	3	3	3	3	1	1	2	2	3	3	3
Amber	9	5	5	5	4	4	4	5	5	7	7	7	8	6	6	5
Green	4	8	8	8	9	9	10	9	9	9	9	9	9	11	11	12
Total	15	15	15	16	16	16	17	17	17	17	17	18	19	20	20	20

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	13/12/21	7/3/2022	18/7/2022
Red	0	0	0	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	3	3	3
Green	8	10	11	11	11	11	13	13	13	14	14	14	15	17	17	17
Total	15	15	15	16	16	16	17	17	17	17	17	18	19	20	20	20

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	01/08/22	
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	01/08/22	
23 (CSS13)	Changes in Technology due to innovation or Government Law/Regulations (Carbon Capture) at Energy from Waste Plant	Potential financial implications if due to change in law. Initial negotiation with Renewi and Enfinium. Renewi may wish to cascade effects. Would trigger clauses covering this scenario (changed to EFW downstream contract)	Procedure incorporated in the Contract Conditions. Impact and actions to be jointly agreed with the Contractor to negate or 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 downstream Changes to EFW contract Clauses within the contract. Enfinium requested to supply situational update via monthly OpCo meeting.	3	5	15	In-house Legal & Financial expertise has worked on the PFI Contract from inception - Large in-depth knowledge of PFI contract and clauses. Experienced negotiators in . Response from Enfinium - "Do not currently use any Carbon Capture technology at any Enfinium facility, however have started discussions with several potential technology partners as it is likely to become mandatory to capture a percentage of stack gas carbon for the Few sector in the next 10 to 15 years."	1	5	5	BDR MANAGER	01/08/22	
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	01/08/22	
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	BDR MANAGER	01/08/22	
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	01/08/22	
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	01/08/22	
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	3	9	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	01/08/22	

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				
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	01/08/22	↔
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	4	BDR MANAGER	01/08/22	↔
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	01/08/22	↔
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	01/08/22	↔
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. Regular meetings with insurance broker, two month leading up to renewal to understand where contractor is with placement of insurance & any issues, movement away by insurers and cover obtained. Seeing annual improvements in process and cover being attracted	3	2	6	Consider reviewing the insurance requirements. Enforcement of Contractual positions. Council become insurer of last resort. For 2022, improvements seen in ability to place insurance, and breadth of insurers willing to insure BDR	3	2	6	BDR MANAGER	01/08/22	↔
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 progressing upgrade of the Fire Protection systems. Insurance broker is working with insurance market to build confidence. Regular meetings with insurance broker, two month leading up to renewal to understand where contractor is with placement of insurance & any issues, movement away by insurers and cover obtained. Seeing annual improvements in process and cover being attracted	3	2	6	Robust case against Uninsurable argument. Ensure Contractor completes the fire improvement works. For 2022, improvements seen in ability to place insurance, and breadth of insurers willing to insure BDR	3	2	6	BDR MANAGER	01/08/22	↔
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. 20/21 has seen a dramatic reduction in complaints couples with EA engagement and approval of fly management on site couples with data showing dramatic reduction in fly numbers inside the plane. EA have also identified poor fly management elsewhere in the deam valley	2	3	6	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	2	2	4	BDR MANAGER	01/08/22	↓
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	01/08/22	↔

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				
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	01/08/22	
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	01/08/22	
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	01/08/22	
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	01/08/22	

Risk (What is the problem / hazard? What is it that will prevent you from meeting your objective?)	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)			Further management actions/controls required. (What would you like to do in addition to your controls?)	Target Score with further management actions/controls required (See Scoring Table)			Cost (of impact; of current controls; of further controls) £	Risk Owner (Officer responsible for managing risk and controls)	Risk Review Date
			2	2	4		2	1	2			
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.(Compliance)#1 Remove this risk as now covered with other risk listed.	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	Approximate costs for training in Project Management and COTC £4,000	BDR Manager	1st October 2021
Ensure the balance of risk between Contractor and BDR is maintained. #5 Remove this risk as now covered with other risk listed.	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	Approximate costs for financial advice £30,000 Legal advice would also be needed approximately £30,000 money already allocated in Operational Management Budget for this.	BDR Manager	1st October 2021