

BARNSELEY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD
6th March, 2023

Present:- Councillor Beck (in the Chair); Councillors Higginbottom and Houlbrook together with Kellie Hopkins (DMBC) and Paul Hutchinson (BDR Team).

Apologies for absence were received from Sam Barstow, Lisbeth Baxter, Paul Castle, Barry Connolly, Rhonda Fleetwood, Lee Garnett, Matt O'Neill, Nigel Naisbitt and Paul Woodcock.

158 DECLARATIONS OF INTEREST

There were no Declarations of Interest made at the meeting.

159 MINUTES OF THE PREVIOUS MEETINGS HELD ON 12 SEPTEMBER 2022 AND 5 DECEMBER 2022

It was noted that 155 of 5th December, 2022, should be headed "Community Engagement" and not Risk Register as printed.

Resolved:- That, subject to the above clerical correction, the minutes of the meetings held on 12th September and 5th December, 2022, be approved.

160 BDR MANAGERS REPORT

Paul Hutchinson presented the submitted report which highlighted and updated the following issues relating to the Joint Waste Private Finance Initiative (PFI):-

- Governance
- Contract Delivery
- Legal
- Financial
- Communications
- Resources
- Joint Working and BDR Support

Attention was also drawn to the following:-

- It was hoped to recruit a Senior Technical Officer the funding for which would come from the 2023/24 budget. The postholder would assist the team in anticipation of the increased workloads and service change requirements from new legislation
- A Technical Consultant (Santec) had been secured specifically to investigate, review and advise on issues such as Environment Agency permit changes, Resource and Waste Strategy outcomes and maintenance plans

- Over the current financial year there had been a general downward turn in the amount of waste being produced – 207,500 tonnes of waste against forecasted 219,000 tonnes
- Current recycling rate of 14.52%, default of 10.5% and a target of 17.5%
- Currently anticipated approximately 1% of waste going to landfill in 2022/23, however, due to a hydraulic ram having broken down, contingency arrangements had been put in place and waste would be diverted to landfill until the machinery was back in action
- No complaints had been received since December 2022. Renewi was proactive with regard to fly management, monitoring the weather and had started to use pesticides
- Work was ongoing with regard to the damaged AD pasteurisation tunnels with discussions taking place between Renewi and their sub-contractor who built the tunnels. There were no issues with waste acceptance or with performance, however, further construction may be needed in the future
- Consideration of a feasibility study of Barnsley Transfer Station to ascertain the possibility of increasing capacities/extension
- The Technical Consultant and legal expert were looking into Renewi's claim that the Environment Agency draft revised permit was a Qualifying Change of Law resulting in a possible claim for any additional resources/expenditure to meet the new permit requirements . It would have no effect on service delivery
- BDR HWRC contract waste (containing Persistent Organic Pollutant (POPs)) was taken to Barnsley Transfer Station and then transferred to Ellsmere Port. Renewi was currently only charging contract band rate whilst awaiting BDR Team's evaluation of their Change in Law claim. Santec was looking at the guidance notes from the Environment Agency, the position statement and what changes had been incurred. Nationally there was a feeling that the guidance was a change in law and most authority would have to deal with that with their contractors. It was anticipated that that the cost would increase for contract waste (POPs). However, it should be noted that non-contract PFI waste, bulky items, would still be an issue
- The 4th Joint Insurance Cost Report (JICR) had been received and was with legal and financial advisors for review

- The budget was underspent. Expenditure had been profiled and re-calculated to ensure the Team met all the anticipated workloads in 2022/23
- There was now only one Community Education Liaison Officer due to maternity leave

In response to a question regarding third party waste tonnage and how it was dealt with, where it came from, impact on delivery etc., it was noted that the BDR contract had a 265,000 tonne capacity and contractually Renewi could bring in third party waste for spare capacity. Renewi tended to get third party waste mainly from their own contracts e.g. Derby and also had a reciprocal arrangement with Viola when they shutdown. However, they did not bring waste in if it would cause problems for BDR deliveries as contract waste took priority.

In response to a question asked about POPs, it was noted that a watching brief was being kept with regard to the BDR contact and the revised permit from the Environment Agency.

In response to a question regard the JICR, it was noted that the Report was in place. A report had to be drafted individually and the contractor has to set out what the differentials were from the previous version of the insurance and the requirements of the industry. There was no issue in rejecting the Report. If the contractor wished to pursue a claim they had to go through dispute resolution; in the past Renewi had not actively pursued this option.

Resolved: That the information provided be noted.

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CURRENT ISSUES

(1) It was noted that Councillor Higginbottom would be Chair at the next meeting in accordance with the rotation of Chair as set out in the Terms of Reference.

Sam Barstow, Assistant Director RMBC, would become Chair of the Steering Group.

(2) It was noted that Ministerial approval was being sought with regard to a transitional period before mandatory food waste collection was required. BDR had applied for a transitional arrangement as our disposal contract provided the outputs as the legislation required. DEFRA was collecting requests for transitional periods, reviewing these and presenting information to the Secretary of State for the Environment.

(3) The Community Liaison Group now met 6 monthly. A Chair was still being sought.

(4) The evaluation of the Barnsley and Doncaster Household Waste Recycling Centres' tenders was being undertaken. Rotherham's tender would hopefully go out to market shortly.

Resolved:- That the update be noted.

162 RISK REGISTER

Paul Hutchinson introduced the Risk Register and highlighted the key changes:-

- There had been no new risks added or risks removed from the Register.
- The annual deep drive review of the full Register had been undertaken with each risk examined and reviewed to ensure it was still current, at the appropriate level and all consequences, control and management of the risk was appropriate
- Slight amendment to the internal reporting regime in Rotherham
- Risk No. 21 (Changes in Local Authority Policy) had been increased until final guidance was received from the Government

Resolved:- That the report be noted.

163 COMMUNITY LIAISON GROUP

The minutes of the Community Liaison Group meeting held on 9th August, 2022, were noted.

164 DATE, TIME AND VENUE FOR THE NEXT MEETING

Resolved:- (1) That a further meeting be held on Monday, 26th June, 2023, commencing at 1.30 p.m.

(2) That discussions take place with the Monitoring Officer with regard to the possibility of holding future meetings virtually.