

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

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

**Date:** Monday 6 March 2023

**Time:** 1.30 p.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 meetings held on 12 September 2022 and 5 December 2022 (copy attached) (Pages 2 - 6)**

To approve the minutes of the previous meeting and to discuss matters arising from the previous minutes, which are not included elsewhere on the agenda.

- 6. BDR Managers Report (Pages 7 - 15)**
  - Governance
  - Contract Delivery
  - Legal
  - Financial
  - Communications
  - Resources
- 7. Current Issues**
- 8. Risk Register (Pages 16 - 22)**
- 9. Any Other Business (Pages 23 - 27)**
  - Community Liaison Group Meeting Minutes (for information only)
- 10. Date, time and venue for the next meeting**

Monday, 26 June 2023 at 1.30pm in Rotherham Town Hall

**BARNSELEY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD  
MONDAY 12 SEPTEMBER 2022**

**Present:** Councillor Beck (Chair), Councillor Higginbottom, Councillor Houlbrook with Sam Barstow, Lisbeth Baxter, Kellie Hopkins, Matt O'Neill and Andrew Simpson supported by Rhonda Fleetwood and Samantha Mullarkey.

At the start of the meeting, a two-minute silence was held in honour of Her Majesty Queen Elizabeth II following her passing on Thursday 8 September 2022

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

Agreed.

**138. 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.

**139. APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Paul Castle and Nigel Naisbitt.

**140. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**141. MINUTES OF THE PREVIOUS MEETING HELD ON 18 JULY 2022 AND  
MATTERS ARISING**

An amendment to the Minute 132 was requested to that it would read:

The Doncaster Metropolitan Borough Council Steering Committee Representative, **Kellie Hopkins**, becomes Chair of the Steering Committee for the 2022/23 Municipal Year and the Rotherham Metropolitan Borough Council Steering Committee Representative, **Sam Barstow**, becomes Vice-Chair of the Steering Committee for the 2022/23 Municipal Year.

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

**142. BDR MANAGERS REPORT**

Lisbeth Baxter introduced the update report which had been circulated prior to the meeting and highlighted the following matters relating to the Joint Waste Private Finance Initiative:

- Governance
- Contract Delivery
- Legal
- Finance
- Communications
- Resources

It was reported that there were no Governance issues and confirmation of the BDR Team was provided. Two additional posts had been agreed however these would not commence until the new workloads and service change requirements from the new Resources and Waste Strategy and corresponding legislation were fully understood and timetabled.

In terms of contract delivery, it was confirmed that tonnage was down which was to be expected in the current financial climate. However, this meant the contractors were able to bring in third party waste and as a result, the contract was performing well. There had been an increase in moisture loss due to the extremely hot summer.

Fly numbers had also increased due to the hot weather, but the EA was unable to investigate as the complaints had been received over just a 24 hour period. Internal fly counts remained considerably lower than previous years. There had been a Facebook campaign originating out of Wath however there had not been a great deal of complaints generated from this. Many of the complaints received had not been substantiated.

In response to a question from Councillor Higginbottom, it was confirmed that the Environment Agency conduct unannounced visits as well as responding to the complaints. Following a question from Councillor Houlbrook on the drop in plastic outputs, the BDR manager **agreed** that she would look into it and report back outside of the meeting.

The Acid Scrubber, Damaged Stack and Damaged Pasteurisation Tunnel Walls were highlighted in section 2.3 of the report. It was confirmed that the costs related to the Tunnel Walls was the responsibility of the contractor, not the partnership and it would be their choice as to whether they released any financial details.

There had been a drop in Health and Safety Close Calls but there were no issues to be raised. Section 3.1.2 highlighted matters related to insurance. The BDR Manager did not think securing insurance would be an issue, but it needed to be in place for 23 December 2022.

An underspend of £65,623 was currently forecast however, the BDR Manager confirmed that difficulties were expected financially going forward.

**Resolved:**

- 1) That the report be noted.

**143. CURRENT ISSUES**

Beth Baxter confirmed that the main issue at present was the delay on the national Waste and Resources Strategy. It was **agreed** that if any further information on the Strategy was released in-between BDR meetings, it would be provided to Members of the Board immediately.

**144. RISK REGISTER**

Beth Baxter confirmed that there had been no changes to the Risk Register since the last meeting. Future changes could look at BAT's (Best Available Technology) but most would probably relate to the Waste and Resources Strategy. It was **agreed** that the BDR Manager would look at adding the cost of living/utilities crisis to the Risk Register. However, it was confirmed that responsibility for utility costs relating to the contract remained with the contractor.

**Resolved:**

- 1) That the risk register be noted.

**145. ANY OTHER BUSINESS**

Household Waste Recycling Centre Procurement

It was noted that work was currently underway on the options in relation to the new Household Waste Recycling Centre Procurement. Discussions were on-going.

Community Liaison Group Meeting Minutes

The Minutes from the meeting of the group held on Tuesday 10 May 2022 were provided for information and no issues were reported. At a subsequent meeting, some members of the public raised concerns over what was perceived to be a lack of community funds from the Waste Treatment Facilities. Although this matter was discussed, it was left unresolved.

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

The next meeting will take place on 5 December 2022 at Rotherham Town Hall subject to confirmation of attendance by representatives of all member Councils.

**BARNSELEY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD**  
**MONDAY 5 December 2022**

Present: Councillor Beck (Chair), Councillor Higginbottom with Paul Castle, Sam Barstow, Lisbeth Baxter, Paul Hutchinson and Abi Reed.

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

Agreed.

**2. 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.

**3. APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillor Houlbrook, Kellie Hopkins, and Nigel Naisbitt.

**4. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**5. MINUTES OF THE PREVIOUS MEETING HELD ON 9 SEPTEMBER 2022 AND MATTERS ARISING**

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

**6. BDR MANAGERS REPORT**

Paul Hutchinson introduced the update report which had been circulated prior to the meeting and highlighted the following matters relating to the Joint Waste Private Finance Initiative:

- Governance
- Contract Delivery
- Legal
- Finance
- Communications
- Resources

It was reported that there were no Governance issues and confirmation of the BDR Team was provided. Two additional posts had been agreed however these would not commence until the new workloads and service change requirements from the new Resources and Waste Strategy and corresponding legislation were fully understood and timetabled.

Paul Hutchinson also gave update on current situation on acceptance and disposal of furniture containing Persistent Organic Pollutants.

**7. HWRC Procurement**

Paul Hutchinson gave update of progress on Barnsley & Doncaster Joint HWRC Procurement.

Beth Baxter gave update of progress on Rotherham HWRC Procurement.

**8. RISK REGISTER**

Paul Hutchinson confirmed that there had been no changes to the Risk Register since the last meeting.

**Action** - a “Deep Dive Review” of the risk register would be undertaken before the next meeting

**Resolved:** That the risk register be noted.

**9. RISK REGISTER**

Abigail Reid gave update on the Hubbub residents engagement campaign. From the initial trial results, it seems the BMBC Animation is providing the best results.

Results should be collated in January 2023. Further roll-out will be co-ordinated through the Communications Meeting that includes staff from all three Councils Communication Team's.

**10. ANY OTHER BUSINESS**

Councillor Higginbottom lead a discussion on possibility for joint lobbying of Government for national legislation on disposal of batteries.

Abigail Reid confirmed that through both the BDR-on-line and Waste Less South Yorkshire web sites, large work has been done on promoting the correct disposal of batteries.

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

The next meeting will take place at 13:30 on 6 March 2023 at Rotherham Town Hall subject to confirmation of attendance by representatives of all member Councils.

**BDR WASTE PFI**  
**BDR MANAGER UPDATE REPORT**  
**6 March 2023**

**1. Governance**

- 1.1. Contract Data - Performance reports are produced by the contractor on the 15<sup>th</sup> of each month, including information up to the end of the previous month. As the JWB meeting is held on the 6<sup>th</sup> of March 2023 the contractor's supplied data only includes up to 31<sup>st</sup> January 2023 (February contractual information will not be received until the 14<sup>th</sup> March 2023). Through monitoring of the contract and communication with the contractor, the BDR team has included additional information on performance up to date, and the team has no concerns with performance and service delivery.
- 1.2. The BDR Team continues to comprise: -
- 0.6 FTE Waste Manager – Beth Baxter.
  - 0.4 FTE Waste Manager – Paul Hutchinson
  - 0.6 FTE Senior Contract Officer – Paul Hutchinson
  - 0.4 FTE Senior Contract Officer – Vacant
  - 1FTE – Admin / Technical Officer (Career grade) – Rhonda Fletcher
- In addition, the creation of a further two, new 2-year posts has been agreed by JWB in July 2022.
- Senior Technical Officer - to assist with anticipated large legislation changes and contract re-negotiation
  - Admin Apprentice post to support the team as it delivers the anticipated workloads
- 1.3. In anticipation of the release of the Government's direction, guidance and secondary legislation from the Resource and Waste Strategy (Spring 23). The BDR Team is currently pursuing with RMBC HR to recruit to the Senior Technical Officer post to ensure the position is filled with a suitable candidate in anticipation of the increased workloads and service change requirements from new legislation.
- 1.4. The BDR Team continues to receive external legal advice and financial advice from specialists who have been advising the BDR Team on PFI matters and partnership working since the conception of the PFI Waste Treatment Facility project.
- 1.5. A procurement tendering process for a Technical Consultant has been awarded. The consultant will be utilised to investigate, review and advise on issues such as EA Permit Changes, R&W Strategy outcomes and Maintenance Plans. The budget for this is included in the operational management budget.

## 2. Contract Delivery

### 2.1. Waste Treatment – Bolton Road Facility

#### 2.1.1. BDR waste received

**Table 1 – Year to date contract tonnes processed**

Inputs		2021/22	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	YTD 2022/23
Barnsley	<b>Contract Waste (Limbs)</b>												
	A (Household)	56765.72	4537.48	4435.30	4643.62	4218.56	4455.82	4539.00	4034.62	4748.02	4575.60	4702.52	44890.54
	B (Commercial)	5829.66	460.22	512.36	514.24	497.04	450.58	500.56	460.18	584.42	479.36	512.72	4971.68
	C (HWRC)	5041.26	442.08	423.12	387.78	380.00	443.04	373.80	395.92	393.70	393.14	473.00	4105.58
	D (Public Highways etc)	1075.52	75.92	83.76	74.00	73.32	80.84	76.30	73.00	82.34	84.20	96.50	800.18
	E (Grounds Maintenance)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Doncaster	A (Household)	74088.55	5982.26	5842.48	5639.54	5521.70	5665.38	5795.10	5371.12	6060.64	6054.72	6028.56	57961.50
	B (Commercial)	5303.72	472.14	525.44	529.54	531.58	468.30	500.98	497.66	437.62	404.96	473.96	4842.18
	C (HWRC)	7340.50	660.00	602.72	593.18	577.44	589.42	555.50	541.22	518.32	536.34	619.62	5793.76
	D (Public Highways etc)	0.00	0.00	0.00	0.00	0.00	0.00	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	0.00	0.00	0.00	0.00	0.00	0.00
Rotherham	A (Household)	53559.70	4218.29	4453.10	4346.74	4042.88	4376.32	4199.54	4013.18	4435.40	3975.44	4794.52	42855.41
	B (Commercial)	3213.33	248.94	271.96	256.92	244.02	235.42	256.86	241.74	280.64	230.62	268.46	2535.58
	C (HWRC)	5732.70	523.36	510.32	463.38	456.00	520.02	457.76	459.22	442.26	445.92	552.64	4830.88
	D (Public Highways etc)	0.00	0.00	0.00	0.00	0.00	0.00	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	0.00	0.00	0.00	0.00	0.00	0.00
	<b>Limbs A&amp;B Sub-Total</b>	<b>198760.68</b>	<b>15919.35</b>	<b>16040.64</b>	<b>15937.98</b>	<b>15055.78</b>	<b>15651.82</b>	<b>15792.04</b>	<b>14628.50</b>	<b>16546.74</b>	<b>15720.70</b>	<b>16780.74</b>	<b>158074.29</b>

#### 2.1.2. Third-party waste received

**Table 2 - Year to date Third Party waste tonnes processed**

Inputs - 3rd Party	2021/22	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	YTD 2022/23
Renewi Derby	7319.70	1049.94	1077.26	1055.34	1878.34	1432.60	1295.54	1662.58	1514.36	48.84	153.80	11014.80

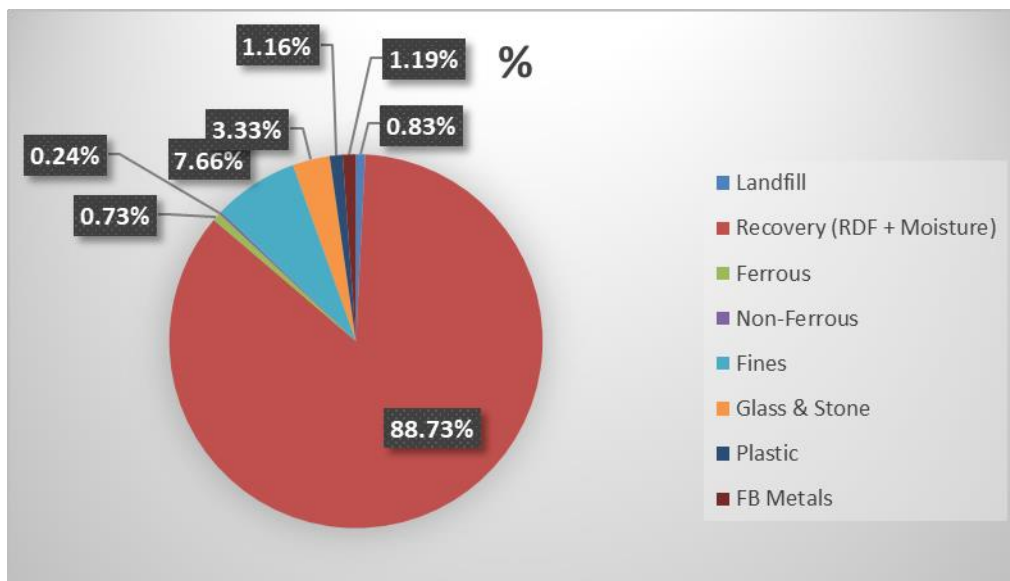
2.1.3. The amount of third-party waste being accepted is monitored and managed by the Contractor against Council delivered tonnage to ensure sufficient capacity to process and prioritise BDR waste. This will also allow for smoother acceptance of the priority waste from the Councils and increased reception pit cleaning as part of Renewi's fly management measures. Increased third-party waste is now being accepted by Renewi due to their continued good management of waste acceptance, pit management and reduced levels of Household Waste collected by the Councils.

#### 2.1.4. Process Outputs

**Table 3 - Year to date Bolton Road Process Outputs**

Contract Outputs	2021/22	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	YTD 2022/23
Landfill	2109.52	138.28	213.03	184.10	121.76	139.85	148.58	110.26	159.62	116.56	114.18	1446.22
Recovery (RDF + Moisture)	188769.97	16115.58	16350.50	14917.42	13189.72	15940.25	15058.65	15068.86	14603.22	15995.07	16792.40	154031.67
Ferrous	1397.50	129.23	135.03	89.15	100.34	132.69	127.05	105.13	129.72	92.91	114.32	1155.57
Non-Ferrous	333.18	24.43	62.66	37.66	23.34	40.77	40.21	28.16	37.24	42.92	40.84	378.23
Fines	12829.59	1216.58	1184.98	1102.57	967.94	1112.72	1019.65	791.82	884.23	938.62	980.22	10199.33
Glass & Stone	6741.93	565.30	625.06	576.32	606.30	501.32	354.95	452.51	528.81	387.40	668.52	5266.49
Plastic	3717.06	229.83	99.52	60.13	162.48	231.32	196.49	271.65	229.62	233.58	113.50	1828.12
Direct Delivered	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Recycling Sub-Total	25019.27	2165.38	2107.25	1865.82	1860.41	2018.83	1738.35	1649.28	1809.63	1695.43	1917.41	18827.79
Ferrybridge Metals	2321.35	194.82	195.18	184.52	155.04	195.76	186.40	186.50	179.20	201.93	205.78	1885.13
AWM-Recycling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fines CLO Uplift	2402.41	227.81	221.89	206.46	181.25	208.36	190.94	148.27	165.58	175.76	183.55	1909.87
Recycling Total	29743.03	2588.01	2524.32	2256.81	2196.70	2422.95	2115.68	1984.05	2154.40	2073.12	2306.74	22622.78
Outbound Total	215898.75	18419.23	18670.79	16967.35	15171.90	18098.93	16945.58	16828.40	16572.46	17807.06	18823.99	174305.69





### 2.1.5. Process Performance

**Table 4 - Year to date Bolton Road Process Performance**

Performance	2021/22	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	YTD 2022/23
Recycling (%)	14.96%	16.26%	15.74%	14.17%	14.59%	15.48%	14.10%	14.32%	13.63%	13.19%	13.75%	14.52%
Diversion (%)	98.09%	103.75%	104.51%	96.18%	90.98%	103.90%	102.00%	109.15%	95.05%	102.97%	101.01%	100.95%
Moisture Loss (%)	29.82%	30.76%	31.53%	29.64%	32.16%	30.05%	29.89%	30.06%	30.25%	28.94%	30.52%	30.38%

2.1.6. 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, in some months more processed material may leave the site than is received. The landfill diversion target is an annual target.

## 2.2 Complaints

**Table 5 - Complaints received by month**

2022/23	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	Total
Flies	0 (0)	0 (0)	0 (0)	3 (3)	4 (1)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	7 (4)
Noise	0 (0)	1 (1)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	1 (1)
Odour	0 (0)	0 (0)	0 (0)	0 (0)	7 (3)	2 (2)	0 (0)	1 (0)	0 (0)	0 (0)	10 (5)

(#\*) Classified immediately as unsubstantiated by the EA (Distance from site, wind direction, closeness to other sources, description of complaint levied (burning waste!) or Hygiene / lack of own fly management at complainant's address).

2.2.1. There have been no fly complaints since the last report, as fly numbers have continued to drop due to the colder weather. The EA visited Bolton Road on 2nd November to introduce the new regulatory officer.

2.2.2. There has been one odour complaint since the last report. The complaint was received via the Environment Agency. No issues were identified on site.

## **2.3 Acid Scrubber**

- 2.3.1 The acid scrubber dosing system work has been paused due to continued technical issues. pending further responses from JCBE on the operational efficiency of the system. Further updates will be available in February.

## **2.4. Damaged Pasteurisation Tunnel Walls**

- 2.4.1. Work of the AD pasteurisation tunnel repairs commenced in early December with additional core samples taken for concrete analysis. Much of the damaged concrete has now been cut out. Restoration of heating pipes was scheduled for January. The programme of works is forecasted to take 14 weeks. CLO deployments are currently on hold due to tunnel works; all pre-pasteurised material is currently shipping to Agriorganics.

## **2.5. BAT's - permit emission amendments**

- 2.5.1. Renewi have received a draft revised permit from the EA detailing the new required emissions levels. Renewi have formally written to the Councils to notify them that they believe this is a Qualifying Change of Law and therefore, once the changes in the permit have been analysed, there may be a claim for any additional resource/expenditure to meet the new permit requirements.
- 2.5.2. The BDR Team has asked for Renewi to provide detailed analysis of the changes and an in-depth explanation as to where (if any) payment is required from the Councils. The BDR team will undertake due diligence of any claim taking legal, financial, and technical advice from external experts to ascertain if payment is required or the claim is to be rejected.

## **2.6. Barnsley Transfer Station – Grange Lane**

- 2.6.1. Dilapidation Works - All delays work has now been completed. BMBC commissioned a survey of a schedule of conditions to record a standard for Renewi to keep the site in a good and tenable condition to the end of the contract, which is currently being reviewed by BMBC. Once the review is completed a variation to the BTS contract will be drawn up to agree the maintenance of the facility and more specifically, how the paintwork on the steel should be managed.
- 2.6.2. The POP's waste flow is now being delivered into BTS, this material is typically bulky waste and the volumes being delivered are taking up a full section of a bay. Duty of Care was completed at FCC who are accepting the POP's waste.

## 2.5 Health and Safety

2.5.1 Close calls are actively sought to be raised. By reporting issues where improvements can be made, or where expected levels of behaviour/working have not been maintained. it will increase learning and improve safety across the whole site. Up to January 2023 Renewi generated a ratio of 2.08% close calls raised per employee per month with a close out rate for the recorded actions of 45%.

2.5.2 5 minor accidents and 1 medical treatment in January.

2.5.3 7 false fire alarms in the month. 5 x activations in refinement due to high beam sensors picking up steam from the waste and 2 x AD linear heat detection. No actual fires recorded.

**Table 6 – Year to date Health and Safety**

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	97	2	0	0	0	0	0	0
May	93	4	2	0	0	0	0	0
June	100	1	0	0	0	0	0	0
July	62	0	0	0	0	0	0	0
August	86	3	0	0	0	0	0	4
September	90	1	0	0	0	0	0	3
October	143	0	0	0	0	0	0	0
November	115	0	0	0	0	0	0	0
December	62	0	0	0	0	0	0	2
January	137	6	0	0	0	0	0	0
<b>YTD Total</b>	<b>985</b>	<b>17</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>9</b>

## 3 Legal

3.1.1 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. The BDR Team and their external legal and financial advisers continue to work on major and minor variations to the contract to improve the overall service delivery, processes, performance, and contractual interaction between BDR and the contractor.

3.1.2 The BDR Team have submitted a formal request with Defra to apply for a transitional arrangement, for the length of the PFI contract, for the three councils to not be required to collect food waste separately from residual waste. The application has been made as the Waste Treatment Facility at Bolton Road delivers the required outcomes of a separate food waste collection, preventing organic material from entering landfill and instead procuring Compost like outputs. If successful the BDR Councils will be named in legislation as not being required to collect food waste separately.

### 3.1.3 Joint Insurance Cost Report

The content of the JICR remains rejected by the BDR team.

BDR team received a response from the Contractor and Marsh after our original rejection of the 3rd Joint Insurance Cost Report (JICR). An amended JICR has been received, taking into consideration some of the points raised in the rejection letter.

The BDR Team has again formally rejected the amended JICR and issued a letter outlining where we still disagree with some of the calculation used in formulating the JICR.

We anticipate receiving the 4<sup>th</sup> JICR in February/March 2023 and the BDR Team will maintain its approach (as per the previous three JICR's) and interpretation of the contract in relation to the calculation of the JICR

It should be noted that the BDR position on JICR is not unique and many JICR are not yet agreed. Further guidance from the Infrastructure Projects Authority (IPA) on the application of the contract in relation to JICR is expected although there is yet no indication of when this will be available. The BDR Manager has raised that IPA should ensure that MBTs should not be adversely impacted by the guidance.

#### 4 Financial

- 4.1 The 22/23 budget was approved at the Joint Waste Board (18<sup>th</sup> July 2022), and currently remains at the same level as 21/22 - £287,000.

**Table 7 - Operational Management Budget 2022/23**

<b>22/23 Budget approved by JWB</b>			
	2022-23 Budget	Forecast	Variance
Management	£132,000	£133,224	£1,224
Administration	£25,000	£20,683	-£4,317
Call off Legal	£65,000	£84,428	-£45,572
External Finance	£35,000		
External Legal	£0		
External Technical	£20,000		
Insurance Advisors	£10,000		
Call off Finance	£0		
Call off Technical	£0		
HWRC Project	£0	£0	£0
<b>Total</b>	<b>£287,000</b>	<b>£238,335</b>	<b>-£48,665</b>

<b>2022/23 BDR Recharge split</b>	
<b>BMBC</b>	<b>£74,971</b>
<b>DMBC</b>	<b>£74,971</b>
<b>RMBC</b>	<b>£88,368</b>
<b>Total</b>	<b>£238,310</b>
Small discrepancy in total v forecast due to year end accrual recharge	

- 4.1.1 Expenditure has been profiled and re-calculated to ensure the team meets all the anticipated workloads due in the 22/23 financial year.
- 4.1.2 Technical, Legal and Financial advice expenditure will be utilised to deliver the outcomes of the consultations on the Resource and Waste strategy for England. The BDR Team anticipates 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. The team will also use these resources to support BDR Councils for partnership working, including the HWRC re-tendering for a new contract in 2023 and supporting Councils as their waste management teams work towards any individual or joint impacts emerging from the Resource and Waste Strategy.
- 4.2 The BDR team will look to be prudent with any expenditure and will seek to make savings on the budget where possible.

4.3 As Outlined elsewhere in this report, additional resources have been procured (Technical Consultant) and will be recruited (Senior Technical Officer). The cost of these additional resources are anticipated to be :-

- Technical Consultants – circa £33,000 P/A for three years
- Senior Technical Officer – (with on-costs) £39,016 P/A for two years (nett £18,204 if Senior Contracts Officers vacant two days post remains unfilled)

It is anticipated that these additional resources will come into effect after 31/3/23 and this will require an increase in the 23/24 PFI operational budget.

## 5 Communications

5.1 **Press Releases** - In January, three press releases were issued. 1) Home composting phase 2 campaign. 2) Correct disposal of electricals including vapes. 3) Promoting clothes swap shops.

### 5.2 Community Education Liaison Officer (CELO)

5.2.1 From January 2023 there has been a reduction in CELO staff by 50% as the assistant CELO started her maternity leave. This will have an affect on the volume and types of CELO work that can be undertaken in 23/24 (as now there is only one member of staff). The 23/24 CELO plan is currently being drafted in collaboration with the Councils taking into consideration their desired areas of action coupled with the current staffing levels.

5.2.2 Social media: The following campaigns have been undertaken in the last quarter

- Composting at home
- Food waste reduction
- Composting Christmas trees
- Repairing clothes
- Reuse and recycling of tech items
- Four food waste reduction
- 'How it is recycled' video for metal and cans
- Keeping tissues and baby wipes out of recycling bins
- A post explaining carbon jargon busting
- Love Your Clothes campaign

5.2.3 Hubbub Campaign

**Barnsley** - Pilot campaign run has finished and a follow up survey has been completed.

**Doncaster** - Due to error in Doncaster survey, a further question was sent out to residents.

**Rotherham** - Work continued to get an appropriate number of Rotherham follow up surveys completed. The CELO agreed a date with Hubbub (15th February) at which point follow up surveys will be closed regardless of number of returns to allow for evaluation and design of the final campaign by the end of 22/23.

5.2.4 Home Composting Campaign - Seven winners were selected for the HotBin competition from a total of 660 entries. All the winners have now received their prizes.

5.2.5 Food waste campaign - analysis of the phase 1b data has begun and the results will begin to be compared to the baseline data in February 2023.

5.2.6 Spring 2022 waste composition reports have been submitted to the Councils and Autumn 2022 analysis completed.

## 6 Resources

- 6.1 The BDR team has 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. It should be noted that the increase in consultation activity from central Government departments is putting pressure on resources. Once the outcome of the consultations is known it is likely that more resources will be required to implement changes to contracts and services. It is difficult to predict the level of resources necessary now.

## 7 Joint working and BDR support

- 7.1 Listed below are the current projects and areas where the BDR team is helping to support the individual Councils or co-ordinate joint work:

### **BMBC**

- Additional support of new Garden waste contract due to legal negotiations with current supplier.
- Additional support of Paper and Card contract due to legal negotiations with current supplier.
- Facilitating completion of delays work at BTS.
- Working with BMBC on tipping protocols for Fires on Vehicles.
- Facilitating numerous non-contractual and contractual additional /new waste stream disposals.
- Facilitating sampling of non-contract waste streams.

### **DMBC**

- Assistance with the development of the Doncaster Environmental Strategy

### **RMBC**

- The BDR Manager is a Climate Change Champion for RMBC
- Assistance on Service and Team Plans for waste teams
- Assistance with Commercial Waste recycling - scoping and service engineering
- Assistance with HWRC re-tendering

### **B.D.R**

- Co-ordination, collation, and submission to numerous Government/Defra consultation for and around the waste sector.
- Solutions and progression of HWRC contract variation requirements
- Leading on procurement of new HWRC provision and solution post 2023 – new contract
- Lobbying Government on the delays on the R&WS outcomes
- Changes required due to Resource and Waste Strategy
- Pre-work on Strategic Review of SYMWS as requested at JWB
- Making application for transitional arrangement for Separate Food waste collection

## 8. Glossary of Terms

Term	Definition
<b>A2A (formerly Ecodeco)</b>	Italian company who research, design, construct, and manage plant and equipment for the disposal of waste.
<b>Anaerobic Digestion (AD)</b>	A series of biological processes in which micro-organisms break down biodegradable material in the absence of oxygen. One of the end products is biogas, which is combusted to generate electricity and heat.
<b>Compliance Assessment Report (CAR) form</b>	A CAR form is used by Environment Agency officers when assessing compliance with Environmental Permits.
<b>Compliance Classification Scheme (CCS)</b>	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
<b>Compositional Analysis</b>	Waste Composition Analysis is a study that provides essential information about the weight and type of each component waste material that is in any given waste stream. It firstly involves obtaining representative samples of these waste streams, then manually hand sorting into various pre-defined sort categories using the correct methodology, which are then weighed in each individual fractions in align with Waste Data Flow (WDF) municipal reporting each waste stream has its own European Waste Code (EWC).
<b>Compost Like Output (CLO)</b>	The processing of a waste stream by mechanical sorting and separation of waste into distinct fractions of biodegradable and non-biodegradable materials.
<b>Department for Environment, Food and Rural Affairs (DEFRA)</b>	The UK government department responsible for policy and regulations on environmental, food and rural issues.
<b>Duty of Care</b>	A legal responsibility to ensure that you produce, store, transport and dispose of your business waste without harming the environment.
<b>Environment Agency (EA)</b>	An executive non-departmental public Body responsible to the Secretary of State for Environment, Food and Rural Affairs for issues affecting the environment.
<b>FCC Environment</b>	One of the UK's leading waste and resource management companies.
<b>Facebook</b>	Facebook, Inc. is an American online social media and social networking service company.
<b>Ferrybridge Multifuel 1/Multifuel 2 (FM1/FM2)</b>	Multifuel Energy Ltd. (MEL) operates a new £300 million multifuel plant on land owned by SSE at Ferrybridge 'C' Power Station near Knottingley in West Yorkshire. This project is called Ferrybridge Multifuel 1/2 (FM1/FM2)
<b>Household Waste Recycling Centre (HWRC)</b>	A civic amenity site (CA site) or household waste recycling centre (HWRC) is a facility where the public can dispose of household waste and also often containing recycling points.
<b>Joint Insurance Cost Report (JICR)</b>	Set out the mechanism for the insurance review procedure and sharing of insurance.
<b>Joint Waste Board (JWB)</b>	The Statutory Committee comprising Portfolio Holders and Senior Officers with responsibility for waste.
<b>Mechanical Biological Treatment (MBT)</b>	A type of waste processing facility that combines a sorting facility with a form of biological treatment such as composting or anaerobic digestion. MBT plants are designed to process mixed household waste as well as commercial and industrial wastes.
<b>Persistent Organic Pollutant (POP's)</b>	Are chemical substances that do not break down in the environment. They are a danger to human health and the environment
<b>Private Finance Initiative (PFI)</b>	Mechanism for creating "public-private partnerships" (PPPs) by funding public infrastructure projects with private capital.
<b>Renewi BDR Ltd</b>	Following SSE's exit from Ferrybridge, Renewi now control 100% of the SPV. The new name of this business entity is Renewi BDR Limited
<b>Resource and Waste Strategy (R&amp;WS)</b>	A strategy which sets out how we will preserve our stock of material resources by minimising waste, promoting resource efficiency, and moving towards a circular economy.
<b>Solid Recovered Fuel (SRF)</b>	A fuel produced by shredding and dehydrating solid waste (MSW) with a waste converter technology.
<b>Waste Infrastructure Credits</b>	Awarded by DEFRA to incentivise local authorities to develop infrastructure to treat waste as an alternate to landfill.
<b>Waste Transfer Station (BTS)</b>	Facilities where municipal solid waste is unloaded from collection vehicles and briefly held while it is reloaded onto larger long-distance transport vehicles for shipment to landfills or other treatment or disposal facilities.
<b>Waste and Resources Action Programme (WRAP)</b>	WRAP works with governments, businesses and communities to deliver practical solutions to improve resource efficiency.

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<b>BRIEFING</b>	<b>TO:</b>	Barnsley, Doncaster and Rotherham Joint Waste Board
	<b>DATE:</b>	21st February 2023
	<b>LEAD OFFICER:</b>	Paul Hutchinson
	<b>TITLE:</b>	BDR PFI Project Risk Register
<b>1. Background</b>		
<b>1.1</b>	<p>Barnsley MBC, Doncaster Borough Council and Rotherham Borough Council (the <b>Councils</b>) entered into a principal agreement called the Project Agreement (the <b>PA</b>) in March 2012 with 3SE (Barnsley, Doncaster and Rotherham) Limited (the <b>Contractor</b>). 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>	
<b>1.2</b>	<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 <b>Operator</b>). The Operator produces solid recovered fuel (<b>SRF</b>) 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>	
<b>1.3</b>	<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>	
<b>1.4</b>	<p>The BDR Joint Waste Board last considered the risk register at its previous meeting on 5<sup>th</sup> December 2022. 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, last reviewed at the 31<sup>st</sup> December 2023 Meeting. Since the last Joint Waste Board meeting a deep-dive full review of all risks has been undertaken</p> <p>.</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.

There have been no Risks removed from the register.

The BDR Team and their PFI Contract Advisers (Legal and Finance) have undertaken their annual Deep-Dive review of the full risk register. Each risk is to be examined and reviewed to ensure it is still current, at the appropriate level and all consequence, control and management of the risk is appropriate.

### 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	8/9/2022	21/2/2023
Red	2	2	2	3	3	3	3	3	3	1	1	2	2	3	3	3	3	4
Amber	9	5	5	5	4	4	4	5	5	7	7	7	8	6	6	5	5	5
Green	4	8	8	8	9	9	10	9	9	9	9	9	9	11	11	12	12	11
Total	15	15	15	16	16	16	17	17	17	17	17	18	19	20	20	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	8/9/2022	21/2/2023
Red	0	0	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	3	3
Green	8	10	11	11	11	11	13	13	13	14	14	14	15	17	17	17	17	17
Total	15	15	15	16	16	16	17	17	17	17	17	18	19	20	20	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.
<b>3. Key Actions and Timelines</b>	
<b>3.1</b>	<p><b>Monitoring</b></p> <p>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.</p> <p>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.</p>
<b>4. Recommendations</b>	
<b>4.1</b>	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 - <b>waste volumes change</b>	Potential to impact on the performance of the plant. Potential to impact on the Third Party Revenue Share due to the Councils. Implications on PFI Credits. Implications on Inter Authority Agreement.	Inter Authority Agreement measures. Significant collection change clause in the PFI Contract. Current WIDP/DEFRA position in terms of Credit Allocation position requires BDR to abide by the terms and conditions in the 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	01/04/23	↔
9 (CSS13)	Changes in Government Law/Regulations including W&RS ( <b>Legislative Change</b> )	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	01/04/23	↔
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	4	4	16	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. Councils to have a Joint Waste Strategy	2	1	2	BDR MANAGER	01/02/23	↑
23 (CSS13)	Changes in Technology due to innovation or Government Law/Regulations (Carbon Capture) <i>at Energy from Waste Plant</i>	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.	5	3	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."	3	1	3	BDR MANAGER	01/02/23	↔
17 (CSS13)	Contractor is in Contractor Default due to financial failure of contractor	Funders assess the position and decide whether to step in and avoid Contractor Default. If they do not then the Contractor could be terminated by the Councils.	Contractor to limit exposure to unnecessary costs and protect income during any negotiations of change. Councils have standard HMT approved contract drafting to manage termination process.	4	3	12	Ensure appropriate application and understanding of the contract. Continue to maintain a good contractual relationship with operator and key staff.	4	3	12	BDR MANAGER	01/04/23	↔
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	01/04/23	↔
20 (CSS13)	Lack of skills and resources in the waste sector	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	Ensuring long term resources and man-power planning monitored and maintained. Ensuring workforce and resources are primarily UK based.	3	3	9	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	01/04/23	↓
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.	2	2	4	BDR MANAGER	01/04/23	↔

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 to MBT process. AD issues.	3	3	9	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	01/04/23	
2 (CSS13)	Contractor default needing emergency action and/or leading to contract termination.	Service disruption. Temporary full or partial closure of facilities.	A series of performance bond and Parent Company Guarantees exist to provide and/or pay for interim/alternative arrangements to be made. Funders would work with BDR to bring in a new contractor to deliver the service. Contingency arrangements may be implemented in the short term. Robust contract monitoring procedures	4	2	8	Ensure monitoring staff are sufficiently skilled to manage this situation. Liaison with other PFI Contract Managers, knowledge transfer	3	2	6	BDR MANAGER	01/04/23	
19 (CSS13)	UK having exited the European Union impacts on supply chain	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	01/04/23	
6 (CSS13)	Serious injury/death of a member of staff or public through service operation (MAJOR INCIDENT AT ITS/AD)	Personal tragedy. Health and Safety Executive intervention. Possible service disruption. Possible corporate liability offence	Contractor has completed and regularly reviews full Risk Assessments. Staff training. H&S Inspections, Contract Monitoring and performance deductions for non compliance. External Audit has been undertaken by Consultants and RMBC Health and Safety Team Regular monitoring of the Contractual requirements in relation to Health and Safety Consistent application of the Payment Mechanism	4	2	8	Regular visits by health and safety officers. Quarterly health and safety meetings.	4	1	4	BDR MANAGER	01/04/23	
7 (CSS13)	Obtaining required terms for Insurance is difficult due to market conditions - <b>Insurance costs increase</b>	There is a lack of Markets for insuring waste plants	Robust fire strategy, latest technology for fire suppression. Fire plan signed off by insurers BDR Technical advisors and Independent Certifier. Regular fire drills. Contractor liaison and education of insurance markets. Contractual position on insurance. Implementation of fire improvement works. 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	01/04/23	
10 (CSS13)	Environmental Impact to Local Area from Noise/Odour/Fly/Vermis etc ( <b>Compliance</b> )	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 or fly management on site couples with data showing dramatic reduction in fly numbers inside the plant. EA have also identified poor fly management elsewhere in the deame 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	01/04/23	
11 (CSS13)	Failure of plant equipment results in withdrawal of credits ( <b>Review of WICS</b> )	Reputational damage and adverse publicity emanating from poor performance of state of the art facility. Potential for Local/National interest. Budget impact	Regular contract meetings/Monitoring and review procedures/Contingency facilities in place/Performance deduction. Step in provisions exist. It is likely that the Funders would step in an appoint another Contractor if performance is poor. Alternately the Councils could step in until the Contract could be retendered	3	2	6	Ensure monitoring staff are sufficiently skilled to manage this situation. Liaison with other PFI Contract Managers, knowledge transfer close liaison with DEFRA. Contractor has improved the refinement and is introducing further measures to ensure plant performance continues to improve	3	1	3	BDR MANAGER	01/04/23	
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	01/04/23	

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 Insurere 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	4	1	4	Robust case against Uninsurable argument. Ensure Contractor completes the fire improvement works. For 2022, improvements seen in ability to place insurance, and breadth of insures willing to insure BDR	4	1	4	BDR MANAGER	01/04/23	
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	01/04/23	
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	2	4	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	1	2	BDR MANAGER	01/04/23	
4 (CSS13)	Fraud	Contractor could attempt to charge for more than they are entitled to/Client team could collude with Contractor	Process for checking Tickets from each Council is in place. Financial and Legal Officers form part of team. Information shared across all 3 Councils Direct debit mandate is in place for Barnsley and Doncaster to pay Rotherham. All deductions are accounted for in line with the IAA3. Guaranteed minimum tonnage requirement for the Councils. Regular reports to Steering Group/Joint Waste Board. Systems in place to pay the Contractor Internal and External Audits undertaken	3	1	3	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	3	1	3	BDR MANAGER	01/04/23	

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
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	3	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	5	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

**Notes from the meeting of Community Liaison Group on Tuesday, 9 August 2022, at 6pm at the Manvers site.**

**Attendance**

Kath Johnson, Steve Emmett, Trevor Gouldin, Pete Finnegan

**Non-members**

Simon Lund, Renewi BDR Contract Director

Paul Hutchinson – BDR Manager (acting Chair)

Daniel Tadd, Renewi Operations Manager

Abi Reid, Community Education Liaison Officer

Rebecca Wilson, Assistant Community Education Liaison Officer

Cllr James Higginbottom – Barnsley Council

Jill Ward, JWSMedia

**Apologies**

Cllr Mark Houlbrook, Rob Nicholas

Written updates from Renewi, BDR, the CELO and JWSMedia had been circulated previously. Brief summaries and further updates were given verbally at the meeting and CLG members had the opportunity to ask questions.

**1. Welcome and introductions.** The acting Chair welcomed everyone to the meeting, including Cllr James Higginbottom, the new Cabinet Member for Waste and Recycling at Barnsley Council.

**2. Notes from the last meeting on 10 May 2022.** These were agreed as a true record.

**3. Issues arising.** There were none.

**4. Renewi BDR Ltd update**

The Renewi BDR Contract Director summarised and updated his written report. Covid cases remained moderately high through May and into June peaking at six positive infections. This number has now fallen to two active cases at the time of writing. Operations were unaffected during peak absences periods.

Contract waste inputs have remained lower than forecast in the quarter with a total of 52,328 tonnes received. This is 1070 tonnes lower than the previous quarter. The overall annual forecast has been reduced from 217,000 tonnes to 214,000 tonnes. Total waste handled in the quarter, including non-contract waste was 55,547 tonnes.

Recycling dipped slightly in the quarter to 15.38%. The performance was affected by lower fines recovery and limitation placed on recovered plastic off take. Moisture loss has continued to perform well with the 3-month average at 30.64%. Moisture loss is assisted by weather conditions during the warmer months.

The silencer section of the de-dusting stack was installed in July following damage incurred in January. The de-dusting system is now fully functional.

The second of our new apprentices started work at BDR in July. Both apprentices will commence their studies at Sheffield college in September.

Further to an appraisal of shutdown frequency at the Ferrybridge EFW facilities, the previously reported October shutdown at FM1 has been cancelled. The outage at FM2 planned for May 2023 remains on plan.

A CLG member asked about the reduction in black bin waste collected and whether the decline in tonnage affected the BDR waste contract. It was explained the plant was operating well above minimum levels and that contingency plans were in place to address any shortfalls should they occur.

A CLG member reported comments on Social Media regarding flies in the area but said it was not certain they were coming from the Manvers site. The member asked if a door at the plant had recently failed but was informed this was not the case.

CLG members raised concerns about unpleasant smells in the area which were felt to be coming from the plant. There was a long discussion on the issue. It was explained the change to woodchip bio-filters had led to a reduction in complaints about odours and the plant now received very few. The Environment Agency had been on site and was satisfied with how it was run.

CLG members accepted there was little the plant could do about odours given the nature of the operation. They felt the plant had been sited in the wrong location and that it was the responsibility of the Local Authorities to address the issue.

It was agreed to look at the odour complaints raised at the meeting.

A CLG member raised concerns about waste falling out of inadequately sheeted waggons delivering to the plant. It was agreed to raise this with the company concerned and to monitor for litter on approach roads to the site.

**Action: Quarterly figures on waste received and amount recycled to be reported at each CLG meeting.**

**Action: Look into the odour issues raised at the meeting.**

**Action: Liaise with companies regarding adequate sheeting of waggons.**

### **5. The Councils' BDR Team**

The BDR Manager summarised and updated his written report The BDR Councils continue to successfully deliver waste services and collect waste streams as scheduled. The exception was during the unprecedented heatwave experienced a few weeks ago. To ensure collection crews' safety against heat exhaustion during the height of the heat experienced, some later in the day collections had to be postponed to the following days. All collections were completed within the week they were due.



There still remains significant pressure on maintaining collections across the three Councils due to a national reduced availability of HGV drivers. Plans remain in place to look to maintain staffing levels but there are long waiting times for new drivers to take their HGV driving tests. In addition, there is a heightened risk (as with all services and workplaces) of possible industrial action over rates of pay, especially with inflation being over 10% and the increased cost of living. Unions are in negotiations with employees at this current time.

The councils continue to see a lowering of household waste tonnages collected and it is anticipated that the trend will reduce back down to pre-Covid levels. This could be an effect of more residents returning to the workplace and less home working, but it is also believed the current cost of living crisis is seeing less waste produced as we all tighten our belts, make do and mend, and look to ensure we only buy what we need and throw away less unused food or fast fashion and cut back on luxuries.

Household Waste Recycling Centres (HWRCs) continue delivering a full normal service, and from April through to the end of September are on longer summer opening hours. The Councils are currently reviewing what HWRC provisions can be delivered in anticipation of when the current contract to run the service is renewed in October 2023. A public consultation was launched and widely publicised and runs across June and July. It is anticipated that by consultation close we will have received circa 4,000 responses. We have also undertaken Soft Market Testing with service providers, to help understand the current market. Analysis of both Consultations and Soft Market Testing, as well as input from each council's Political Leadership and Senior Management Team will help shape the future service offer. It is anticipated that Invites to Tender will be issued September 2022, evaluation of Tenders will occur December to February, Contract Award due in March or April, and mobilisation of the new contract April to October (go-live of the new contract).

The Environment Bill entered into UK law in November 2021 and secondary legislation from the Act is anticipated to be laid in Autumn/Winter 2022. It will be this secondary legislation that will drive policy and legislation changes which will have a major impact on Councils and how they have to deliver their waste collection and disposal services. After four major consultations around the Resource and Waste Strategy, the Government has still only published one set of findings and recommendations. The BDR Councils have lobbied the Government directly, highlighting that the delay in publishing responses to the consultation and any new or changed legislation requirements is seriously impacting the Councils' ability to plan, budget and maintain a continued high standard of service delivery in the future. It is hoped the remaining reports will be published in Summer/Autumn 2022.

The Government has launched several further consultations to shape resource management in the future. The BDR Team and Councils have, and will, respond accordingly to ensure the appropriate responses from the Councils and that the service delivery for residents is made clear. More consultations are expected as reports from previous consultations are published in the future.

Members of the CLG reiterated their wish that in awarding the new HWRC contract there should be consistency across the Councils so that BDR residents could use HWRCs in all three areas.

Cllr Higgingbottom said the Councils were in discussion on this issue and he was keen to get a cross-border agreement in place.

## 6. Community Education Liaison Officer

The CELO summarised and updated her report. The team recently ran the annual home composting campaign to encourage residents to consider composting their garden and food waste. Regular social media posts were made on the Waste Less South Yorkshire accounts, blogs on the website and a press release about the campaign. There was also a giveaway to win a HotBin composter. This year the number of prizes was increased from three to seven (2 each for Barnsley, Doncaster, and Rotherham and 1 for Sheffield). Almost 600 entries were received to the competition. Because of the success of this campaign, and, at the request of the Councils who suspend garden waste collections over the winter months, there will be another composting push and competition later in the year (October/November) and will continuously post seasonal composting content throughout the year. Home Composting continues to be one of the most popular topics in terms of blogs and engagement through social channels.

Further to this, reusable items for our community to test have been given away. So far, beeswax wraps (an alternative to cling film) and LastTissues (a reusable pack of facial tissues) have been given away. The campaign received honest feedback from the community on these items, which has been posted on social media pages. The next two items to be tested are Ocean Saver refillable cleaning products and Cheeky Wipes reusable baby wipes. Regular content has been posted on our social media pages about reducing, reusing, recycling, and composting. This can be followed on [Facebook](#), [Twitter](#) and [Instagram](#).

As food waste is one of the biggest contributors to climate change and with the rising costs of food, we are currently in the process of piloting a major food waste reduction campaign in selected areas in Barnsley, Doncaster, and Rotherham. WRAP have agreed to help with one of the interventions and surveys. As part of this campaign food waste sampling has been undertaken in four areas followed by a survey of people's fruit and vegetable storage habits and three of these will be receiving a food storage intervention by post in August. The interventions are designed to get people to store fruit and vegetables correctly so that this lasts longer. We will then repeat the sampling and surveys at 3.5 month and 7-month intervals to see the effects of the interventions and the natural effect of the cost-of-living crisis over this time. We will share the results of this once the project has completed at the end of March 2023. This is the first phase of a planned three-year food waste prevention campaign.

Our public site tours are back and are already proving popular. Since April we have had 22 members of the public join our site tours and our September tours are nearly fully booked. For more information about the site tours, including dates and how to book on, please visit <https://www.bdronline.co.uk/get-involved/take-tour-bdr-waste-treatment-facility>.

We have also taken part in some education sessions including a careers 'speed dating' event at Wath Academy to talk to the year 8 students about working in waste and are due to have a visit from the Rotherham Youth Cabinet at the beginning of August to have a bespoke

session about the facility, climate change and the circular economy. If you want more information about the school workshops, please contact Rebecca.

## **7. Communications update**

Contact detail information for CLG members has been reviewed as requested at the May CLG meeting. There was notification of a change to the Waste and Recycling Portfolio holder at Barnsley Council from Cllr Lamb to Cllr James Higginbottom.

Press releases on the winners of the CSR Fund, Mexborough Food Bank's use of its CSR funding, the safe disposal of disposable BBQs and the winners of the Hotbin composter competition have been issued to local, regional, and broadcast media. They have been posted on the BDR website and circulated to the three local authorities. There was a focus on Mexborough Foodbank's use of the CSR funding which will help to promote greater awareness around food labelling and best before and sell by dates to help reduce food waste – something the waste campaign group Wrap are keen to promote. We have continued to liaise closely with local authority comms and waste teams.

## **8. Any other business**

A CLG member criticised the amount of community funding offered annually through the CSR Fund and said the £6,000 figure was insufficient and should be increased. The member said some funding applicants had complained to him they had not been contacted after submitting their application.

In response it was pointed out the commitment to donate to charity was part of the BDR/Renewi contract – which was currently making a loss, but that any contribution to local charities should be welcomed. In addition to the CSR funding, staff at BDR/Renewi also volunteered their time to work with local community organisations.

A check will be made on the responses given to all 31 of the CSR Fund applicants. It was pointed out that many of the applications did not meet the funding criteria but that unsuccessful applications had been notified by email.

### **Action – check on the responses given to the unsuccessful CSR Fund applicants.**

The acting Chair said the CLG Chair was normally a group member and asked if any member of the CLG wished to take on the role. No CLG member expressed an interest. The acting Chair said the BDR Managers were happy to Chair the meetings but asked for the issue to be discussed again at the next CLG meeting.

### **Action – Appointment of CLG Chair to be discussed at the next CLG meeting.**

**9. Date, time and venue for next meeting** this will be at the Visitor Centre at Manvers on Tuesday 22 November 2022 at 6pm.