

BARNSELY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD
Monday 26 June 2023

Present:- Councillors Higginbottom (in the Chair), Beck and Houlbrook. Also present were officers Kelly Hopkins, Sam Barstow, Paul Hutchinson, Beth Baxter, and Rhonda Fletcher.

Apologies for absence were received from Paul Castle, Gill Charters, Matt O'Neil, Dan Swaine, and Paul Woodcock.

1 MINUTES OF THE PREVIOUS MEETING HELD ON 6 MARCH, 2023, AND MATTERS ARISING (COPY ATTACHED)

Resolved:- That the minutes of the meeting held on 6 March 2023 be approved as a true and correct record of the proceedings.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 EXCLUSION OF PRESS AND PUBLIC

Resolved:- That, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for Agenda Item 9 (Restricted Items) as it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

4 JOINT WASTE BOARD

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

The paper further how the functions of the Joint Waste Board would be delegated to the BDR Steering Committee and the BDR Manager in order to efficiently discharge the day-to-day decisions required under the Principal Contract. All decisions of the JWB, BDR Steering Committee and the BDR Manager would be made in accordance with the provisions of the prevailing Inter-Authority Agreement. In

accordance with the IAA, the appointment of Chair and Vice-Chair of the Board rotated on an annual basis.

Resolved:-

1. **That Councillor James Higginbotham of Barnsley MBC be appointed as Chair of the Barnsley, Doncaster and Rotherham Joint Waste Board for the 2023/24 municipal year.**
2. **That Councillor Mark Houlbrook of Doncaster MBC be appointed as Vice-Chair of the Barnsley, Doncaster and Rotherham Joint Waste Board for the 2023/24 municipal year.**
3. That, 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 be delegated by the Joint Waste Board to the chair of the BDR Steering Committee (the "Authorised BDR Steering Committee Member").
4. That it be noted that the Authorised BDR Steering Committee Member may elect to delegate certain decisions to the BDR Manager.
5. That it be noted that 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).
6. That Rotherham Metropolitan Borough Council's representative officer on the BDR Steering Committee, Sam Barstow, be the Authorised BDR Steering Committee Member for 2023-2024.

Before handing over the chairmanship, Councillor Beck wished to place on record his thanks to the officers and elected Members that had supported him during his time as Chair. The Board placed on record their thanks to Councillor Beck for chairing meetings of the Board for the previous year.

Councillor Higginbotham then took over as Chair for the remainder of the meeting.

5

BDR MANAGER 2022-23 ANNUAL REPORT

Consideration was given to the Annual Report which had been circulated prior to the meeting and highlighted the following issues relating to the Joint Waste Private Finance Initiative for the period April 2022 to March 2023:

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

With regard to contract delivery, it was noted that the two primary monitoring metrics for the contract are recycling performance and diversion from landfill. The recycling performance contractual target had been set at 17.5% (default-termination trigger below 10.5%) and diversion of waste from landfill of more than 96.64% for 2022/23. 2022/23 the facility at Bolton Road achieved a recycling rate of 14.47%, which represented a decrease of 0.49% on the 2021/22 rate. This recycling rate included all material presented to the market for recycling from the BDR waste treatment contract. In the same year, the facility achieved 99.13% diversion from landfill, an increase of 1.04% on the previous year.

Members considered the proportion of waste delivered from April 2022 to March 2023 and the variance between the initial forecast and the final year end forecasted Unitary Charge amount invoiced, which totalled 207,740 tonnes and represented a decrease of 4.68% on the previous year. This was attributed to the removal of COVID-19 measures, ongoing home working and the cost of living crisis.

It was reported that a total of 17 complaints were received during 2022-23, which represented a 22.7% decrease from the previous year. Members noted that the new fly management system was proving to be highly effective with fly numbers regularly at a third of those reported in 2020/21.

Operational Management Budget expenditure in 2022/23 was underspent by £49,742 and it was reported that most of the savings came from the prudent use of external consultants. It had previously been anticipated that such knowledge and expertise would be required to implement operational changes and potential variations to the contract arising from central Government's Resource and Waste Strategy for England, but delays in the publication of this had meant that it had not been required.

The report proposed the Board approve an increase of the operational budget for 2023/24 from £287,000 to £340,000. It was explained that part of the increase had already been approved by the Board for the recruitment of additional staff, but the remaining increase was for the potential need to commence negotiations on the impact of the Resource and Waste Strategy for England, cover costs for ongoing work to implement operational changes, potential variations to contracts and resolution of any potential disputes, support of BDR

councils over all aspects of the HWRC contract and supporting individual/joint Councils work towards any individual impacts emerging from the Resource and Waste Strategy.

It was noted that the forecasted Unitary Charge for the 2022/23 financial year had totalled £25,582,890.47 and that the BDR Partnership received Waste Infrastructure Credits from DEFRA to the value of £5,962,016.00 in 2022/23.

In receiving the report, Members sought reassurances in respect of the methane release incidents and the environmental impact associated with that and what likelihood there was of future incidents. Officers confirmed that the release occurred as part of the safety mechanism built into the system, but the releases had been within the tolerances as part of the safety mechanism and had been reported to the Environment Agency. This had not been regarded as a major incident and had not required reporting under RIDDOR.

Members thanked officers for the report and wished for their thanks to be conveyed to all officers involved in supporting the partnership.

Resolved:-

1. That the report be noted.
2. That approval be given to the operational budget of £340,000 for 2023/24 financial year.

6 CURRENT ISSUES

Consideration was given to the following issues:

- Persistent Organic Pollutants (POP's)
- Best Available Technologies (EA Permit)
- WRAP Food waste initiative

It was noted that POPs place a greater burden on the service, and this would have a financial impact. POPs received through Household Waste Recycling Centres had previously been disposed of through landfill, but due to legislation changes, new disposal treatment was required and a new facility incorporating shredding with incineration had been secured and would ensure compliance with law.

With regard to Best Available Technologies, it was noted that the Environment Agency had tightened up the emissions that are allowed from the facility and changes to the EA permit has reduced the level of emissions from anaerobic digestion process. Officers confirmed that a consultant had been engaged to examine options available to minimise any costs that may be incurred in future compliance. It was noted that

an initial claim had been received from Renewi, but officers had sought additional information. It was noted that the level of risk associated with this was unknown.

It was noted that work was continuing with WRAP to minimise food waste and surveys had been issued, but officers were not in a position to report back on how successful that initiative had been but hoped to be in a position to do at the next meeting of the Joint Waste Board.

Resolved: That the updates be noted.

7 RISK REGISTER

Consideration was given to the risk register for the partnership and officers highlighted that there had been no new risks identified and added to the register, and there had been no risks removed from the register. The overall position for June 2023 was summarised as follows:

RAG Rating	Target Rating	Current Rating
Red	0	4
Amber	3	5
Green	17	11
Total	20	20

It was noted that the PFI project risk register was reviewed by the BDR Steering Committee every six weeks and reported corporately via the individual Council's risk registers. Additionally, the BDR Manager reported to the Joint Waste Team and drew attention to issues to allow internal challenge. The BDR Manager and the Councils' core contract management team also review and update the risk register on a six weekly cycle to ensure risks are able to be effectively monitored and managed.

Resolved: That the risk register be noted.

8 RESTRICTED ITEMS

Consideration was given to updates provided in respect of:

- Joint Insurance Cost Report (JICR)
- Power Gainshare Payment
- HWRC procurement Update
- Separate Food Waste Collection Transitional Period

Resolved:- That the updates be noted.

9 INFORMATION ONLY ITEMS

Resolved:- That the minutes of the Community Liaison Group meeting held on 22 November 2022 be noted.

10 DATE, TIME AND VENUE FOR THE NEXT MEETING

Resolved:- That the next meeting of the Joint Waste Board take place on 4 September 2022 at 9.30am in Rotherham Town Hall.