

BARNSELY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD

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

Date: Thursday 14 March 2024

Time: 10.00 a.m.

A G E N D A

- 1. Apologies for absence**
- 2. Declarations of Interest**
- 3. Minutes of the previous meeting held on (copy attached) and matters arising (Pages 2 - 6)**
- 4. BDR Managers Report (Pages 7 - 17)**

- Governance
- Contract Delivery
- Legal
- Financial
- Communications
- Resources – Staffing
- Noise Complaint update
- Emissions Trading Scheme

- 5. Partnership Working (Pages 18 - 20)**

Working together for the future

- Waste & Resource Strategy
- Legislation Changes affecting services.
- Policy Update – Timeline

- 6. Risk Register (Pages 21 - 26)**
- 7. Any Other Business (Pages 27 - 30)**

For Information Purposes Only
Community Liaison Group Meeting Minutes

- 8. Date, time and venue for the next meeting**

The next meeting is scheduled for Tuesday 2 July at 10.00am at Rotherham Town Hall.

BARNSELY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD
Monday 4 September 2023

Present were Councillor James Houlbrook (in the Chair), Cllr Dominic Beck and Cllr Kevin Osborne, representing Cllr Higginbottom. Also present were officers Beth Baxter, Paul Castle, Barry Connolly, Rhonda Fletcher, and Lee Richardson.

Apologies for absence were received from Councillor James Higginbottom, Sam Barstow, Gill Charters, Kellie Hopkins, Nigel Naisbitt, Matt O'Neill, Dan Swaine, and Paul Woodcock.

11 DECLARATIONS OF INTEREST

There were no declarations of interest.

**12 MINUTES OF THE PREVIOUS JOINT WASTE BOARD MEETING HELD
ON 26 JUNE 2023 AND MATTERS ARISING**

Resolved:- That the minutes of the previous meeting on 26 June 2023 be agreed as a true and correct record of the proceedings.

13 BDR MANAGERS REPORT

Consideration was given to a report presented by the BDR Manager, which presented an update on team initiatives and recruitment efforts. The presentation noted that a paper would be taken forward to the steering board regarding the future makeup of the BDR team. The presentation further noted the tonnage processed through the site, facility and recycling performance, and diversion statistics. Complaints were low, and updates on the ongoing need for acid scrubber work within the anaerobic facility were provided, and work was ongoing with the Renewi subcontractor regarding work to ensure emissions of the facility comply with legislation changes.

Members sought clarification of any progress in discussions around the contractual responsibility for the costs associated with the changes. The response from the BDR Manager noted that the Service was building the case that although more monitoring equipment may be needed, the standards required under the changing legislation should be already possible within the design parameters of the site.

Members sought further clarification around the effect of the damage to the pasteurisation tunnels on performance of the facility. The response from the BDR Manager noted that if there were issues, Renewi would be responsible to put these right.

A review of works to address dilapidation works was planned regarding the Barnsley transfer station. Health and safety had also recorded close calls, which showed evidence of a robust health and safety process.

Members sought further detail regarding the nature of the close calls which had been recorded. The response from the BDR Manager noted the operational governance process around review and close out done on a quarterly basis. The BDR Manager offered to include in future reports the top three trends regarding close calls to show the nature of these and actions taken.

The current position regarding insurance of the site was also described, and it had been affirmed that there reason to believe the site would be reinsured. It was also noted that the budget was closely managed and was currently underspent, in part in relation to recruitment to posts.

Members requested clarification around whether DEFRA's announcement of delays would change the budget plans for communications campaigns regarding the changing requirements. The response from the BDR Manager noted that there had been some work done in preparation for a joint contamination campaign, which had been considered but had not been agreed to be done. The CELO budget was only available to be spent on an annual basis with agreement from communications and operations teams. There would a temporary reduction in availability of communications team members.

Regarding resources, the presentation noted that the consultation was still ongoing, and much was not yet known.

Resolved:-

1. That the report be noted.

14 CURRENT ISSUES

Consideration was given to a verbal update on current issues presented by the BDR Manager. The updates highlighted landfill diversion incentive and BDR team resources. The update described that BDR had negotiated a slightly different landfill diversion incentive, because there was more specification needed around diversion of plastics. New technology was being considered, but processing was currently more expensive than landfill. A paper was being taken to steering committee to determine the way forward. The update emphasised that the team would undertake the great deal of work necessary to ensure a good understanding of the requirements was developed and timely negotiations were completed prior to implementation.

The Chair noted the need for specialist posts and the importance of getting the right people for this level of specialised work.

Resolved:-

1. That the updates be noted.

15 PERSISTENT ORGANIC POLLUTANTS (POP'S)

Consideration was given to a verbal report from the BDR Manager regarding Persistent Organic Pollutants (POP's). The update noted the successful negotiation which had occurred to pay for the disposal of the POP's. Within the PFI contract, the BDR team had negotiated a reduction in the cost of disposal.

The Waste Manager from Barnsely noted the basis in existing legislation the effect of which required authorities to pay as much as six figures or more to deliver. The Chair affirmed the importance of partnership working and the need to identify PFI areas for potential savings within each authority.

The BDR Manager noted the action to work with the Waste Infrastructure Development Programme to pull together a letter to lobby government.

The Chair emphasised the individual local authority lens on the issue as well as joint approach. The Head of Street Scene for Rotherham suggested that there was support within the service to discuss the financial and service impact of the issue in a wider officer forum as appropriate.

Resolved:-

1. That the report be noted.

16 CHANGE IN LAW (FUTURE PLANNING)

Consideration was given to a presentation by the BDR Manager which summarised changes in statutory requirements governing the delivery of waste contract partnership working since 2017, based on European law, and including future changes anticipated through 2025. In 2022 new environmental targets were published. This year included bans on particular kinds of waste, including POP's going to landfill, and the Waste Prevention Programme for England was released, and the first review of the 25-year Environment Plan was published in July 2023. There was also delay regarding Extended Producer Responsibility payments. It was noted that this was an opportunity to come to understanding of the implications of future changes.

Future changes expected included digital waste tracking from 2024 which would introduce changes to how the Service collates information. Preparations for the South Yorkshire Waste Strategy Review were upcoming and would involve a paper to steering committee with proposals which would be submitted to a future meeting of Joint Waste Board. Delays for payments, and Extended Producer Responsibility fees will change, as high quality materials may be lost through the

implementation of the Deposit Return Scheme in 2025. Consistency of collections were also unknown. As far as food waste collections, BDR were not required to do this until 2040. 2028 will bring potential costs regarding the inclusion of Energy from Waste in the UK Emissions Trading Scheme, a near-elimination of biodegradable waste to landfill, and in 2030 there will be a ban on new diesel and petrol cars which will impact service delivery.

Resolved:-

1. That the presentation be noted.

17 PARTNERSHIP WORKING

Consideration was given to a presentation by the BDR Manager regarding working together in partnership for the future in regard to Waste and Resource Strategy, legislation changes affecting services, and the South Yorkshire Municipal Waste Strategy.

In discussion, Members requested further clarification regarding the focus on South Yorkshire Waste Plan Strategy, which is likely to be delivered by Planning rather than Environment. The response from the BDR Manager noted that the memorandum of understanding for the development plan sets principles in place for a facility being submitted through Planning. The Heads of Planning had received a paper regarding this, and all of the relevant embers were being engaged. The arrangements had been reviewed by Legal and would be transparent for all councils.

The Chair noted that the Policy is Planning led at Doncaster and it was in a good stage to be submitted. There were similar arrangements to be made in Rotherham, and members sought to know if there was an active strategy in place since the previous strategy expired in 2021. The response from the BDR Manager noted that the South Yorkshire Waste Strategy covered many of the previous strategic approaches, and build upon previous strategies. This was on hold whilst consultations were conducted around augmentation of the previous 2018 strategy. The team had looked at the South Yorkshire Waste Strategy in depth against the 2018 strategy and against the Environment Act, and an easier to understand, reader-friendly format was needed in a paper for the steering committee with recommendations.

Members also sought clarification regarding the planning aspects of the document, and it was desired that someone from Planning attend the next BDR meeting to discuss the planning element. The response from the BDR Manager noted that the Planning Managers had been brought up to speed regarding the memorandum of understanding. A meeting with the Doncaster lead and internal Rotherham officers and Cabinet Members would be held. A cross-portfolio approach would be taken to include Planning.

Officers also noted that early 2024 councils have to register which officers have to be responsible for those payments, and in late November 2024 there would be further action regarding payments by the operator, with receipt of payments in 2025. Ensuring waste management services are efficient and effective will maximise these payments.

Members noted that communicating the importance of the changes and the implications regarding what that means for service users and clarification around acronyms was a desired approach.

Resolved:-

1. That the report and discussion be noted.

18 RISK REGISTER

Consideration was given to a report presented by the BDR Manager in respect of the risk register. The report showed that there were no new risks, and that the main risks associated with service deliver had to do with the changing legislation. There was also anticipation of the resolution of the risk regarding insurance finalisation, which would be resolved during December.

The Chair noted the risks associated with changing legislation were a permanent fixture on the register.

Resolved:-

1. That the report be noted.

19 ANY OTHER BUSINESS

The Chair confirmed there were no further items of business requiring discussion at the meeting.

20 DATE, TIME AND VENUE FOR THE NEXT MEETING

Resolved:-

That the next meeting of the Barnsley, Doncaster and Rotherham Joint Waste Board will be held on 11 December 2023, commencing at 1.30 pm in Rotherham Town Hall.

BDR WASTE PFI
BDR Manager update report
March 2024

1. Governance

- 1.1. Contract Data - Performance reports are produced by the contractor on the 15th of each month, including information up to the end of the previous month. As this JWB meeting is held on the 14th March 2024, the contractor's data supplied will only include information up to 31st January 2024 (February contractual information will not be received until the 14th March 2024). 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 work flexibly from Council offices across the BDR Partnership, the PFI Waste Treatment facility at Bolton Road and from their individual homes utilising MS Teams.
- 1.3. 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
 - 1 FTE – Senior Technical Officer - Vacant
 - 1FTE – Admin / Technical Officer (Career grade) – Rhonda Fletcher
- 1.4. Beth Baxter, the Senior Waste Manager will be retiring on 31st July 2024. This, along with changes in legislation derived by the Environment Act 2021 and the Contractor Renewi PLC and Renewi UK undertaking a strategic review of their position in the waste industry, has initiated a review of the BDR team structure to be undertaken. This review and its recommendations ensures the BDR team is fully resourced to fulfil its role and requirements and was presented to Steering Committee and accepted. The process is now underway to obtain approval (RMBC Admin) to commence recruitment to fill vacant post for when Beth Baxters retirement arrives.
- 1.5. The BDR Team continues to receive external legal, financial and technical advice from specialists who have been advising the BDR Team on PFI matters and partnership working.

1.6. Technical Consultants (Stantec) are being utilised to investigate, review, and advise on issues such as:- EA permit changes position and base modelling, change in law implications for the contract from Carbon capture and Emissions Trading Scheme being implemented at Ferrybridge EM1 & 2, Review of maintenance Plans and Lifecycle of Bolton Road and equipment, plus scenario modelling for actions required for Renewi's Exit from the UK market and either sale or hand back of the facility.

2. Contract Delivery

2.1. Waste Treatment

2.1.1. Waste Treatment – Bolton Road Facility - BDR waste received.

Table 1 – Year to date contract tonnes processed.

Inputs		2022/23	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	YTD 2023/24
	Contract Waste (Limbs)												
Barnsley	A (Household)	56765.72	4537.48	4435.30	4643.62	4003.12	4704.06	4295.94	4251.94	4724.62	4348.42	4832.04	44776.54
	B (Commercial)	5829.66	460.22	512.36	514.24	507.86	505.80	473.24	514.06	516.66	499.58	513.94	5017.96
	C (HWRC)	5041.26	442.08	423.12	387.78	450.76	490.96	440.96	437.82	445.54	450.70	505.50	4475.22
	D (Public Highways etc)	1075.52	75.92	83.76	74.00	93.72	86.42	86.02	88.68	95.24	83.44	95.42	862.62
	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	5385.64	6062.64	5678.52	5375.96	0.00	0.00	0.00	39967.04
	B (Commercial)	5303.72	472.14	525.44	529.54	486.58	470.64	473.56	534.52	6139.70	5917.94	6242.48	21792.54
	C (HWRC)	7340.50	660.00	602.72	593.18	635.58	631.22	594.78	603.86	454.60	430.12	427.12	5633.18
	D (Public Highways etc)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	548.40	567.48	633.20	1749.08
	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	4088.94	4497.16	4065.64	4309.82	4397.70	3842.86	4971.56	43191.81
	B (Commercial)	3213.33	248.94	271.96	256.92	261.18	233.92	240.98	260.86	266.58	219.72	255.76	2516.82
	C (HWRC)	5732.70	523.36	510.32	463.38	497.98	566.64	507.70	483.86	514.40	482.72	586.32	5136.68
	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

1.6.1. Waste Treatment – Bolton Road Facility - Third-party waste received.

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

Inputs - 3rd Party	2022/23	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	YTD 2023/24
Renewi Derby	11872.90	1829.60	2967.66	2244.38	1685.16	2585.90	1875.78	1656.80	1045.78	161.16	213.54	16265.76

1.6.2. 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.

1.6.3. 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.

Table 3 - Year to date Bolton Road Process Performance

Performance	2022/23	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	YTD 2023/24
Recycling (%)	14.45%	14.73%	11.59%	13.68%	13.52%	13.75%	14.38%	14.06%	12.44%	11.56%	16.10%	13.58%
Diversion (%)	99.10%	98.03%	89.48%	99.67%	102.74%	97.92%	102.37%	96.36%	102.58%	93.75%	104.51%	98.74%
Moisture Loss (%)	29.49%	31.84%	29.75%	30.08%	33.77%	29.39%	29.57%	32.13%	33.84%	34.06%	27.90%	31.23%

1.6.5. 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.

1.6.6. Process Outputs

Table 4 - Year to date Bolton Road Process Outputs

Contract Outputs	2022/23	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	YTD 2023/24
Landfill	2040.51	131.88	124.76	119.96	118.22	148.12	136.39	135.72	140.00	97.58	173.46	1326.09
Recovery (RDF + Moisture)	183172.97	14561.85	14900.94	15630.25	15249.89	16036.14	15474.24	14483.66	16915.01	14395.17	17680.04	155327.19
Ferrous	1386.66	115.33	87.87	138.66	129.10	115.25	110.81	134.91	114.48	95.58	139.30	1181.29
Non-Ferrous	448.90	45.24	28.57	28.44	54.28	27.75	24.96	42.46	45.81	25.83	29.52	352.86
Fines	12299.22	962.71	1058.00	1210.33	1085.74	1238.57	1142.15	1114.57	1065.05	1072.02	1656.77	11605.91
Glass & Stone	6369.74	514.24	297.38	249.11	80.78	244.63	252.24	260.14	183.89	99.16	165.06	2346.63
Plastic	2047.60	205.23	63.84	121.27	260.85	207.61	253.28	211.45	245.91	102.49	250.58	1922.51
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	22552.17	1842.76	1535.65	1747.81	1610.75	1833.80	1783.44	1763.53	1655.14	1395.08	2241.23	17409.19
Ferrybridge Metals	2272.52	173.39	185.89	193.15	177.45	200.26	192.58	172.00	197.41	167.43	225.09	1884.65
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	2303.08	180.27	198.12	226.64	203.31	231.93	213.87	208.71	199.44	200.74	310.24	2173.27
Recycling Total	27127.76	2196.42	1919.66	2167.61	1991.51	2265.99	2189.89	2144.24	2051.99	1763.24	2776.56	21467.11
Outbound Total	207765.66	16536.49	16561.35	17498.02	16978.85	18018.06	17394.06	16832.91	18710.15	15887.82	20095.63	174513.34

1.1 Complaints

Table 5 - Complaints received by month.

2023/24	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	Total
Flies	0 (0)	0 (0)	3 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	3 (0)
Noise	0 (0)	1 (1)	0 (0)	1 (0)	1 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	3 (1)
Odour	0 (0)	0 (0)	1 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	1 (0)

(#*) 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 Acid Scrubber

2.3.1 Acid scrubber dosing system work has been paused pending further responses from the designer and installing contractor, JCBE, and pending the outcome of the Adjudication over the Pasteurisation Walls dispute (see below).

2.4. Damaged Pasteurisation Tunnel Walls

2.4.1 Remedial work on the AD pasteurisation tunnel to repair concrete and heating pipes has been completed. The site is now pasteurising material and the full AD process is being achieved with CLO material being deployed for land remediation.

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 us 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 Technical consultants Stantec have been appointed to the BDR team. They have been provided with details of the system and have provided an independent evaluation of the contractual performance baseline requirements.

2.5.2 The BDR Team have asked for Renewi to provide detailed analysis of the changes and an in-depth justification for any payment they feel is required from the council. 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 if a claim is to be rejected.

2.6 Barnsley Transfer Station – Grange Lane

2.6.1 Dilapidation Works - All delaps works have 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.

2.7 Barnsley Transfer Station - Persistent Organic Pollutants (POPs)

2.7.1 Renewi have obtained a secondary POP's offtake to ensure contingency. Renewi have negotiated the same below-market rate for POPs disposal with each off taker. The cost to the Councils has been reduced/offset by savings made in the contract by not having to send some of this waste to landfill.

2.7.2 The cost implications/mitigation calculation and mechanisms and amount payable for handling and disposing of have been agreed by Renewi and the BDR Waste Teams to ensure POP's acceptance and disposal is undertaken and meet EA requirements.

2.7.3 An Environment Agency audit took place at BTS to review how the site is handling the POP's waste. No issues or corrections were raised by the EA and confirmation via a CAR report confirmed correct handling of POPs waste is being undertaken.

2.8 Non-Contract waste

2.8.1 To aid BMBC operationally (Primary disposal site TK Lynskey closed over Christmas, and allow tipping centrally in BMBC), Renewi have been able to facilitate the acceptance of non-contract Bulky waste at BTS whilst the Garden Waste collection ceased to be collected over the winter period (1st Dec to 28th Feb). Once Garden Waste collections and disposal at BTS recommences 1st March, there will no longer be capacity at BTS to accept this non-contract waste and it will revert to being deposited at TK Lynskey.

2.9 Health and Safety

2.9.1 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.

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	90	0	0	0	0	0	0	2
May	80	0	0	0	0	0	0	0
June	79	0	0	0	0	0	0	1
July	48	0	0	0	0	0	0	0
August	74	0	0	0	0	0	0	1
September	109	0	0	0	0	0	0	0
October	88	1	1	0	0	0	0	0
November	100	0	0	0	0	0	0	0
December	111	2	1	0	0	0	0	2
January	110	0	0	0	0	0	0	1
February								
March								
YTD Total	889	3	2	0	0	0	0	7

2 Legal

3.1 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.

3.2 Insurance

3.2.1 The Contractor obtained full cover of insurance for 2024. The insurance market for waste still sees difficulties in placement and according to the Contractor's insurance advisor Marsh Limited, there

has been an increase in premiums across the Sector. Renewi and the BDR Site continue to obtain insurance due to good fire prevention measures, equipment and history.

3.3 Joint Insurance Cost Report (JICR)

3.3.1 The position for the 23/24 to 24/25 JICR remains the same as previously reported.

3.3.2 It should be noted that the BDR position on JICR is not unique and many PFI's 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, as 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 23/24 budget was approved at the Joint Waste Board (26th June 2023), at £340,000
Table 7 - Operational Management Budget 2023/24

23/24 Budget approved by JWB				2023/24 BDR Recharge split	
	Budget	Forecast	Variance		
Management	£175,000	£142,177	-£32,823	BMBC	£93,386
Administration	£25,000	£21,242	-£3,758	DMBC	£91,712
Call off Legal	£0	£121,499	-£18,501	RMBC	£109,021
External Finance	£40,000				
External Legal	£65,000				
External Technical	£30,000				
Insurance Advisors	£10,000				
Call off Finance	£0				
Call off Technical	£0				
HWRC Project	£0	£0	£0	Total	£294,119
Total	£340,000	£284,918	-£55,082	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 23/24 financial year.

4.1.2 Technical, Legal and Financial advice expenditure will be utilised to deliver the outcomes of the Resource and Waste strategy for England (R&WS), and particularly understanding further (yet to be announced) details expected of the "Simpler Recycling" policy. The BDR Team may need to commence negotiations because of new R&WS legislation, such as change in law claims to cover costs of implementing operational changes to the PFI facility, and variations to the PFI contract.

- 4.1.3 The government recently announced the postponing of the introduction of a Deposit Return Scheme (DRS) and to a lesser extent the introduction of Extender Producer Responsibility (EPR) (from R&WS) by around a year (now anticipated in 2025).
- 4.1.4 Increased provision in the budget has been made to recruit a new Senior Technical Officer. But, with the government delay in introducing the R&WS, lack of suitable candidates applying, and the BDR Team reviewing the recruitment strategy there will be a planned delay in appointing to this post.
- 4.1.5 Legal and financial advice expenditure will also be utilised to review, understand and assess any potential impacts or risks (financial, operational, legal and contractual) that could be associated with the recent announcement by Renewi that it is undertaking a strategic review of its UK Business (RUKS). The BDR team are liaising with the Waste Infrastructure Development Program (WIDP) transactor, Defra and colleagues from other authorities to assess options. The options appraisal work may impact on any budget savings.
- 4.1.6 The BDR team will use its resources to support BDR councils for partnership working, supporting councils as their waste management teams work towards any individual or joint impacts emerging from the Resource and Waste Strategy.
- 4.1.7 The BDR team will look to be prudent with any expenditure and will seek to make savings on the budget where possible.

5 Communications

5.1 Community Education Liaison Officer (CELO)

- 5.1.1 From October 2023 the CELO started maternity leave and is due to return Sep 2024. Therefore, Renewi have appointed a new temporary CELO for the period the CELO is on Maternity leave.

5.2 Press Releases –

- International Compost Awareness Week
- Renewi BDR Corporate Social Responsibility Fund
- Cold weather composting
- Dangers of batteries in waste

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

- Tip about boiling water in your kettle when cooking things on the hob
- How batteries do not belong in general (residual) waste bins
- Planning for Christmas dinner to reduce costs and food waste
- Composting at Christmas
- Blogs on reducing food waste at Christmas.

5.4 Renewi BDR Corporate Social Responsibility Fund

Due to the poor quality of applications received in recent years, a decision was made that a change of approach was required. For 2023 groups were invited to submit a 200-word expression of interest that was used to determine which groups to contact for further details.

Research was carried out to determine 3 to 6 groups in the BDR region that fit the criteria for a Renewi CSR grant/gift.

Three community fridges in each Council area have been identified as potential recipients of a £2,000 grant from the CSR fund.

In December, Cambeth community project community fridge received their funding after providing the documentation needed. The CELO also visited the fridge to view the work they are doing, speak to the volunteers and staff, and take photographs for future press releases.

5.5 **Hubbub Campaign**

The Hubbub campaign has now been concluded. All councils have approved final animations and leaflet designs. Hubbub has confirmed that each of the Councils has the following resources:

- Digital versions of leaflets
- Editable versions of the leaflets (through Canva)
- A finished animation
- A 30-second version of the animation

It was agreed that all the Council's will plan their own social media distribution and use of the materials, and that there are no restrictions on using the materials from November 2023.

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 advisors, 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.

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

- Support on Paper and Card recycling off-taker re-contracting and specification
- Support on Dry Mixed Recycling off-taker re-contracting and specification.
- Support on Skips and Bulky Waste off-taker re-contracting and specification.

- Facilitating completion of delays work
- Facilitating numerous non-contractual and contractual additional /new waste stream disposals.
- Facilitating sampling of non-contract waste streams.
- Potential review of the Commercial Waste Service
- Finalisation and Support for initial introduction to new HWRC contract

DMBC

- Assistance with the development of the Doncaster Environmental Strategy
- Finalisation and Support for initial introduction to new HWRC contract

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
- Finalisation and Support for initial introduction to new HWRC contract
- Assistance on RMBC Waste Team structure

B.D.R

- Co-ordination, collation, and submission to numerous Government/Defra consultations for and around the waste sector.
- Solutions and progression of HWRC contract variation requirements
- 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
- Monitoring application for transitional arrangement for Separate Food waste collection

8. Glossary of Terms

Term	Definition
A2A (formerly Ecodeco)	Italian company who research, design, construct, and manage plant and equipment for the disposal of waste.
Anaerobic Digestion (AD)	A series of biological processes in which micro-organisms break down biodegradable material in the absence of oxygen. One of the end products is biogas, which is combusted to generate electricity and heat.
Calorific Value (CV)	The calorific value is the total energy released as heat when a substance undergoes complete combustion with oxygen under standard conditions
Compliance Assessment Report (CAR) form	A CAR form is used by Environment Agency officers when assessing compliance with Environmental Permits.
Compliance Classification Scheme (CCS)	Compliance Classification Scheme (CCS) score and what action EA are considering. A CCS score is recorded where non-compliance with a permit condition(s) has been identified
Compositional Analysis	Waste Composition Analysis is a study that provides essential information about the weight and type of each component waste material that is in any given waste stream. It firstly involves obtaining representative samples of these waste streams, then manually hand sorting into various pre-defined sort categories using the correct methodology, which are then weighed in each individual fractions in align with Waste Data Flow (WDF) municipal reporting each waste stream has its own European Waste Code (EWC).
Compost Like Output (CLO)	The processing of a waste stream by mechanical sorting and separation of waste into distinct fractions of biodegradable and non-biodegradable materials.
Department for Environment, Food and Rural Affairs (DEFRA)	The UK government department responsible for policy and regulations on environmental, food and rural issues.
Deposit Return Scheme (DRS)	A scheme to help reduce litter, increase recycling rates and improve recycling quality of materials.
Duty of Care	A legal responsibility to ensure that you produce, store, transport and dispose of your business waste without harming the environment.
Environment Agency (EA)	An executive non-departmental public Body responsible to the Secretary of State for Environment, Food and Rural Affairs for issues affecting the environment.
Energy-from-waste (EfW)	An energy recovery process that generates renewable power in the form of electricity, heat or transport fuels from the controlled incineration of residual waste. An EfW plant contributes towards carbon emissions reductions and the reuse and recycling of materials that would otherwise go to landfill.
Extender Producer Responsibility (EPR)	An environmental policy approach in which a producer's responsibility for a product is extended to the post-consumer stage of a product's life cycle
FCC Environment	One of the UK's leading waste and resource management companies.
Facebook	Facebook, Inc. is an American online social media and social networking service company.
Ferrybridge Multifuel 1/Multifuel 2 (FM1/FM2)	Multifuel Energy Ltd. (MEL) operates a new £300 million multifuel plant on land owned by SSE at Ferrybridge 'C' Power Station near Knottingley in West Yorkshire. This project is called Ferrybridge Multifuel 1/2 (FM1/FM2)
Household Waste Recycling Centre (HWRC)	A civic amenity site (CA site) or household waste recycling centre (HWRC) is a facility where the public can dispose of household waste and also often containing recycling points.
Joint Insurance Cost Report (JICR)	Set out the mechanism for the insurance review procedure and sharing of insurance.
Joint Waste Board (JWB)	The Statutory Committee comprising Portfolio Holders and Senior Officers with responsibility for waste.
Mechanical Biological Treatment (MBT)	A type of waste processing facility that combines a sorting facility with a form of biological treatment such as composting or anaerobic digestion. MBT plants are designed to process mixed household waste as well as commercial and industrial wastes.
Persistent Organic Pollutant (POP's)	Are chemical substances that do not break down in the environment. They are a danger to human health and the environment
Private Finance Initiative (PFI)	Mechanism for creating "public-private partnerships" (PPPs) by funding public infrastructure projects with private capital.
Refuse Derived Fuel (RDF)	a fuel produced from various types of waste such as municipal solid waste (MSW), industrial waste or commercial waste.

Renewi BDR Ltd	Following SSE's exit from Ferrybridge, Renewi now control 100% of the SPV. The new name of this business entity is Renewi BDR Limited
Resource and Waste Strategy (R&WS)	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.
RUKS	
Solid Recovered Fuel (SRF)	A fuel produced by shredding and dehydrating solid waste (MSW) with a waste converter technology.
Waste Infrastructure Credits	Awarded by DEFRA to incentivise local authorities to develop infrastructure to treat waste as an alternate to landfill.
Waste Infrastructure Delivery Programme (WIDP)	DEFRA has established the Waste Infrastructure Delivery Programme (WIDP) in order to support Local Authority procurement of infrastructure needed to treat residual municipal waste.
Waste Transfer Station (BTS)	Facilities where municipal solid waste is unloaded from collection vehicles and briefly held while it is reloaded onto larger long-distance transport vehicles for shipment to landfills or other treatment or disposal facilities.
Waste and Resources Action Programme (WRAP)	WRAP works with governments, businesses and communities to deliver practical solutions to improve resource efficiency.

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Timeline of changes impacting on collection and disposal of waste

2017-2021

- South Yorkshire Waste Strategy approved in 2017
- Resource and Waste Strategy for England 2018
- Pandemic 2019
- Climate Emergency declared across South Yorkshire 2019
- Brexit January 31 2020
- Environment Act 2020
- Waste management plan for England (2021)

2022-30

- Simpler recycling: paper,card,glass, plastic including pots, tubs and trays , metals, garden and food waste collections (from businesses 2025, from households 2026)
- The Packaging Waste (Data Reporting) (England) Regulations 2023 (Extended producer Responsibility EPR)
- Environment Improvement plan 2023
- Environmental targets (Residual Waste) (England) regulations 2023
- Waste prevention program for England 2023
- Digital Waste tracking implemented 2024
- Changes to Carrier, Broker and Dealer registration (requires proof of competence) connected to digital waste tracking and EPR
- Deposit return scheme commences October 2025
- EPR Payments in 2025 (for effective and efficient services, potential for improvement plans to be required if not effective and efficient)
- Films and Flexibles to be included in collections from 2027
- EfW included in UK Emissions Trading Scheme from 2028

2030-40

- Net Zero GHG emissions by 2040
- Transitional arrangement ends 2038 for Sheffield, 2040 for Barnsley, Doncaster and Rotherham
- Options appraisal of Sheffield City Council waste management services approach. Integrated contract ends in 2038
- Options appraisal of residual waste options for BDR contract ends 2040 (option to extend to 2045)

<h1 style="margin: 0;">BRIEFING</h1>	TO:	Barnsley, Doncaster and Rotherham Joint Waste Board
	DATE:	4 th March 2024
	LEAD OFFICER:	Paul Hutchinson
	TITLE:	BDR PFI Project Risk Register
1. Background		
1.1	<p>Barnsley MBC, City of Doncaster Council and Rotherham Borough Council (the Councils) entered into a principal agreement called the Project Agreement (the PA) in March 2012 with 3SE (Barnsley, Doncaster and Rotherham) Limited (the Contractor). The agreement is to manage Barnsley Transfer Station and design, build and operate a facility to manage the residual waste for the Councils from July 2015 to end of June 2040. The PA also requires the Contractor to achieve agreed levels of recycling and landfill diversion.</p>	
1.2	<p>The Contractor is a special purpose vehicle company set up purely for this PFI project, meaning it has no significant balance sheet strength or assets. It sub-contracts its service obligations, and most of its PA obligations, to Renewi UK Services Limited (formerly Shanks Waste Management Limited), a waste management service company as its operator (the Operator). The Operator produces solid recovered fuel (SRF) from contract waste, which is shipped to Enfinium Multi-Fuel, Ferrybridge for thermal treatment. The Councils pay a unitary charge each month to the Contractor who then pays the Operator through an operating contract. The total Councils' payments between 2015 and 2040 are approximately £721M (as forecast at PA signature) so this scheme is, for each Council, one of the highest value contractual commitments.</p>	
1.3	<p>Initially, the Contractor was ultimately owned by two of shareholders in the proportion 75:25 through a Renewi investment vehicle and an SSE investment vehicle. In October 2020 SSE announced the sale of their "Multifuel Energy" business (Ferrybridge FM1 and FM2 energy from waste facilities plus other assets) and the Contractor ownership changed. Following SSE's exit from Ferrybridge, Renewi now fully owns the Contractor through an investment vehicle and renamed as Renewi BDR Limited. Although the ownership of the Contractor has changed there is no change in the offtake supply contract terms between Renewi and the offtaker at Ferrybridge so the SRF will continue to be supplied to that offtaker throughout the term of the PFI contract which ends in 2040.</p>	
1.4	<p>The BDR Joint Waste Board last considered the risk register at its previous meeting on 4th September 2023. Since that date, the Risk register has been updated bi-monthly. In December 2023 a deep dive of the project risks were undertaken and submitted to Steering Committee for reviewed by BDR Assistant Directors. The register was last reviewed at the January 2024 Meeting and January submission to RMBC.</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.

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 a number of risks moved on the register. Mainly due to recent legislation changes, planned legislation changes and as the Contractor Renewi Services UK, and their parent company Renewi PLC, undertaking a strategic review of their position in the waste industry.

The BDR Team and their PFI Contract Advisers (Legal and Finance) will be undertaking their annual deep-dive review of the full risk register in Q4 of 2023/24. Each risk is to be examined and reviewed to ensure it is still current, at the appropriate level and control and management of the risk is appropriate.

2.2 Summary of Risks






Current RAG Rating	March 2024 (September position)	Target RAG Rating	March 2024 (September position)
Red	6 (4)	Red	0 (0)
Amber	4 (5)	Amber	5 (3)
Green	10 (11)	Green	15 (17)
Total	20 (20)	Total	20 (20)

The risks contained in the register require ongoing management action. In some cases, additional resources may be necessary to implement the relevant actions or mitigate risks. Any additional costs associated with the risks are reported to the BDR Steering Committee for consideration.

3. Key Actions and Timelines	
3.1	<p>Monitoring</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>
4. Recommendations	
4.1	<p>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.</p>

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				
16 (CSS 13)	Operating sub-contractor exits UK Municipal market due to financial pressures	Renewi have now stated this is what they intend to do. This could be in the form of "selling" the business or Handing back to facility to the Council. This may see a new operator who may wish to re-negotiate the contract or change operating procedures, or may see the councils having to take over the running of the facility. All may cause Service disruption, financial pressures, risk transfer to the Councils.	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	5	20	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 the 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.	3	5	15	BDR MANAGER	01/03/24	↑
8 (CSS13)	Changes to Collection services and that impact on the PFI Contract - waste volumes change	Potential to impact on the performance of the plant. Potential to impact on the Third Party Revenue Share due to the Councils. Implications on PFI Credits. Implications on Inter Authority Agreement. Introduction of Deposit Return Scheme, Extender Producer Responsibility and Simpler Recycling could initiate possible Change in Law Claims. Still uncertainty / lack of clarity from Government.	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	01/03/24	↔
9 (CSS13)	Changes in Government Law/Regulations including W&RS (Legislative Change)	Potential financial implications due to change in law triggering negotiated changes to BDR PFI contract and financial model to cover the required service / disposal change. Councils could take more risk than anticipated	Procedure incorporated in the Contract Conditions. Impact and actions to be jointly agreed with the Contractor to mitigate costs as far as possible. In-depth negotiation will be undertaken with (already procured) Legal and Financial expertise working for the Councils. Application of the Change in Law Clauses within the contract	4	5	20	Consider the need for the Change in Law retention fund. Ensure contribution to consultations. In-house Legal & Financial expertise has worked on the PFI Contract from inception - Large in-depth knowledge of PFI contract.	3	4	12	BDR MANAGER	01/03/24	↔
23 (CSS13)	Changes in Technology due to innovation or Government Law/Regulations (Carbon Capture) at Energy from Waste Plant	Potential financial implications if due to change in law. Initial negotiation with Renewi and Enfinium. Renewi may wish to cascade effects. Would trigger clauses covering this scenario (changed to EFW downstream contract). Cardon Capture required at Enfinium facility, likely to become mandatory. Additional Persistent Organic Pollutant restraints and disposal tech needed. Likely new Acid Scrubber tech needed at site to meet permit requirements.	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.	4	5	20	In-house Legal & Financial expertise has worked on the PFI Contract from inception - Large in-depth knowledge of PFI contract and clauses. Experienced negotiators to be brought on board. Response from Enfinium to be monitored, challenged and evaluated. Instructed Technical consultants to undertake evaluation and due diligence on ETS, POP's and Permit position and conditions.	5	2	10	BDR MANAGER	01/03/24	↑
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. Change driven by Government legislation change but still within local authority gift on ow to interoperate and implement and BDR team will contribute to discussion with Waste Team.	4	2	8	BDR MANAGER	01/03/24	↑
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. Current contractor selling business or handing facility back	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. Loss of key staff through either Sale of Business by Renewi or handing facility back.	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. Continued dialogue with current contractor and staff at facility especially in light of Renewi's indication they wish to exit the current contract and the UK Waste Sector.	4	4	16	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. Workshopping (with Technical advisers) potential scenarios and actions that would be required should Renewi either Sell the business or hand back the facility. Create a play-book and understanding of who within the Council will need to be engaged to ensure continued staffing of site with existing staff (TUPE) should facility be handed back.	4	2	8	BDR MANAGER	01/03/24	↑
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	01/03/24	↔

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. Also sale of business or hand back of facility may see new owner/Council have more issues obtaining insurance.	Contractor in liaison with Insurer is progressing upgrade of the Fire Protection systems. Insurance broker is working with insurance market to build confidence. Regular meetings with insurance broker, two month leading up to renewal to understand where contractor is with placement of insurance & any issues, movement away by insurers and cover obtained. Seeing annual improvements in process and cover being attracted	4	3	12	Robust case against Uninsurable argument. Ensure Contractor completes the fire improvement works. For 2022, improvements seen in ability to place insurance, and breadth of insurers willing to insure BDR. Ensure current collaborative approach on being informed of insurance placement duplicated is new owner. Work with Council Insurance teams and external advisors if facility handed back. Look at Self insurance?	4	2	8	BDR MANAGER	01/03/24	
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. Senior Waste manager to retire Jul24	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. Anticipation Junior Waste manager will be made full time in post.	3	3	9	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. Reports to Steering Committee with Recourse and recruitment plan, look to have in place or approved in advance of Senior Waste Managers retirement. Allow new members of team time to learn contract and contract management to ensure continue succession planning.	2	3	6	BDR MANAGER	01/03/24	
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	01/03/24	
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	01/03/24	
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	01/03/24	
7 (CSS13)	Obtaining required terms for Insurance is difficult due to market conditions - Insurance costs increase	There is a lack of Markets for insuring waste plants	Robust fire strategy, latest technology for fire suppression. Fire plan signed off by insurers BDR Technical advisors and Independent Certifier. Regular fire drills. Contractor liaison and education of insurance markets. Contractual position on insurance. Implementation of fire improvement works. Regular meetings with insurance broker, two month leading up to renewal to understand where contractor is with placement of insurance & any issues, movement away by insurers and cover obtained. Seeing annual improvements in process and cover being attracted	3	2	6	Consider reviewing the insurance requirements. Enforcement of Contractual positions. Council become insurer of last resort. For 2022, improvements seen in ability to place insurance, and breadth of insurers willing to insure BDR	3	2	6	BDR MANAGER	01/03/24	
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. Monitoring via monthly report and Monthly meeting with contractor Staffing levels, number of vacancies recruitment policy and schedule and training of staff / apprentices.	2	3	6	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	01/03/24	
11 (CSS13)	Failure of plant equipment results in withdrawal of credits (Review of WICS)	Reputational damage and adverse publicity emanating from poor performance of state of the art facility. Potential for Local/National interest. Budget impact	Regular contract meetings/Monitoring and review procedures/Contingency facilities in place/Performance deduction. Steps 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	01/03/24	

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	2	2	4	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	01/03/24	
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	2	4	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	01/03/24	
10 (CSS13)	Environmental Impact to Local Area from Noise/Odour/Flies/Vermin etc (Compliance)	Reputational damage and adverse publicity from pollution emanating from State of the Art Facility. Potential for Local/National Interest	Contractual controls and performance measures. Monitoring the contract. Pro-active engagement with the local community. Sharing data Regular monitoring outside the perimeter of the plant. Close liaison with the Local Environment Agency officer to monitor the plant and agree Fly and Odour Management Plans. 20/21 has seen a dramatic reduction in complaints couples with EA engagement and approval 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	2	4	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	1	3	BDR MANAGER	01/03/24	
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	01/03/24	
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	01/03/24	

Notes from the meeting of Community Liaison Group on Tuesday, 16 May 2023, at 6pm at the Manvers site.

Attendance

Non-members

Apologies

Written updates from Renewi, BDR, the CELO and JWSSMedia 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.
- 2. Notes from the last meeting on 22 November 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. There had been very low levels of covid infections recently which had not impacted on operations. There had again been a reduction in Contract waste volumes compared to last year with a total of 224,463 tonnes of waste handled. This was 800 tonnes lower than the prior year. Waste processed through the main facility was circa 208,000 tonnes.

Recycling had recovered slightly in the last quarter due to the restart of plastics offtake. The full year recycling figure was 14.47%. The regular offtaker had temporarily stopped accepting waste due to a change in legislation relating to Persistent Organic Pollutants (POPs). This material is made up of soft furnishings treated with fire retardant chemicals. The new legislation prohibits the disposal of POPs in landfill due to concerns about the risk of the chemicals entering ground water and water courses.

Moisture loss for the year had been good but dipped significantly in March due to waste stock levels in the pits. The full FY23 figure was 29.53% against a target of 29.6%.

It was reported that a major project was underway in the Anaerobic Digestion plant to repair the failing concrete in one section of the facility. The project commenced in December and was scheduled to finish at the end of June. As the affected area of the process was pasteurisation, digestate had been sent to a third party for pasteurisation and onward deployment.

Since the last meeting, the Manvers facility had been inspected by both the Environment Agency and the Health and Safety Executive (HSE) and Barnsley Transfer Station also had a visit from the Environment Agency. No issues were identified by either regulatory authority.

Ferrybridge had confirmed the shutdown schedule for FY24. FM1 had no major shutdowns but instead would have 2 x 4 day 'pit stop' outages. Inputs from BDR would be unaffected by these outages. FM2 had a scheduled major shutdown commencing 4th September lasting three weeks. During this period inputs would be reduced by 50%. Again, BDR would be unaffected, **Contract Director**.

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

5. The Councils' BDR Team update

The BDR Manager summarised and updated his written report. The BDR councils had continued to successfully deliver waste services and collected all waste streams as scheduled.

The councils had seen the predicted lowering of household waste tonnages collected having reverted to pre-Covid levels.

All councils were looking to improve current collection service. This included undertaking detailed Route Round Optimisation to ensure the most cost-efficient routes that crews can take - saving on fuel and time and reducing their carbon footprint. They were looking to enhance collections by offering more recycled material collection at the kerbside, such as introducing the collection of recycling materials for businesses. They were also seeking to tackle and prevent contamination of recycling through engagement and education of residents.

Household Waste Recycling Centres (HWRCs) had continued to deliver a full service and from the 1 April had opened for their extended summer timetable. The councils had continued to procure their new HWRC Service Provision Contracts from October 2023. Barnsley and Doncaster (joint 8-year contract) had evaluated the Tenders submitted and would be notifying the successful bidder. This would allow for the commencement of the mobilisation period. Rotherham had decided to tender for a contract alone and aimed to eventually take their service in-house. They were evaluating Tenders for a partner to deliver the service provision in the short term and help them transition into an in-house service.

The Environment Bill entered UK law in November 2021 and secondary legislation from the Act was still waiting to be laid before Parliament for approval. The secondary legislation will drive policy and legislation changes which will have a major impact on councils and how they must deliver their waste collection and disposal services. After four major consultations around the Resource and Waste Strategy, the Government had still only published one set of findings and recommendations. The BDR councils had lobbied the Government directly, as have many other councils, organisations, and businesses, highlighting that the delay in publishing responses to the consultation and any new or changed legislation requirements was seriously impacting on the ability to plan, budget and maintain a continued high standard of service delivery. It was hoped the remaining reports would have been published in autumn /winter 2022/23 but this had not been the case. It was anticipated / hoped that they would be published soon after May's local elections had taken place.

A CLG member asked about the implications of the new Environment Bill and how quickly councils will be expected to initiate changes once the secondary legislation is introduced. It was explained that preparations had already been made, where possible, but that further details from the government were awaited, **BDR Managers.**

6. Community Education Liaison Officer update

The CELO summarised and updated her report. Since the last CLG meeting an extensive campaign had been completed about waste through the festive period encouraging people to reduce, reuse, recycle and compost with key messages about seasonal foods, planning, preparation and storage and use of leftovers.

The 2022/23 social media programme had been delivered with regular content about reducing, reusing, recycling, and composting on our social media pages. This can be followed on Facebook, Twitter, and Instagram.

The first two phases of the food waste campaign had been completed including initial waste composition and resident's surveys, distribution of the interventions and short-term follow up waste composition and resident's surveys. Phase three had been pushed back slightly due to the availability of waste sampling which had been completed and the phase three resident surveys were expected to be returned and collated by the end of May. The scope of the current project had been expanded slightly and as such would be finalised in the 23/24 financial year. In the first phase surveys a discrepancy between knowledge and behaviour had been identified. Several questions in the phase 3 surveys were tailored to explore this in more detail and this would be followed up with some in-depth interviews of households who had completed all three rounds of surveys to understand why these differences existed and how that might impact future communications. It was expected these interviews would take place in late May and June with the final project written up in September / October 23. Due to the change in staffing the year 2 project had been postponed until 2024/25.

Rebecca began her maternity leave in January and she and her new baby were both well. As a result of this change some changes were made to the CELO Plan for the year including taking no further bookings for talks, tours and school sessions as these targets had all been met.

In March, a new CELO Plan for 23/24 had been agreed and as part of this it was agreed not to restart tours, talks and school sessions this year. The main focuses for 23/24 would be a communications campaign tackling contamination that would predominantly comprise vehicle, on-street and social media advertising encouraging residents to check their collection information prior to disposal and to stick to the items stated. In addition to this the CELO would continue to manage the social media channels and websites, run waste composition studies, assist with Carbon Literacy training, and support national campaigns including Recycle Week, Food Waste Action Week, International Compost Awareness Week, the Take Charge electronics campaign.

A CLG member asked about the disposal of low-grade fabrics, broken laptops and discarded wooden furniture. Information was given about possible collection points including local charity shops, textile banks, HWRCs and local organisations such as Laptops-for-All. Local recycling information can also be found by using the recycling locator tool at www.recyclenow.com , CELO.

7. Communications update

JWSMedia summarised and updated their report. Communications support had continued to promote key recycling messages across BDR. The Christmas campaign focussed on getting the most out of recycling bins by the correct disposal of items such as folding cardboard and crushing cans/bottles. The campaign also looked at how to cut down on Christmas food waste and save money by planning ahead.

In the new year, the dangers of disposing of batteries in recycling bins was highlighted and the safe disposal of electrical goods promoted. A press release was issued which encouraged the repair/care of unused clothing. It highlighted how the fashion industry is a major polluter and user of natural resources.

The national WRAP campaign 'Win. Don't bin' was supported. This promoted the correct storage of food and the understanding of Best By dates to help reduce food waste.

As a result of the cost-of-living crisis it was agreed to use the CSR Fund to make donations to three foodbanks operating in the Dearne Valley area. A press release was issued giving details of the recipients and their positive feedback.

With the start of Spring, there was a focus on the benefits of home composting for the environment. A press release supporting International Compost Awareness Week was issued in May.

Press releases were posted on the BDR website and circulated to the three local authorities.

JWSMedia

8. Any other business

The Acting Chair thanked members for their attendance. In the absence of a permanent Chair, he said the Acting Chair arrangement would continue until a new Chair was in place. The CELO said it was intended to promote membership to the CLG in a recruitment drive at the end of the summer.

9. Date, time, and venue for next meeting this will be at the Visitor Centre at Manvers on Tuesday 14 November 2023 at 6pm.