

BARNSELY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD
Monday 23 September 2024

Present:- Councillor Higginbottom (in the Chair); Councillors Alam, and Houlbrook.

1 APOLOGIES FOR ABSENCE AND INTRODUCTIONS

Apologies for absence were received from Andrew Bramidge and Paul Castle.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING HELD ON 14 MARCH 2024

Resolved:-

That the minutes of the meeting held on 14 March 2024 be approved as a true and correct record of the proceedings.

4 JOINT WASTE BOARD

The Barnsley, Doncaster and Rotherham Joint Waste Manager submitted a report 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 created the Joint Waste Board (“JWB”) as a joint committee pursuant to Section 101(5) of the Local Government Act 1972, which was established as part of the joint working arrangements between the Local Authorities for the management and administration of what were 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 applied and was referred to as the “Principal Contract.”

The report also detailed how the functions of the JWB would be delegated down to the BDR Steering Committee chair and then to the BDR Manager (as chair of the Joint Waste Team which reported to the BDR Steering Committee) in order to more efficiently deal with the day to day decisions that were required under the Principal Contract. All decisions of the JWB, BDR Steering Committee chair and BDR Manager were made in accordance with the provisions of the prevailing IAA3.

It was agreed that from May 2025, the frequency of BDR JWB meetings would be reduced from 4 meetings per municipal year to 3. These meetings would continue to take place in Rotherham.

It was also noted that Councillor Alam had recently taken over as the

Rotherham Council representative and that Councillor Sheppard would be his deputy.

Resolved:

1. That Councillor Mark Houlbrook of Doncaster MBC be appointed as Chair of the Barnsley, Doncaster and Rotherham Joint Waste Board for the 2024/25 municipal year.
2. That Councillor Saghir Alam of Rotherham MBC be appointed as Vice-Chair of the Barnsley, Doncaster and Rotherham Joint Waste Board for the 2024/25 municipal year.
3. With the exception of the decisions reserved to the Authorities for a unanimous decision under the IAA3, all other decisions in respect of the Principal Contract are delegated by the JWB to the chair of the BDR Steering Committee (the "Authorised BDR Steering Committee Member").
4. The Authorised BDR Steering Committee Member may elect to delegate certain decisions to the BDR Manager.
5. 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 Barnsley Borough Council's representative officer on the BDR Steering Committee will be the Authorised BDR Steering Committee Chair for 2024-2025.

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

5 BDR MANAGERS 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 2023-2024:

- Governance
- Contract Delivery
- Legal
- Financial
- Communications
- Resources

Paul Hutchinson, BDR Manager introduced the report. He informed the Board that Carl Hewett, Senior Contract Officer, had started in August 2024 and was present for his first Board meeting. Beth Baxter had retired on 31 July 2024 and Paul had taken over as full time BDR Manager on 1

August 2024.

In terms on contract delivery, there were no issues to report.

Renewi's legal action against the original contractor (JCBE,) who had designed and built the AD facility, had been to Adjudication in December 2023 /January 2024 and the adjudication had found in favour of Renewi. JCBE had disputed the findings of the adjudication through the submission of a Notice of Dissatisfaction. Unless the parties agreed a position on liability, it was likely further legal action would be taken by Renewi against JCBE. No dates had been set for this process. As the Acid Scrubber was integral to the AD facility and was physically positioned on top of the AD plant, it might not be as simple as making the original design work. A new position or new (enhanced) system could be required as a result of the new EA Permit emission levels. Renewi would need to ensure that these new, more stringent, requirement were complied with. Renewi would continue to progress the rectification of the acid scrubber on the AD facility. The base for the course of action was a report they had commissioned from Otto Simon. A design path had been chosen by Renewi which was being worked through so a suitable contractor could be appointed to build and commission the equipment. The BDR Manager confirmed that this should not impact on performance.

Section 3 of the report set out the financial outcomes from 2023/24 and the proposals for 2024/25. In relation to 2023/24, operational budget savings of £36k were achieved. This was mainly due to underspend on Financial and Legal consultation caused by the delay in analysing and action on any definite outcomes of the Resource and Waste Strategy and Environmental Act. For 24/25 the BDR Manager was proposing to the Joint Waste Board AGM that the budget remained as per the previous year of £340,000. The BDR team pro-actively managed its Operational Budget, but it was anticipated that all the budget would be utilised and it was not anticipated that significant budgetary savings would be possible in 24/25.

The Community Education and Liaison Officer (CELO) commenced 11 months of maternity leave in Autumn 2023 and Renewi recruited a temporary CELO to cover the contractual CELO position. The assistant returned from maternity leave to a part-time position in January 2024. Therefore the reduction in CELO staff time had affected the volume and types of CELO work that was undertaken during this time. The proposed 24/25 CELO plan had been adapted accordingly to cope with these periods of maternity leave. It had been submitted to the BDRS Communications Working Group in spring 2024 and this was approved for delivery.

The Board thanked Paul for a very detailed, comprehensive report. In response to a question on how confident Paul was in the budget, he confirmed that as they financial year progressed, he was more confident that the budget would be balanced. There were no large pressures and

the nature of the service meant accurate forecasts could be made. The BDR team would be constantly monitoring the budget.

It was confirmed that the new BDR Waste Partnership website had been updated with the Rotherham web development team. As such, it complied with their accessibility policies.

Councillor Higginbottom queried the Bolton Road Performance in terms of diversion percentage in April 2024 as this had dropped to 85.16% which was significantly lower than normal. The BDR Manager explained that operational issues at Ferrybridge had caused that anomaly. Additional discussions were held in relation to the Herren Index and the Senior Contract Officers induction.

Section 4.4.1 of the report was highlighted. It stated that the contract set targets for the facility of 17.5% recycling. However, in 2023/24 the facility achieved a recycling rate of 13.94%, a decrease of 0.53% from the 2022/23 rate. The Board queried whether the target rate could be reduced given that it was not likely to be met. The BDR Manager explained that the target could not be altered and that the BDR partnership imposed a contractual financial penalty on Renewi when this target was missed. It was reported that recycling levels had improved so far in 2024/25.

In April 2024, there had been a fire at Barnsley Transfer Station. This was believed to have been caused by a battery fire inside of a mattress. The Board asked that work been done with the CELO to raise awareness of battery fires. The BDR Manager confirmed that this was being prioritised.

A question was raised about whether any changes in law were being proposed in relation to recycling rates. The BDR confirmed there had been no discussions at a local level and Hue Russell confirmed there were no concrete discussions at a national level.

Resolved:

1. That the report be noted.
2. That approval be given to the operational budget of £340,000 for 2024/25 financial year.

6

RENEWI/BIFFA SALE - PFI

A verbal update was given by the BDR Manager explaining that the sale was still ongoing. As the sale was at a very high level within the Renewi company structure, that BDR did not have approval or veto rights on the sale, but it would not impact the contract specification or delivery. The contract would remain the same. It was hoped that the sale would be complete by the year end. If there was any further updates, the BDR Manager would provide those at the meeting of the Board in December.

Resolved:

That the update be noted.

7 RISK REGISTER

Consideration was given to the Risk Register. It was confirmed that no new risks had been added to the Register since the last meeting. There had been a number of risks moved on the register. This was mainly due to better understanding of correct risk profiling by the BDR PFI Manager after undergoing refresher training supplied by RMBC. Reviewed risks had also taken into consideration the current perceived risk profile of: 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 and ongoing by-out of shares by Biffa PLC.

Resolved:

That the report be noted.

8 ANY OTHER BUSINESS

The minutes from the meeting of the Community Liaison Group held on 21 May 2024 were circulated for information.

9 DATE AND TIME OF NEXT MEETING

The next meeting was scheduled for Tuesday 17 December, 2024 at 10.00am in Rotherham Town Hall.