

BARNSELY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD
Tuesday 4 March 2025

Present: Councillor Mark Houlbrook (Chair), Councillor James Higginbottom and Councillor David Sheppard. Also in attendance were Paul Hutchinson, Sam Barstow, Kellie Hopkins, Paul Castle, Carl Hewlett and Rhonda Fletcher.

10 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Alam and Matt O'Neill. Councillor Sheppard was substituting for Councillor Alam.

11 DECLARATIONS OF INTEREST

There were no declarations of interest.

12 MINUTES OF THE PREVIOUS MEETING HELD ON 23 SEPTEMBER 2024 (COPY ATTACHED)

Resolved:- That the minutes of the meeting held on 23 September 2024 be approved as a true and correct record of the proceedings.

13 BDR MANAGERS REPORT 24-25

Consideration was given to report which had been circulated prior to the meeting and highlighted the following matters relating to the Joint Waste Private Finance Initiative:

- Governance
- Financial
- Contract Delivery
- Complaints
- Environmental Report
- Other Updates/Issues
- Barnsley Transfer Station – Grange Lane
- Health and Safety
- Community Education Liaison Officer (CELO)
- Joint Working and BDR Support 24/25

Paul Hutchinson, BDR Manager introduced the report. He explained that independent advice was being sought in relation to the Joint Insurance Cost Report. More details on this report were set out in section 7.2 and 7.3 of the report.

Expenditure continued to be re-profiled and re-calculated monthly, to ensure the team met all the anticipated workloads due in the 24/25 financial year, including the anticipated changes as set out in section 2.1.1 of the report. The BDR Operational Budget had seen an additional pressure added of around £3,500. This had arisen from the previous

Waste Manager, Beth Baxter, working additional hours (on non-working days) for both BMBC and RMBC on specific, single Council waste projects. This additional cost was being paid by a £1,700 recharge to BMBC only and a £1,800 recharge to RMBC only.

The BDR Operational Budget would also see a further additional pressure added of around £22,000. This has arisen to assist DMBC obtain Legal Consultation (utilising Neil Tindall Legal Services) via the BDR PFI framework to assist specifically on their Waste Collection Service Contract. This additional cost was being paid by a recharge to DMBC only.

The BDR team proactively managed the Operational Budget, but it was anticipated that all of the budget might be utilised, and it was not anticipated that significant budgetary savings would be possible in 24/25.

In relation to the 25/26 Operational Management Budget Forecast, the initial estimate for the BDR Team Operational Management Budget for 2025/6 was that the teams existing budget of £340,000 (one third paid by each Council) should be sufficient to meet requirements. Details on the 25/26 Unitary Charge Forecast and 25/26 Energy Gainshare Payment were included as section 2.3 and 2.4 of the report.

Section 3.4 of the report outlined the Waste Treatment Performance. As DCC was collecting Pots, Tubs and Trays in their kerbside Dry mixed recycling from 1 April 2025, it would trigger a pre-agreed variation to the contract from that date and reduce the Recycling performance target for 25/26 from 17.5% to 17%. This was the same agreed variation that saw the target reduce from 19% to 18% when RMBC introduced plastic collection kerbside and a chargeable garden waste service, and from 18% to 17.5 % when BMBC introduced Pots, Tubs and Trays collection in their kerbside Dry mixed recycling.

It was reported that earlier in the year, Biffa were, uncharacteristically, failing to meet the annual target for Landfill Diversion of 96.68%. They had been pressed on this issue and had advised that they had ensured mitigation was now in place to ensure they met the target by year-end, 31 March 2025.

Paul Hutchinson explained that complaints were being well managed. Biffa continued to have dialog with Next in respect of complaints of fly issues at their large warehouse that immediately neighboured the Bolton Road site, as Next felt Biffa were attributable for the issue. Three way dialog between Biffa, Next and the EA had been ongoing, and Biffa's fly management improvement had been welcomed by all parties and the situation would be monitored into the spring and reviewed.

An update was provided in relation to Biffa, the new contractor. The BDR team had liaised with the Waste Infrastructure Development Program

(WIDP) transactor, Defra, external consultants and colleagues from other authorities to assess options and contract implications. The BDR Team had been assured by Biffa that no changes to the delivery of service would be seen. It intended to take the next 6 to 12 months to integrate its new acquisition into its organisation and look to improve the business utilising internal Biffa assets/contracts/opportunities. All Renewi staff on site had been retained and would continue to deliver the contract as specified.

The BDR Team and its Legal, Financial, and Technical advisors were closely monitoring the situation and were in contact with Senior figures in Biffa, the retained personnel in both the SPV and OpCo. The Team was also liaising with other Councils with RUCK's/BIFFA PFI's, WIDP, Defra and the Senior Lenders who financed the project, to take soundings, be aware of wider issues/requests and sense check the sale. So far, no major issues, risks, or worries were circulating. The only request arising from the sale was for the Parent Company Guarantee in the contract's various agreement documents to be changed from Renewi PLC to Biffa BidCo. After taking advice from consultants, this request had been rejected as the new proposed guarantor did not fulfil the requirements of a guarantor as set out in the contract. Renewi PLC remained the guarantor.

An update was provided in relation to Barnsley Transfer station at section 8 of the report. It was confirmed that Paul Castle was assisting in the matter with Barnsley Asset Management referenced in section 8 of the report. Contingency mapping was also underway.

Members asked questions in relation to the Waste Treatment Performance and the impact of the collection of Pots, Tubs and Trays.

Questions were asked in relation to the budget and whether it could be reduced as the subscription to the Herren Index was not expected to be renewed. Paul Hutchinson confirmed that budget monitoring was ongoing and the budget would be presented to the Joint Waste Board at the next meeting.

The Board placed on record their support for the BDR team and wished it to be noted that positive way in which the budget was monitored.

Resolved:

That the report be noted.

RENEWI / BIFFA SALE

A briefing paper had been circulated as part of the agenda. In anticipation of the sales completion, a formal written request was received from Renewi/Biffa in Jul 2024, seeking the Council's approval to replace Renewi PLC with Biffa BidCo LTD as the Operating Sub-Contractor's, Parent Company Guarantor (and various other Guarantors as stipulated

in the Project agreement). It also sought approval from the Councils for the amendment and replacement of Renewi to Biffa as the Guarantor within the Project Agreement documents as well as other related drafting changes.

The BDR Manager, with his external Legal and Financial Advisors engaged with Renewi/Biffa to seek clarification to numerous aspects of their request. From the further information received, and from interpretation of the contractual specifications required by a Guarantor in the Project agreement, the BDR Team's opinion was that Biffa BidCo did not meet the contractual requirement. Therefore the request was rejected and Biffa had been advised of the contractual stipulations required of any Company wishing to become a Guarantors and highlighted that a Letter of Credit was an alternative to a PCG.

Discussions on this matter had taken part during the previous agenda item.

Resolved:

That the report be noted.

15 MATTERS ARISING

A briefing paper had been circulated as part of the agenda which provided an update on the potential impacts from the changes in law in relation to the Potential Emissions Trading Scheme (ETS.)

In 2023 the Department for Energy Security and Net Zero (DESNZ) announced that Energy from Waste plants (EfWs) would be brought within the scope of the existing UK Emissions Trading Scheme (UK ETS) by 2028. The BDR Waste Partnership currently sent RDF from their PFI Waste Treatment Facility (operated by Biffa Ltd) to the Ferrybridge EfW. The briefing note aimed to identify the potential impacts on the partnership from this change in law and provide a high-level understanding of the position, analyse the potential implications of these potential liabilities, and give an early, broad assessment of the potential financial implications of the scheme.

The key actions and timeline were set out in section 3 of the report.

Resolved:

That the Board note the report.

16 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 seven risks reduced on the register. This was mainly due to

continued understanding of correct risk profiling by the BDR PFI Manager after undergoing refresher training supplied by RMBC. Continued risks were being considered against the following for the current perceived risk profile of: recent legislation changes, planned legislation changes and recently completed by-out of shares by Biffa PLC, economic and ecological landscape.

Resolved:

That the report be noted.

17 ANY OTHER BUSINESS

The following business was raised:

- Joint BDR(S) cross Council Cllr site visit – Paul Hutchinson confirmed that the site was happy to facilitate this and he would start looking at some possible dates for the visit.
- Impact on the Partnership by May's election – Doncaster Council had elections in May 2025 and the Partnership would have to be aware of the purdah dates.
- Informal Group Get-Togethers – the Chair stated that he thought it would be beneficial for the partnership to get together in a more informal setting, especially around the Christmas period. It was agreed that Heads of Service could be invited to these get-togethers.

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

18 DATE AND TIME OF NEXT MEETING - AGM

The next meeting was scheduled for Tuesday 24 June 2025 at 10.00am in Rotherham Town Hall.