

BARNSELY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD

Date and Time:- Tuesday 4 March 2025 at 10.00 a.m.

Venue:- (Committee Room 1) Rotherham Town Hall, The Crofts, Moorgate Street, Rotherham. S60 2TH

Membership:- Councillors Mark Houlbrook (Chair), Alam (Vice-Chair), Higginbottom.

The items which will be discussed are described on the agenda below and there are reports attached which give more details.

Rotherham Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair or Governance Advisor of their intentions prior to the meeting.

AGENDA

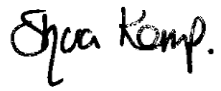
- 1. Apologies for absence**
- 2. Declarations of Interest**
- 3. Minutes of the previous meeting held on 23 September 2024 (copy attached) (Pages 3 - 7)**
- 4. BDR Managers Report 24-25 (Pages 8 - 21)**
 - Update on Contract
 - 25/26 Budget Forecast
- 5. Renewi / Biffa Sale (Pages 22 - 24)**
 - Update on new Contractor
 - Parent Company Guarantee rejection
- 6. Matters Arising (Pages 25 - 28)**
 - Emission Trading Scheme
- 7. Risk Register (Pages 29 - 34)**
- 8. Any Other Business**
 - Joint BDR(S) cross Council Cllr site visit.
 - Impact on Partnership by May election
 - Presentation Ideas? – Biffa for next meeting
 - Informal group get-together after meeting

For Information Purposes Only

- Community Liaison Group (Dec 24) Minutes

9. Date and Time of Next Meeting - AGM

Tuesday 24 June 2025 at 10.00am in Rotherham Town Hall Council Chamber.

A handwritten signature in black ink that reads "Sharon Kemp". The signature is written in a cursive style with a large initial 'S'.

SHARON KEMP OBE,
Chief Executive.

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

Present: Councillor James Higginbottom (Outgoing Chair), Councillor Mark Houlbrook (Incoming Chair) and Councillor Saghir Alam. Also in attendance were Paul Hutchinson, Sam Barstow, Gill Charters, Kellie Hopkins, Huw Russell, Carl Hewlett and Rhonda Fletcher.

Prior to the start of the formal agenda, Councillor Higginbottom wished to place on record the Board's thanks to Beth Baxter following her retirement. Beth had been an integral part of the BDR contract work and had provided invaluable support, guidance and wisdom. Councillor Houlbrook echoed these comments and also congratulated Paul Hutchinson on his promotion.

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 retired on 31 July 2024 and Paul took over as full-time BDR Manager on 1 August 2024.

In terms of 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, requirements 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 sets 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 the 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.

BDR WASTE PFI CONTRACT

BDR MANAGER REPORT 24-25 (March 25)

1. Governance

BDR Team

1.1 Staffing

1.1.1 The BDR Team continues to work flexibly but has moved more to work from Council offices across the BDR Partnership, the PFI Waste Treatment facility at Bolton Road and less from their individual homes utilising MS Teams.

1.1.2 The BDR Team continues to comprise of:

- BDR Manager – Paul Hutchinson
- Senior Contract Officer – Carl Hewlett
- Technical Officer / Admin– Rhonda Fletcher

1.2 External Support

1.2.1 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.

- Neil Tindall Legal Services (Legal)
- Roamine Advisory Limited (Finance)
- Stantec UK Limited (Technical)

1.2.2 The BDR Team and their external 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.

1.2.3 Advisors are / will be assisting with negotiation / due diligence on:

- Contractual and financial position following on from the sale of Renewi UK Services (the contractor) to BIFFA Ltd
 - Only currently issue- Parent company Guarantee change request.
- Landfill diversion Incentive (annually)
- Change in Law implications for the contract (and cost mitigation) arising from the Environment Act 2021 (R&WS, EPR, DRS & Simpler Recycling etc)
- Joint Insurance Cost Report (Bi-annually – Next expected Jan2025)
- Change in Law Claim for - Best Available Technologies (BAT's) & Environmental Permit changes.
- Changes/rebuild of AD Pasteurisation Tunnels and Acid Scrubber due to errors in original design.
- Review of New Carbon Emissions Trading Scheme (ETS) requirements on Energy from Waste (EfW) sites (Ferrybridge) and potential (2028) financial impact on BDR Council. Possibly including financial burden mitigation options/initiatives

- Review of maintenance Plans and Lifecycle of Bolton Road and equipment.
- Any future amendments to handling Persistent Organic Pollutants (POP's) from EA directives.

1.2.4 The BDR team will continue to use its resources (where available) to support BDR Councils for partnership working as their Waste Management teams work towards any individual or joint impacts emerging from the Resource and Waste Strategy.

2. Financial

2.1 24/25 Operational Management Budget

Table 1 & 2 - Operational Management Budget 2024/25

24/25 Budget Approved by JWB 26.9.24			
	Budget	Forecast	Variance
Management	£175,000	£147,604	-£27,396
Administration	£25,000	£31,389	£6,389
Call off Legal	£0	£128,384	-£11,616
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		
Total	£340,000	£307,377	-£32,623

2024/25 BDR Recharge split	
BMBC	£92,832
DMBC	£119,561
RMBC	£103,261
Total	£315,654
Small discrepancy in total v forecast due to year end accrual recharge	

2.1.1 Expenditure continues to be re-profiled and re-calculated monthly, to ensure the team meets all the anticipated workloads due in the 24/25 financial year, including the anticipated changes below:

- New BDR team Staff profile
- New Consultants Rates. Both Legal and Financial advisors' previous contracts ended in 2024. New (5-year + 2-year extension) agreements are now in place. They have been appointed through a specialist consultancy framework following the administering authorities' procurement rules. Newly increased rates reflect the market rate + inflation mechanism.
- Advice required for technical specialties.
- Continued subscription costs of the Herren Index Circa £14,500 (50/50 with WMBC) have also been included. It is anticipated this will be the last year of subscription.
- Additional spending on consultants has been required by individual Councils for re-tendering of (none-PFI) waste treatment contracts. These costs will be re-charged fully to the individual council (not split 3rd each). This additional individual Council spend may see (not PFI-caused) overspending on the PFI Team's Operational Budget.

2.1.2 The BDR Operational Budget has seen an additional pressure added of around £3,500. This has 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 is being paid by a £1,700 recharge to BMBC only and a £1,800 recharge to RMBC only.

2.1.3 The BDR Operational Budget will 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 is being paid by a recharge to DMBC only.

2.1.4 The BDR team proactively manages its Operational Budget, but it is anticipated that all of the budget may be utilised, and it is not anticipated that significant budgetary savings will be possible in 24/25.

2.2 25/26 Operational Management Budget Forecast

2.2.1 Initial estimate for the BDR Team Operational Management Budget for 2025/6 will be that the teams existing budget of £340,000 (one third paid by each Council) should be sufficient to meet requirements.

2.2.2 Some re-profiling of individual budget header amounts may be required – Saving in Staff Costs (Now no overtime being paid to previous Waste Manager, new staff but on lesser salary), but additional administration costs (increases in RMBC internal recharges), and new hourly rates for External advisors. It is hoped these costs and savings will be neutral across the budget.

2.2.3 A full breakdown and forecast for the 25/26 anticipate BDR PFI Operational Management Budget will be presented to the next Joint Waste Team meeting, the Annual General Meeting, for scrutiny and approval.

2.3 25/26 Unitary charge forecast.

2.3.1 The PFI Unitary charge has an annual indexation mechanism that is set by the January RPIX figure. This figure will not have been published by the time this report is issued in meeting papers. But it is anticipated to be around 3%. (Oct24 2.8%, Nov24 3.0% & Dec24 2.9%)

2.3.2 Taking waste arisings as increasing as anticipated, and an estimated RPIX of around 3%, and with no unexpected or unanticipated additional costs, expenditure, or income. The following Unitary Charge increase and amount is anticipated for 2025/26.

Table 3 – Unitary Charge Payment forecast 2025/25.

	BMBC	DCC	RMBC	Total
TOTAL BUDGET AMOUNT ESTIMATED	£7,893,856	£8,719,144	£6,549,845	£23,162,845
Total Paid 24/25	£7,636,341	£8,514,503	£6,401,018	£22,551,863
Variance	£257,514	£204,641	£148,827	£610,982

2.4 25/26 Energy Gainshare Payment.

2.4.1 It is expected that there will be no Energy Gainshare Payment from 2025/26. This payment is calculated over a three year rolling average of Electricity prices, and prices have fallen sufficiently since their peak in 21/22 & 22/23 to no longer trigger a payment.

3. Contract Delivery

3.1 Contract Strategic Meetings

3.1.1 **BDR Liaison Committee Meeting** – Held every 6 months, The Liaison Committee meetings between the Councils, the contractor and the operating contractor continue to be positive, the representatives across all parties have been in post for some time and this allows for a collective understanding of contractual positions. The last meeting was held on 16th October 2024, the next is due May 25.

3.1.2 The next meeting will be a great opportunity for the new contractor, Biffa to be introduced to the wider BDR governance structure, and for them to set out their vision for management and running of the BDR PFI waste contract.

3.1.3 **Operating Contractor (OpCo)** - Monthly meetings are held between the BDR team and Biffa, the operating contractor. At these meetings, the BDR team receives updated reports on plant performance and maintenance, duty of care, health and safety, any projects, contractual performance and site inspection outcomes. The BDR team raises any performance issues and agrees deductions that should be applied, and the Contractor is measured against contractual requirements.

3.1.4 **Special Purpose Vehicle (SPV OpCo)** - Bi-monthly meetings are held between the BDR team (with its Legal and Financial external consultants) with the SPV Director(s) and Biffa contract director. At these meetings, the BDR team receives updated reports on contractual compliance, contractual variations, changes in law affecting the contract, Insurance and performance of the PFI financially etc. The BDR team raises any (non-operational) contractual issues at this meeting.

3.2 Contract Data

3.2.1 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 meeting is held on the 4th March 2025, (with papers needing publishing in advance, by 12th February 25) the contractor's data available will only include information up to 31st December 2024.

3.2.2 Through monitoring of the contract and communication with the contractor, where possible the BDR team has included additional information on performance up to date, and the team has no concerns with performance and service delivery.

3.3 Waste Treatment

3.3.1 Bolton Road Facility, BDR waste received 24/25.

Table 4 – 24/25 Year-to-date contract tonnes processed.

Inputs		2023/24	April	May	June	July	Aug	Sep	Oct	Nov	Dec	YTD 2024/25
	Contract Waste (Limbs)											
Barnsley	A (Household)	53632.60	4687.10	5005.54	4107.60	4475.10	4548.14	4018.66	4855.02	4340.40	4456.90	40494.46
	B (Commercial)	5963.76	324.82	483.52	402.18	490.16	387.76	412.12	513.34	438.70	440.30	3892.90
	C (HWRC)	5394.88	472.64	486.06	466.00	447.78	478.04	422.48	427.96	401.54	459.46	4061.96
	D (Public Highways etc)	1056.36	105.48	97.46	95.66	100.84	89.16	87.18	102.24	92.70	91.62	862.34
	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
Doncaster	A (Household)	70207.54	5857.84	6558.74	5711.60	5988.92	6307.10	5537.40	6545.70	6156.82	5871.14	54535.26
	B (Commercial)	5524.62	406.04	398.70	364.44	361.32	377.00	253.24	274.16	222.32	385.16	3042.38
	C (HWRC)	7275.68	679.80	641.36	649.08	639.62	702.60	621.74	575.50	612.94	651.46	5774.10
	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
	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
Rotherham	A (Household)	51437.01	4523.54	4682.38	4053.28	4580.58	4215.94	4082.78	4579.58	4187.10	4304.18	39209.36
	B (Commercial)	2985.54	237.78	262.60	211.04	266.72	207.74	241.36	264.36	227.24	226.22	2145.06
	C (HWRC)	6132.40	565.30	568.60	511.22	534.96	546.22	472.46	507.30	484.72	543.18	4733.96
	D (Public Highways etc)	0.00	0.00	23.70	0.00	0.00	0.00	0.00	0.00	0.00	0.00	23.70
	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

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

Table 5 – 24/25 Year to date Third Party waste tonnes processed.

Inputs - 3rd Party	2023/24	April	May	June	July	Aug	Sep	Oct	Nov	Dec	YTD 2024/25
Renewi	17698.64	0.00	0.00	920.98	673.94	509.74	792.06	1933.82	457.52	0.00	5288.06

3.3.3 The amount of third-party waste being accepted is monitored and managed by the Contractor against Council delivered tonnage to ensure sufficient capacity to process and prioritise BDR contract waste. This will also allow for smoother acceptance of the priority waste from the Councils and increased reception pit cleaning as part of Biffa's ongoing fly management measures.

3.4 Waste Treatment Performance

3.4.1 Annually, the two primary monitoring metrics for the contract are recycling performance and diversion from landfill. The contract sets targets for the facility of 17.5% recycling (with a default-termination trigger if below 10.5%) and more than 96.68% diversion of waste from landfill.

3.4.2 As DCC will now be collecting Pots, Tubs and Trays in their kerbside Dry mixed recycling from 1st April 2025, this will 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%.

3.4.3 This is 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.

Table 6 – 24/25 Year-to-date Bolton Road Performance

Performance	2023/24	April	May	June	July	Aug	Sep	Oct	Nov	Dec	YTD 2024/25
Recycling (%)	13.94%	13.83%	15.82%	15.90%	15.01%	15.02%	14.31%	12.64%	12.84%	14.08%	14.38%
Diversion (%)	97.92%	85.16%	97.53%	99.22%	100.07%	99.66%	99.64%	93.66%	100.18%	99.18%	97.14%
Moisture Loss (%)	30.68%	34.06%	31.14%	28.64%	32.33%	29.82%	30.12%	30.99%	29.89%	29.09%	30.68%

3.4.4 Landfill diversion is calculated by the total waste diverted from landfill divided by the total waste delivered. In 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.

3.4.5 Earlier in the year (and uncharacteristically) Biffa were failing to meet the annual target for Landfill Diversion of 96.68%. They have been pressed on this issue and have the following mitigations in place to ensure they meet the target by year-end. “BTS fire waste required landfilling in April that set performance back. The next 6 months (May – Oct) diversion rate was 98.3%. We are catching back up with waste flow diversion and our current run rate estimates a year-end figure of 97.07% diversion”.

3.4.6 It is good to see their current YTD diversion has now exceeded their previously forecasted year-end target, but the BDR manager will closely monitor their performance to ensure they meet their obligations.

Table 7 – 24/25 Year-to-date Bolton Road Process Outputs

Contract Outputs	2023/24	April	May	June	July	Aug	Sep	Oct	Nov	Dec	YTD 2024/25
Landfill	1580.89	1878.16	908.1	343.86	261.49	106.12	101.88	142.58	123.03	104.86	3970.08
Recovery (RDF + Moisture)	183659.64	13369.78	16488.06	14517.97	15922.61	15844.37	14409.51	15740.30	15608.13	15529.59	137430.32
Ferrous	1383.02	114.41	96.50	113.52	92.05	93.99	115.15	131.60	111.97	95.88	965.07
Non-Ferrous	424.11	24.88	25.80	11.68	25.28	25.89	30.05	27.89	41.50	33.24	246.21
Fines	14538.66	1370.69	1671.42	1356.22	1407.10	1391.10	1186.53	1273.85	1163.12	1367.08	12187.11
Glass & Stone	2611.91	122.44	184.62	195.61	180.50	180.88	131.54	120.54	124.02	101.42	1341.57
Plastic	2446.10	208.52	268.48	247.34	270.55	262.24	218.28	168.44	146.41	160.28	1950.54
Direct Delivered	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	21404.39	1840.94	2246.83	1924.38	1975.49	1954.09	1681.57	1722.32	1587.01	1757.90	16690.53
Ferrybridge Metals	2243.18	131.96	191.01	182.14	187.36	195.65	177.55	191.80	194.31	194.97	1646.75
AWM-Recycling	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	2722.44	256.67	312.98	253.96	263.49	260.49	222.18	238.53	217.80	255.99	2282.09
Recycling Total	26370.02	2229.57	2750.82	2360.47	2426.33	2410.23	2081.30	2152.66	1999.11	2208.87	20619.36
Outbound Total	207095.79	17088.88	19642.98	16786.21	18159.58	17904.58	16192.96	17605.21	17318.16	17392.36	158090.92

5. Complaints

5.1 24/25

Table 8 – 24/25 Complaints received by month.

2024/25	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Flies	0 (0)	1 (0)	0 (0)	2 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)				3 (0)
Noise	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)				0 (0)
Odour	0 (0)	0 (0)	0 (0)	2 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)				2 (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).

- 5.1.1 Fly Activity has decreased due to ongoing fly management. As the seasons change and colder weather conditions prevail, fly treatments will be adjusted to suit.
- 5.1.2 As part of Biffa’s ongoing fly management, a reviewed and updated Fly Management Plan, with additional preventive measures has been submitted to the EA, and approved by them. In addition, Biffa have approved capital expenditure to install air curtains on the entrance and exit of the tipping Hall to prevent fly egress.
- 5.1.3 Biffa visited Local SME’s to discuss the fly complaint raised in July 24. Another meeting is to take place to add one-off fly monitoring boards to 3 units. Communications are to continue into next year to review during the summer.
- 5.1.4 Biffa continue to dialog with Next in respect of complaints of fly issues at their large warehouse that immediately neighbours Bolton Road site, as Next feel Biffa are attributable for the issue. Three way dialog between Biffa, Next and the EA have been ongoing, and Biffa’s fly management improvement have been welcomes by all parties and the situation will be monitored into the spring and reviewed.

6. Environmental Report

6.1 24/25

- 6.1.1 In 24/25, 3 x environmental incidents. 1 x small oil spillage from a hydraulic hose. 1 x CAR form was issued by the EA following a fly complaint. 1 x Car form issued due to CHP breakdown and associated flare use in accordance with Condition 4.3.1.
- 6.1.2 In 24/25 there have been 5 x schedule 5’s submitted regarding Ammonia levels from AD stack – ongoing acid scrubber non-compliance with EA Permit limits. 1 x schedule 5 for a release of biogas occurred following the unplanned shutdown of AD operations resulting from a fire alarm (false alarm). During the alarm investigation and subsequent reset, the build-up of biogas resulted in an unplanned release through the PRVs.

Table 9 - Details of Communications with any relevant Authority in 24/25

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
EA inspections @ BDR Bolton Road												
EA inspection @ Barnsley Transfer Station												
CAR Received BDR Bolton Road	1	1	2		4			3				
CAR Received Barnsley Transfer Station	1											
Schedule 5 submitted to EA				1			2	1				
HSE Enforcement notices BDR Bolton Road												
HSE Enforcement notices Barnsley Transfer Station												
HSE Cautions BDR Bolton Road												
HSE Cautions Barnsley Transfer Station												
New Permits, Variations, Revocations & Suspensions issued. (All Operations)												

7. Other Updates / Issues

7.1 New Contractor – Biffa (Share Purchase of Renewi UK Services Ltd).

- 7.1.1 In respect of the purchase of Renewi UK Services Ltd by Biffa, The BDR team has liaised with the Waste Infrastructure Development Program (WIDP) transactor, Defra, external consultants and colleagues from other authorities to assess options and contract implications.
- 7.1.2 The BDR Team has been assured by Biffa that no changes to the delivery of service will be seen. It intends 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 have been retained and will continue to deliver the contract as specified.
- 7.1.3 The BDR Team and its Legal, Financial, and Technical advisors are closely monitoring the situation and are in contact with Senior figures in Biffa, the retained personnel in both the SPV and OpCo. The Team is also liaising with other Councils with RUCK's/BIFFA PFI's, WIDP, Defra and the Senior Lenders who finance the project, to take soundings, be aware of wider issues/requests and sense check the sale. So far, no major issues, risks, or worries are circulating.
- 7.1.4 The only request arising from the sale is 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 our consultants this request has been rejected as the new proposed guarantor does not fulfil the requirements of a guarantor as set out in the contract. Renewi PLC remains the guarantor.

7.2 Insurance

- 7.2.1 The Contractor obtained full cover of insurance for 2025 on the 24th December 2024. The insurance market for waste still sees difficulties in placement and higher premiums. But according to the Contractor's insurance advisor, Marsh Limited, the BDR project individually has seen increased appetite from insurers to take up options and has seen a slight decrease in premiums. This is due to Renewi/Biffa's BDR Site demonstrating good fire prevention investment into measures, equipment and fire risk reduction.
- 7.2.2 Insurance, cover and availability will be scrutinised closely to ensure that under the new contractor Biffa, it continues to be placed and that it is sufficient to cover and meet the contractual requirements.
- 7.2.3 The SPV has advised that they will be writing, to obtain the same waivers to levels of insurance as they have in previous years, and we anticipate the following.
- A hot works condition applied to the Material (Property) Damage and Business Interruption
 - A deductible for Material (Property) Damage, Machinery Breakdown and Business Interruption.
 - The Material (Property) Damage and Business Interruption policy has a Loss Limit.

- 7.2.4 Once received, the BDR Team is minded responding as in previous years. To allow the waiver for the first two points but to reject the Third item – It may not be requested but if it were the councils would not grant the waiver.

7.3 Joint Insurance Cost Report (JICR)

- 7.3.1 The position for the 4th JICR (2024 to 2025 – reports are issued every two years) remains the same as the previous three iterations, The BDR Team has rejected any claim for payment from the contractor, sighting the contract drafting and calculation. A new JICR (5th one) should be contractually submitted at the start by the 31st January 2025.
- 7.3.2 At the time of writing this report, 4th February 2025, the JICR had not been received. But once received the Councils will contractually have 25 days to respond to the report whether or not it accepts the Joint Insurance Cost Report including full details of any disagreement.
- 7.3.3 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.

7.4 AD Pasteurisation Tunnel & Acid Scrubber

- 7.4.1 Biffa's legal action against the original contractor (JCBE) who designed and built the AD facility has been to Adjudication in December 23 /January 24 and the adjudication was found in favour of Biffa.
- 7.4.2 JCBE has disputed the findings of the adjudication through the submission of a Notice of Dissatisfaction. Unless the parties agree on a position on liability, the case will now be heard in court. No dates have been set for this process.
- 7.4.3 As the Acid Scrubber is integral to the AD facility and is physically positioned on top of the AD plant, it may now not be as simple as making the original design work. Biffa are investigating if a new positioning or new (enhanced) system may be required.
- 7.4.4 Biffa will continue to progress the rectification of the acid scrubber on the AD facility. The base for the course of action is a report they commissioned from Otto Simon. A design path has been chosen by Biffa which is being worked through so a suitable contractor can be appointed to build and commission the equipment.

7.5 Permit emission amendments (Best available Technologies – BATS)

- 7.5.1 Biffa has received a draft revised permit from the EA detailing the new required emissions levels. Biffa has 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.

- 7.5.2 Technical consultants Stantec have been provided with details of the system and have provided an independent evaluation of the contractual performance baseline requirements.
- 7.5.3 The BDR Team has asked for Biffa to provide a detailed analysis of the changes and an in-depth justification for any payment they feel is required from the council.
- 7.5.4 Biffa have also been set a (no movable) delivery date in 2026 by the EA to comply with their permit requirement and are being closely monitored by the EA.
- 7.5.5 We are still awaiting this information. Once received 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.

8. Barnsley Transfer Station – Grange Lane

8.1 Dilapidation Works

- 8.1.1 All delays works have now been completed for some time. BMBC Asset management have commissioned a survey of a schedule of conditions to record a standard for Biffa to keep the site in a good and tenable condition to the end of the contract, which was being reviewed by BMBC (two years ago).
- 8.1.2 The BDR manager has been pushing BMBC asset Management (without response to numerous e-mails) to allow the survey to be reviewed and agreed by Biffa, to allow a variation to the BTS contract to be drawn up to agree on the maintenance of the facility moving forward, how the paintwork on the steel should be managed, and more specifically and agreed hand-back condition expected by BMBC from Biffa at contract end.

8.2 Fire at BTS

- 8.2.1 The fire repair works commenced on 21st October 2024 and all works were completed at the end of December and were well managed. The roof cladding has been completed, purlins replaced, cleaning undertaken, enhanced CCTV system installed, mains electricity re-connected and is now back fully operational.
- 8.2.2 The site has continued working towards holding minimum stock levels at the end of the shift; however, due to issues at Ferrybridge, there have been a few occasions when the stock has exceeded internally set target levels slightly.

9. Health and Safety

9.1 24/25

Table 10 – Year-to-date Health and Safety

2024/25	Close Call	Accident less than 3 days	Accident more than 3 days	Non RIDDOR	RIDDOR dangerous occurrence	RIDDOR more than 7-day injury	Major RIDDOR	Environmental
April	62	1	0	0	0	0	0	0
May	118	1	0	0	0	0	0	0
June	75	1	0	0	0	0	0	0
July	98	3	1	0	0	1	0	5
August	116	1	0	0	0	1	0	0
September	63	2	1	0	0	0	0	0
October	100	3	0	0	0	0	0	2
November	79	1	0	0	0	0	0	0
December	40	0	0	0	0	0	0	0
YTD Total	751	13	2	0	0	1	0	7

9.1.1 H&S data for January 2025 will not be contractually available until 14 February 2025 (after this report is issued).

10. Community Education Liaison Officer (CELO)

10.1 Press Releases –

- Recycle Week
- BBQ Waste
- Keeping batteries out of waste
- How to get started composting at home.
- Reducing recycling contamination
- Reducing waste at Christmas
- Composting during the winter months

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

- Post about busting the myth 'recycling is not important' received 645 impressions.
- Post about disposable vapes and e-cigarettes received 645 impressions.
- Three posts were posted about Christmas waste and recycling collection date changes, contamination in Christmas recycling and recycling glass on New Year's Eve received 6,152 impressions.
- Post about the benefits of charity shops was posted along with a link for residents to find their nearest store received 1,331 impressions.
- Two posts were shared about reusable Christmas gift-wrapping alternatives and rechargeable batteries received 5,588 impressions.
- Two posts about Christmas jumpers and hosting a toy swap received 1,775 impressions.
- Two posts were shared about Christmas food planning and Christmas leftovers received 1,201 impressions.
- Post about Christmas composting received 2,465 impressions.
- Two posts were shared about Christmas lights and clearing out electronics over the Christmas break (using advice from Recycle Your Electricals) received 7,094 impressions.

- Four blogs were posted as part of the Christmas campaign.
- Post about the BDR school resource library was shared received 740 impressions.
- Post about busting the myth 'all waste in the recycling bin will be recycled' received 2,102 impressions.
- Post about busting the myth 'all glass can be recycled at home' received 4,346 impressions.
- Posts about hazardous waste received 17,352 impressions so far, this year.
- Post about medical waste received 6,283 impressions.
- Posts about soft plastic recycling received 1,409 impressions.
- Post about the benefits of reducing contamination received 1,061 impressions.
- Post about the BDR school resource library was shared received 740 impressions.
- Post about Sheffield sling surgery, local repair cafes/workshops and local tool borrowing schemes have received 4,019 impressions so far this year.
- Post about Aspire Sheffield CIC who specialise in computer repair and refurbishment received 709 impressions.
- Posts about second hand Halloween costumes and renting/hiring tools received 1,499 impressions.
- Posts about date labels on food, storing fruit correctly and pumpkin recipes and alternatives received 8,141 impressions.
- Post about composting autumn leaves received 829 impressions.
- Posts about international E-Waste Day and cable recycling received 1,080 impressions.
- Post about Let's go Zero campaign received 226 impressions.
- Post about clothes swaps received 876 impressions.
- Post about second-hand September and what to do with your old clothes received 4,473 impressions.
- Post about saving money on food bills and a recipe for lemon pudding received 3,891 impressions.
- Post about speeding up the composting process received 5,162 impressions.
- Post about precious metals in recycled electricals received 981 impressions.
- Post about site tours received 11,343 impressions.
- Posts shared on Waste Less South Yorkshire received 303,225 impressions.
- Blogs posted about second-hand September, speeding up composting, soup season and low-waste Halloween costumes.

10.3 Food Waste Reduction Campaign

Phase 2 of the food waste reduction campaign commenced in September with the CELO contacting Fresh Pod to discuss logistics for delivery of the campaign in 2025/26. The CELO has begun working on the campaign to be delivered in the CELO pan 25/26.

10.4 Recycle Week

Recycle Week took place between the 14th to 20th of October 2024 and this year's campaign will focus on rescuing forgotten recycling. The campaign characterises some forgotten materials such as toilet roll tubes and perfume bottles. For the Waste Less South Yorkshire campaign, only the posts featuring items recycled by all of the Councils is included.

10.5 Educational Visits

In October, two sessions with Redscope Primary School in Rotherham on the 3Rs, and a Rubbish Adventure session with a local scout/beaver group took place.

10.6 ESA's Take Charge Campaign – Zombie Batteries

ESA have not released new materials for this year's campaign. Therefore, materials produced for previous years campaigns will be used. Seven posts have been posted so far receiving 11,628 impressions on social media.

10.7 Biffa BDR Community Social Responsibility (CSR) – grants and volunteer hours

Following confirmation of the Renewi UK Municipal sale to Biffa, and the ongoing legal discussions, the promotion of the CSR Fund for 2024-25 will be postponed until more information on the CSR branding can be confirmed.

10.8 Community Engagement

Seven site tours have taken place so far in 2024/25, involving a total of 51 people. Three community talks have taken place in 2024/25 about Love Your Clothes and waste and recycling in Barnsley.

10.9 Compositional Analysis

The compositional analysis took place in October 2024 and results have been shared with the councils. The next compositional analysis is due to take place in March 2025.

10.10 BDR Website

Due to the completion of the Renewi sale to Biffa, changes were requested to change any Renewi logos to Biffa ones. Updates have been made to the 'Latest News' section of the site to reflect the press releases that have been made. The site tour dates for 25/26 have been published on the BDR online website. This included an update to the booking form.

11. Joint working and BDR support 24/25

11.1 The BDR team and its External Advisors have been assisting Barnsley, Doncaster and Rotherham councils with joint and individual projects. 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 more resources will likely be required to implement changes to contracts and services.

11.2 Listed below are the current projects and areas where the BDR team is helping to support the individual Councils or co-ordinate joint work 24/25:

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.
- Finalisation and Support for delivery of new HWRC contract
- Support for re-tender of Garden Waste Contract

DMBC

- Finalisation and Support for delivery of new HWRC contract
- Legal support for review of Collection Contract

RMBC

- Support for re-tender of Garden Waste Contract
- Support for delivery/take-back of new HWRC contract.

B.D.R

- Co-ordination, collation, and submission to numerous Government/Defra consultations from around the waste sector.
- Assisting with 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.

Report Contact: - Paul Hutchinson, BDR Manager – Paul.hutchinson@rotherham.gov.uk

<h1 style="margin: 0;">BRIEFING</h1>	TO:	BDR Joint waste Board.
	DATE:	6/2/25
	LEAD OFFICER:	Paul Hutchinson BDR PFI Waste Manager 07824 350753 Paul.hutchinson@rotherham.gov.uk
	TITLE:	Request to Change Parent Company Guarantor from Renewi PLC to Biffa BidCo in the PFI Waste Treatment Project agreement.
1. Background		
1.1	<p>In October 2023, Renewi PLC, who's UK Municipal Division were contracted to operate the BDR PFI Waste Treatment Facility, announced it would undertake a "strategic Review of its UK Division to actively explore a range of options to achieve an exit from the UK market.</p> <p>In May 2024 Renewi PLC entered into an agreement for Biffa to acquire Renewi's municipal business in the UK.</p>	
1.2	<p>Biffa LTD acquiring 100% of the shares in Renewi PFI Investments Limited (formerly Shanks PFI Investments Limited), Biffa will:-</p> <ul style="list-style-type: none"> • And own 100% of the shares in Renewi BDR Limited which is also known as Contractor under the Project Agreement. • Own 100% of the shares in Renewi BDR Holdings Limited which is also known as Hold-Co under the Project Agreement. • And 100% of the shares in Renewi UK Services Limited (formerly Shanks Waste Management Limited) which is the Construction Sub-Contractor and the Operating Sub-Contractor of the BDR PFI. 	
1.3	<p>Approval or rejection of the sale was not contractually required to be given from the BDR Council, as it did not alter the Contract, just the ownership of the contractor.</p>	
1.4	<p>The sale was officially completed on the 10 October 2024.</p>	
2. Key Issues		
2.1	<p>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). And to seek approval from the Councils for amending and replacement of Renewi to Biffa as Guarantor within Project Agreement documents as well as other related drafting changes.</p>	
2.2	<p>Unlike the sale, where the Council's approval was not required, any changes to the Project Agreement (amendments to Guarantors) would require Council Approval.</p>	

3. Key Actions and Timelines

- 3.1** Although approvals were sought in advance of the sale with the Council to change the Guarantors within the project agreement, there was no timeline stipulated. Having approval (or not) would not hold up the sale from progressing.
- 3.2** Until agreed and changed, the Parent Company Guarantor would remain Renewi PLC and although it may be a priority for Renewi to see the Guarantor changed, the BDR team would undertake it's due diligence and respond accordingly.
- 3.3** 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 is that Biffa BidCo **does not** meet these contractual requirements.
- 3.4** Therefore, we have rejected their request. We have advised them of the contractual stipulations required of any Company wishing to become a Guarantors and highlighted that a Letter of Credit is an alternative to a PCG.
- 3.5** **04/10/24** - A formal rejection response was issued to Biffa/Renewi
- 3.6** **28/10/24** – BDR Team sought opinion and understanding from the Banks and Funders who have financed this project on their position and opinion of the request to change Guarantors. In general, they are of the same opinion as our analysis – The request for the change in Guarantors should be rejected. The Banks will be undertaking their own due-diligence and will dialog with the BDR Team in future.
- 3.7** **15/11/24** – The BDR Team met with other Councils (whose PFI is operated by Renewi/Biffa) and DEFRA/WIDP to take soundings on the change in ownership, any (change / approval) requests received, and understand any issues / risk perceived from the sale to Biffa. From the meeting it was clear that the approach already undertaken by the BDR team was as advised by DEFRA/WIDP, i.e. that Biffa BidCo **does not** meet these contractual requirements, and the request should be rejected.
- 3.8** **02/12/24** – Biffa responded to the BDR PCG rejection letter (and later issued variations of our letter to other Councils) counter-arguing our rejection, and outlining further argument / contract interpretation to our position and points raised, to re-state their PGC change request.
- 3.9** **31/01/25** – A further DEFRA/WIDP meeting was held with all Biffa PFI Councils in respect of the 2nd Biffa request / Counter Argument. DEFRA/WIDP re-affirmed their advice that the position taken by BDR to reject the PCG change request on the grounds that it does not meet the contractual requirement is correct.
- 3.10** **06/02/25** - The BDR manager met with the Director of the SPV and re-iterated our position and would confirm this in writing. We await Biffa's response.

4. Recommendations	
4.1	That Joint Waste board be made aware of the rejection of the request from Biffa/Renewi to change the Parent Company Guarantors in the Project Agreement.
4.2	Be aware that the BDR Manager will now await response from Renewi/Biffa to the second rejection letter. But until them the BDR Team are satisfied that the current Parent Company Guarantee with Renewi PLC is in place and acceptable for the Project Agreement. Should this cease Biffa will be in default and will need to implement a suitable alternative – Sufficient PCG or Letter of Credit. The BDR manager will update on any further development in due course.

<h1 style="margin: 0;">BRIEFING</h1>	TO:	BDR Joint Waste Board.
	DATE:	06/02/25.
	LEAD OFFICER:	Paul Hutchinson BDR PFI Waste Manager 07824 350753 Paul.hutchinson@rotherham.gov.uk
	TITLE:	Potential Emissions Trading Scheme (ETS) Change in Law liability at Ferrybridge – financial implications
1. Background		
1.1	In 2023 The Department for Energy Security and Net Zero (DESNZ) announced that Energy from Waste plants (EfWs) will be brought within the scope of the existing UK Emissions Trading Scheme (UK ETS) by 2028.	
1.2	The BDR Waste Partnership currently send RDF from their PFI Waste Treatment Facility (operated by Biffa Ltd) to the Ferrybridge EfW, This Briefing Note aims 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.	
1.3	A more detailed Technical note produced by Stantec for the BDR partnership is available, giving a deeper detailed analysis of ETS, outlining the Council's potential carbon tonnage liabilities under ETS, exploring potential mitigation routes, and analyses' options from Enfinium (Ferrybridge's owner) announcing that they intend to develop Carbon Capture and Storage (CCS) infrastructure at their Ferrybridge EfWs.	
1.4	Please note that the UK ETS is still under consultation and development and the CCS Business Model is being refined through the development of model contracts. Information within this Briefing Note and the Technical Note can only be based on the position at the time of writing and may be subject to change.	
2. Key Issues		
2.1	The scale of ETS impact will be influenced by the tonnage of waste sent to EfW, and the carbon content of the material (fossil/biogenic split).	
2.2	Of the total CO2 potential, a proportion will be biogenic fraction (food & garden waste, paper & card, wood, etc) and the remainder fossil fraction (plastics, mineral oils, etc.). The biogenic and fossil split in post-kerbside waste is approximately 50% to each fraction.	
2.3	It is a broadly accepted market assumption that, when combusted, post-kerbside residual waste typically produces carbon dioxide at a rate of 97% of the input tonnage.	
2.4	The cost of compliance applies to the operator of the Facilities. However, as a change in law, an increase in gate fee could be expected being passed on to the waste producers such as (BDR) Waste Partnership.	

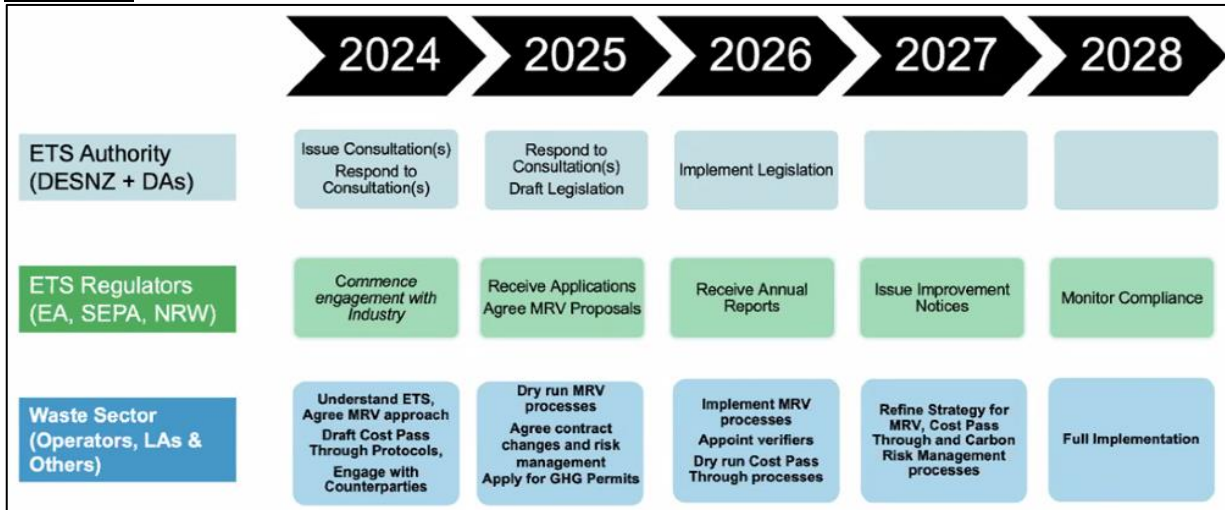
- 2.5 Enfinium as the emitter will need to have secured an allowance for every tonne of fossil CO₂ they emit within one calendar year; either through trading or enacting measures to reduce their emissions. If Enfinium intend to pass the ETS liabilities on to the fuel suppliers, they will need to be able to measure and monitor the different fossil carbon intensities. They will then need to apply this to the incoming tonnages to calculate the ETS impact related to each supplier and reconcile this to the emissions recorded from the stack.
- 2.6 Assuming the current collection schemes and treatment approaches within the MBT, the RDF produced by BDR would generate 93,500 Tonnes of fossil CO₂ which would be liable for the ETS once combusted. Whilst this is not a significant reduction in the total fossil CO₂ content, the effective total carbon and fossil composition is significantly increased within the RDF due to the moisture loss.
- 2.7 Current ETS allowance costs are around £37 per tonne but do fluctuate week by week. Since the UK ETS was implemented in May 2021, allowance costs have been as high as £80 to £90 per tonne.
- 2.8 For the future, some forecasts being used by government agencies suggesting a gentle increase to further incentivise carbon reduction to about £100 per tonne, while others suggest a more rapid increase towards £150 per tonne.

ETS Cost P/T (range)	Total ETS Liability (Tonnage into Ferrybridge). This is BDR liability (split circa 30/40/30 – B/D/R)	MBT Gate Fee Impact (Around 50% moisture and recycle removed from input into Bolton road v's tonnage into Ferrybridge)
£37 p/t	<u>£3.6m - (£1.08m / £1.44m / £1.08m)</u>	£17 p/t
£100 p/t	<u>£9.4m - (£2.82m / £3.76m / £2.82m)</u>	£46 p/t
£150 p/t	<u>£14.0m - (£4.2m / £5.6m / £4.2m)</u>	£68 p/t

- 2.9 Should the Council be liable for this additional cost, it will impact budgets in 2028/29

3. Key Actions and Timelines

3.1 Timeline



3.2 Impact on PFI Contract

Enfinium will seek to flow its liabilities down the supply chain. The ability to pass these costs through to Biffa will be controlled by their sub-contract position. It is anticipated this will then be sought to be passed on to BDR as a Qualifying Change in Law (QCIL)

Where Enfinium opts to trade ETS allowances, the impact would likely be reflected in a per tonne increase on the gate fee for the RDF from the implementation of the scheme in 2028.

If Enfinium are successful in securing CCS funding through the DESNZ ICC (Waste) contract model, there may be reduced (or zero) costs associated with meeting ETS (Covered by grants), although we still may see costs from trading allowances from implementation in 2028 until implementation/go-live of the CCS.

If Enfinium seeks to implement CCS without DESNZ support then the approach to recovering costs could be either a wrapped gate fee uplift or as a contribution to the CapEx and then a smaller uplift to gate fees to reflect the increased OpEx through QCIL.

3.3 Potential Carbon Mitigation Strategies

There is an expectation that Local Authorities will decarbonise their **residual** waste through the implementation of the requirements of the Resources and Waste Strategy. This would include implementing reduction and reuse measures and providing comprehensive and efficient **residual** and **recycling** kerbside collections, particularly for collections of rigid and film plastics.

The implementation of Deposit Return Schemes and Extended Producer Responsibility may also contribute to waste reduction.

Waste reduction is key to reducing the amount of waste sent to EFW. BDR may seek to minimise the financial impact of ETS carbon allowances on its operations by:-

- Arranging minimisation or extraction of fossil carbon sources from the residual waste prior to combustion.
- Resident engagement or pre-treatment to reduce the fossil carbon percentage and limit the carbon allowance exposure.

Reduced tonnage of residual waste equal reduced exposure to liabilities.

4. Recommendations

- | | |
|------------|---|
| 4.1 | That Steering Committee be aware of the upcoming changes in ETS legislation to include the waste sector and the potential implications. |
| 4.2 | The BDR Manager and team will continue due diligence, dialog with other Councils and Defra/WIDP and its contractor to narrow down the understanding of potential liability. |
| 4.3 | That Steering Committee give steer to the BDR manager on this matter if they feel an alternative course of action be required. |

<h1 style="margin: 0;">BRIEFING</h1>	TO:	Barnsley, Doncaster and Rotherham Joint Waste Board
	DATE:	30th January 2025
	LEAD OFFICER:	Paul Hutchinson – Waste Manager
	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 build, design and operate a facility to manage the residual waste for the Councils from July 2015 to end of June 2040 and manage Barnsley Transfer Station. 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 Biffa PLC 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 initially 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 became full owners of the Contractor through an investment vehicle and renamed as Renewi BDR Limited. In 2024 Renewi PLC announced their desire to exit the UK market and in October 2024 subsequently sold the UK division Renewi UK Services Ltd (that owned Renewi BDR Limited) to Biffa PLC. Although the ownership of the Contractor has changed twice, there is no change in the PA between Biffa and the BDR Councils, nor the offtake supply contract terms between Biffa 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 23rd September 2024. Since that date, the Risk register has been updated bi-monthly. In July 2024 a deep dive of the project risks was undertaken by the BDR Manager (after undertaking Risk Profiling training) and submitted to Steering Committee for review by BDR Assistant Directors. The register was last reviewed at their January 2025 Meeting.</p> <p>The risk categories are split between red, amber, and green (RAG) representing varying degrees of exposure. Each category contains a range of risk scores, and the table below shows how the RAG rating and score are derived.</p>	

LIKELIHOOD (A)	Almost Certain 5	5	10	15	20	25
	Probable / Likely 4	4	8	12	16	20
	Possible 3	3	6	9	12	15
	Unlikely 2	2	4	6	8	10
	Very unlikely / Rare 1	1	2	3	4	5
		Insignificant / Negligible 1	Minor 2	Moderate 3	Major 4	Critical/ Catastrophic
IMPACT (B)						

2. Key Issues

2.1 Changes

There have been no new risks added to the Register.

There have been seven (7) risks reduced on the register. Mainly due to continued understanding of correct risk profiling by the BDR PFI Manager after undergoing refresher training supplied by RMBC. Continued risks are being considered against 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.

2.2 Summary of Risks

Current RAG Rating	Jul 2024 (Jan25 position)	Target RAG Rating	Jul 2024 (Jan25 position)
Red	0 (6)	Red	0 (0)
Amber	5 (10)	Amber	0 (5)
Green	15 (10)	Green	20 (15)
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 Monitoring








The PFI project risk register is reviewed by the BDR Steering Committee at their regular meeting every 4 months and reported corporately every 2 months 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.

The BDR Manager and the Council's core contract management team will review and update the risk register on a two-month cycle to ensure risks are able to be effectively monitored and managed.

4. Recommendations

4.1 BDR Joint Waste Board is asked to consider and note the attached updated risk register and, after consideration, advise of any further risks to be added to or deleted from the risk register.

Risk Number	Risk	Consequence /effect: - What would actually happen as a result? How much of a problem would it be? To whom and why?	Existing actions/controls - What are you doing to manage this now?	Risk Score with existing measures (See scoring table)		Current Score	Further management actions/controls required - What would you like to do in addition to your controls?	Target Score with further management actions/controls		Target Score	Risk Owner (Officer responsible for managing risk and controls)	Risk Review Date	Movement
				I	L			I	L				
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	3	12	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	01/04/25	
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). Carbon 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. Risk profile slightly reduced as was previously read and felt this was too high a score for the situation.	3	4	12	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.	3	2	6	BDR MANAGER	01/04/25	
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	1	4	BDR MANAGER	01/04/25	
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 old 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 continued succession planning.	2	3	6	BDR MANAGER	01/04/25	
13 (CSS13)	Closure of facility or inability to provide the service due to a force majeure event (major incident at ITSAD Facility)	Service disruption. Temporary full or partial closure of facilities.	Contractual conditions provide a shared responsibility to agree measures to mitigate the effects and facilitate the continuation of the service. There are contingencies and other controls within the contract to divert waste to other waste facilities. No current short to medium threat to MBT process. AD issues.	3	3	9	Undertake a communications campaign. Use contingency sites and/or other contracts where possible e.g. Veolia landfill contract. Use emergency procurement if absolutely necessary.	3	1	3	BDR MANAGER	01/04/25	
2 (CSS13)	Contractor default needing emergency action and/or leading to contract termination.	Service disruption. Temporary full or partial closure of facilities.	A series of performance bond and Parent Company Guarantees exist to provide and/or pay for interim/alternative arrangements to be made. Funders would work with BDR to bring in a new contractor to deliver the service. Contingency arrangements may be implemented in the short term. Robust contract monitoring procedures	4	2	8	Ensure monitoring staff are sufficiently skilled to manage this situation. Liaison with other PFI Contract Managers, knowledge transfer	3	2	6	BDR MANAGER	01/04/25	
6 (CSS13)	Serious injury/death of a member of staff or public through service operation (MAJOR INCIDENT AT ITS/AD)	Personal tragedy. Health and Safety Executive intervention. Possible service disruption. Possible corporate liability offence	Contractor has completed and regularly reviews full Risk Assessments. Staff training, H&S Inspections, Contract Monitoring and performance deductions for non compliance. External Audit has been undertaken by Consultants and RMBC Health and Safety Team Regular monitoring of the Contractual requirements in relation to Health and Safety Consistent application of the Payment Mechanism	4	2	8	Regular visits by health and safety officers. Quarterly health and safety meetings.	4	1	4	BDR MANAGER	01/04/25	

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. Risk reduced as seeing annual improvements in process and cover being attracted	4	2	6	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	1	4	BDR MANAGER	01/04/25	
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. Further clarity of R&W legislation changes and Councils current conforming delivery has helped ease the risk.	3	2	6	Dialogue with WIDP/DEFRA and between BDR Councils. Test potential impacts to the contract/Councils against the IAA3. Lobby Government on recycling definitions.	2	2	4	BDR MANAGER	01/04/25	
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	01/04/25	
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. Further clarity of R&W legislation changes and Councils current conforming delivery has helped ease the risk.	3	2	6	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. Legislation changes are currently happening. Contingency planning, dialog with other councils and within the waste sector, understanding contractors position and from taking expert advice isn't foreseeing a detrimental risk profile at this point. Further clarity of R&W legislation changes and Councils current conforming delivery has helped ease the risk.	3	1	3	BDR MANAGER	01/04/25	
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. Step in provisions exist. It is likely that the Funders would step in an appoint another Contractor if performance is poor. Alternately the Councils could step in until the Contract could be retendered	3	2	6	Ensure monitoring staff are sufficiently skilled to manage this situation. Liaison with other PFI Contract Managers, knowledge transfer close liaison with DEFRA. Contractor has improved the refinement and is introducing further measures to ensure plant performance continues to improve	3	1	3	BDR MANAGER	01/04/25	
16 (CSS 13)	Operating sub-contractor exits UK Municipal market due to financial pressures	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. This Risk has been reduced as Recent sale of Renewit to Biffa should see a steady state for the near future.	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.	3	2	6	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 the operator and key staff. The sale of the contract is currently happening. Contingency planning, dialog with existing contractor, planned dialog with new potential contractor, understanding contractors' position in the waste sector and from taking expert advice isn't foreseeing a detrimental risk profile at this point. This Risk has been reduced as Recent sale of Renewit to Biffa should see a steady state for the near future.	3	1	3	BDR MANAGER	01/04/25	
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. Further clarity of R&W legislation changes and Councils current conforming delivery has helped ease the risk	3	2	6	In-house Legal & Financial expertise has worked on the PFI Contract from inception - Large in-depth knowledge of the 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 how to interperate and implement and BDR team will contribute to the discussion with Waste Team.	3	1	3	BDR MANAGER	01/04/25	

10 (CSS13)	Environmental Impact to Local Area from Noise/Odour/Flyes/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 Dearne 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	01/04/25	
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. Although still seeing difficulties in obtaining some of the contractual terms of the insurance, for 2025 the overall cost has reduced and Broker is seeing more appetite to insure by insurers.	2	2	4	Consider reviewing the insurance requirements. Enforcement of Contractual Positions. Council becomes insurer of last resort. For 2022, improvements were seen in the ability to place insurance, and the breadth of insurers willing to insure BDR	2	1	2	BDR MANAGER	01/04/25	
15 (CSS 13)	Recycling Markets	Lack of recycling markets impacts on Contractors ability to achieve recycling rate	Reviewing disposal points, ensuring Contractor has contingency in place	2	2	4	Councils may consider taking on more risk (as long as this is properly assessed) to deliver savings. Currently being investigated as part of the Councils' operational savings review. Encourage market development of local Waste Treatment / recycling infrastructure through Waste Management Plan and DPD	2	1	2	BDR MANAGER	01/04/25	
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	1	2	BDR MANAGER	01/04/25	
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	1	2	BDR MANAGER	01/04/25	
4 (CSS13)	Fraud	Contractor could attempt to charge for more than they are entitled to/Client team could collude with Contractor	Process for checking Tickets from each Council is in place. Financial and Legal Officers form part of team. Information shared across all 3 Councils Direct debit mandate is in place for Barnsley and Doncaster to pay Rotherham. All deductions are accounted for in line with the IAA3. Guaranteed minimum tonnage requirement for the Councils. Regular reports to Steering Group/Joint Waste Board. Systems in place to pay the Contractor Internal and External Audits undertaken	3	1	3	Continue to ensure open door policy maintained and easy access to information (contract requirement) continues. Regular site visits. Maintain good contractor client relationship. Duty of care audits with 3rd party off-takers	3	1	3	BDR MANAGER	01/04/25	

Risk (What is the problem / hazard? What is it that will prevent you from meeting your objective?)	Consequence /effect: (What would actually happen as a result? How much of a problem would it be? To whom and why?)	Existing actions/controls (What are you doing to manage this now?)	Risk Score with existing measures (See scoring table)			Further management actions/controls required. (What would you like to do in addition to your controls?)	Target Score with further management actions/controls required (See Scoring Table)			Cost (of impact; of current controls; of further controls) £	Risk Owner (Officer responsible for managing risk and controls)	Risk Review Date
			2	2	4		2	1	2			
There is a risk that the contractor will not comply with the terms and conditions and the performance will be less than the Councils are paying for. (Compliance)#1 Remove this risk as now covered with other risk listed.	Service disruption. Temporary full or partial closure of facilities.	Regular contract meetings/Monitoring and review procedures/Emergency plan/Contingency facilities in place/Performance deduction , Step in provisions exist. It is likely that the Funders would step in an appoint another Contractor if performance is poor. Alternately the Councils could step in until the Contract could be retendered	2	2	4	Ensure succession planning is adequate. Invest in training for the current team Project Management and COTC.	2	1	2	Approximate costs for training in Project Management and COTC £4,000	BDR Manager	1st October 2021
Ensure the balance of risk between Contractor and BDR is maintained. #5 Remove this risk as now covered with other risk listed.	Councils could take more risk than anticipated	Change protocol in place, consideration needs to be given to level of risk as changes are negotiated.	3	2	6	Councils may consider taking on more risk as long (as this is properly assessed) to deliver savings. Currently being investigated as part of the Operational Savings review	2	2	4	Approximate costs for financial advice £30,000 Legal advice would also be needed approximately £30,000 money already allocated in Operational Management Budget for this.	BDR Manager	1st October 2021