

BARNSELY, DONCASTER AND ROTHERHAM JOINT WASTE BOARD
Monday 18 July 2022

Present: Councillor Houlbrook (outgoing Chair), Councillor Beck (incoming Chair), Councillor Higginbottom with Paul Hutchinson, Lisbeth Baxter, Barry Connolly, Andrew Simpson, Gill Charters, Rhonda Fleetwood and Samantha Mullarkey.

128 TO DETERMINE IF THE FOLLOWING MATTERS ARE TO BE CONSIDERED UNDER THE CATEGORIES SUGGESTED IN ACCORDANCE WITH THE LOCAL GOVERNMENT ACT 1972.

Agreed.

129 TO DETERMINE ANY ITEM WHICH THE CHAIRMAN IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY.

There were no urgent items to consider.

130 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Sam Barstow, Paul Castle, Kellie Hopkins and Nigel Naisbitt.

131 DECLARATIONS OF INTEREST

There were no declarations of interest.

132 MINUTES OF THE PREVIOUS MEETING HELD ON 7 MARCH 2022 (COPY ATTACHED) AND MATTERS ARISING

The Minutes were approved as a correct record of the meeting. There were no matters arising.

133 JOINT WASTE BOARD

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

The submitted report detailed how the functions of this Joint Waste Board will be delegated down to the BDR Steering Committee and the BDR

Manager in order to deal more efficiently with the day-to-day decisions that will be required under the Principal Contract. All decisions of the JWB, BDR Steering Committee and the BDR Manager will be made in accordance with the provisions of the prevailing Inter-Authority Agreement. In accordance with the IAA, the appointment of Chair and Vice-Chair of the Board rotated on an annual basis.

Resolved:-

- 1) That Councillor Beck of Rotherham Metropolitan Borough Council be appointed Chair of the Barnsley, Doncaster and Rotherham Joint Waste Board for the 2022/23 Municipal Year and Councillor Higginbottom of Barnsley Metropolitan Borough Council be appointed as Vice-Chair for the 2022/23 Municipal Year; and
- 2) That the Doncaster Metropolitan Borough Council Steering Committee Representative becomes Chair of the Steering Committee for the 2022/23 Municipal Year and the Rotherham Metropolitan Borough Council Steering Committee Representative becomes Vice-Chair of the Steering Committee for the 2022/23 Municipal Year.
- 3) That the JWB note that:
 - a. 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").
 - b. The Authorised BDR Steering Committee Member may elect to delegate certain decisions to the BDR Manager.
 - c. 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).
 - d. That Doncaster Borough Council's representative officer on the BDR Steering Committee will be the Authorised BDR Steering Committee Member for 2022-2023.

Before handing over the chairmanship, Councillor Houlbrook wished to place on record his thanks to the officers and elected Members that had supported him during his time as Chair. It had been a difficult but enjoyable year and he wished Councillor Beck the best for his time in the chair.

The Board placed on record their thanks to Councillor Houlbrook for

chairing the meetings for the previous year.

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

134 BDR MANAGERS REPORT

Paul Hutchinson introduced the Annual Report which had been circulated prior to the meeting and highlighted the following issues relating to the Joint Waste Private Finance Initiative for the period April 2021 to March 2022:

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

Paul Hutchinson confirmed that it had been a very good year for the contract. All statutory meetings had been held. The recycling rate for 2021/22 was 14.96% which was an increase of 1.16% from 2020/21. The Bolton Road facility had also achieved 98.09% diversion from landfill, an increase of 0.21% on the previous year.

The tonnage forecast for April 2021 to March 2022 had been 211,000. However, the Year End Outturn had in fact been 219,000. The variance had been attributed to the prolonged effected of the second, third and fourth waves of COVID-19. March 2022 saw less waste than anticipated due to a later Easter at the same time as COVID-19 restrictions lifted resulting in less home working and home schooling. It was possible that the current cost of living crisis could now be taking effect and less waste may be being produced.

The number of complaints was down 84.3% to 22 and included four unsubstantiated complaints. Fly management had also improved and the Environment Agency were confident that all best practices were in place.

There had been minimal health and safety incidents and the contractor had obtained full cover of insurance for 2022. The lead insurer was still Aviva.

In terms of the 2021-22 Operational Management Budget expenditure, there was a £37,877 underspend. Most of the savings had come from prudent use of external consultants. Approval from the Joint Waste Board in September 2021 meant the Operational Management Budget was increased from £287,000 to £325,000 (+£38K) to cover the additional spend of £59k for the RMBC commissioned, Local Partnership produced, HWRC options appraisal project. In year savings had been achieved to

cover the additional spend within the original budget of £287k.

The BDR Manager proposed that the Joint Waste Board approve the 22/23 budget which would remain at the same (original) level as 21/22 - £287,000. Expenditure had been profiled and re-calculated to ensure the team met all the anticipated workloads due in the 22/23 financial year.

Existing savings within the current management budget (0.4 vacant FTE of Senior Contract Officer Post) would be utilised to change the current Admin Assistant post into a three-tier career development grade, becoming Technical Officer. This post enhancement had been agreed to enable skill and knowledge gaining within the team to build for team continuity and future contingency planning.

In addition, a restructure to the current BDR team had been proposed and approved by Steering Committee. The re-structure would see two, two-year temporary positions created within the team, specifically to assist the BDR Partnership deliver the outcomes of the Recycling & Waste Strategy. The two posts to be created would be a Senior Technical Officer and an Admin Apprentice. The posts were to be temporary for two years. The recruitment date for both posts would depend upon the Government and their eventual revised timetable of the R&WS. A full year's salary expenditure (with on-costs) would be £39,399 & £23,611 (pro-rata within the first and last year dependant on when recruited.) The Joint Waste Board was asked to approve this additional spend, and for it to be added to the Operational Management Budget.

In response to questions, it was confirmed that salary savings were the main reason the funding for the HWRC appraisal could be funded from the original budget. It was also confirmed that there was a risk that the proposed budget for 2022/23 would not be enough. However, Officers were of the view that it would be better to proceed with the proposed budget and if any further funds were required, a report would be brought back asking for those additional funds.

Questions were also asked in relation to the Waste Infrastructure Credits from DEFRA. It was confirmed that these were fixed for every year and do not change.

Paul Hutchinson advised that peaks in the Health and Safety "Near Miss" calls over particular months was in relation to proactive training and due to the fact that more people had begun working back on site following the pandemic in September, October and November.

Resolved:

- 1) That the report be noted.
- 2) That the Joint Waste Board approve the 22/23 budget which will remain at the same (original) level as 21/22 at £287,000.

- 3) The Joint Waste Board approve the additional spend for the new posts as outlined in Section 4.2.4 of the report, and for it to be added to the Operational Management Budget.

135 CURRENT ISSUES

Paul Hutchinson gave an update on current issues. High winds in January damaged the silencer for the de-dusting stack. The affected section was removed, inspected, redesigned and refabricated. Work was also ongoing regarding the corrosion of walls in pasteurization tunnels.

Regular checks on the sites were ongoing due to the recent heatwave.

136 RISK REGISTER

Paul Hutchinson introduced the Risk Register and highlighted the following areas:

- There had been no new risks added to the Register.
- Two risks had been reduced slightly – Changes in Local Authority Policy (lowered due to renewed commitment to work together where possible) and Environmental Impact to Local Area from Noise/Odour/Flies/Vermin etc (Compliance (lowered due to continued improvement with site management.)
- Officers would be monitoring all risks relating to the Supply Chain, Cost of Manufacture, Energy Supply, Human Resources and Euro/Brexit due to the “cost of living crisis.”
- The three red risks were:
 - o Changes to Collection services and the impact on the PFI contract
 - o Changes in Government Law/Regulations including the Waste and Resources Strategy
 - o Changes in Technology due to innovation or Government Law/Regulation (Carbon Capture)

Resolved:

- 1) That the risk register be noted.

137 ANY OTHER BUSINESS

Household Waste Recycling Centre Procurement

It was noted that work was currently underway on the options in relation to the new Household Waste Recycling Centre Procurement. Councillor Beck reported that Rotherham Cabinet had agreed at its meeting in July that a joint procurement option should be taken forward. It was understood that the matter would be taken to Doncaster Cabinet in August and Barnsley Cabinet in September.

The key points from the Rotherham perspective were that payment of the Living Wage and Social Value had to be built into the procurement contract. Concerns had been raised over the length of the contract, with five years being preferred to the proposed eight.

Officers advised that the reason eight years was being discussed was that this would cover the procurement of vehicles and ensure value for money for the contract holders. Five years had been used previously as some of the infrastructure was in place. However, this time around, that infrastructure would all need replacing and as such, eight years was seen as the most economically advantageous option.

Officers also advised that other improvements that were being considered were the introduction of ANPR cameras at HWRC's, allowing local Small and Medium Business commercial waste disposal for a fee and alignment of working practices. It was reported that there had been 3700 responses to the consultation to date with the public giving their views on what improvements they wanted to see.

From a Doncaster perspective, concerns had been raised that the introduction of ANPR cameras could lead to an increase in fly tipping. Officers confirmed that whilst they understood these concerns, evidence from other Local Authorities and the public service waste sector did not support this. Doncaster would support the inclusion of Social Value and the Living Wage. However, they too had concerns about the eight year term, particularly around the flexibility the JWB would have in what would be very challenging times. Concerns were also raised about the possible introduction of supersites as Councillor Houlbrook did not think they would work well in Doncaster. The proposal to allow residents from any of the three boroughs to use any HWRC was supported.

Councillor Higginbottom agreed and stated that he was in favour of ANPR cameras and of the opening of HWRC's to residents from all three boroughs. Again, he did not think that supersites would work well in Barnsley.

Officers confirmed that there was an 8-week window before the tender would be published and as such, the details needed to be agreed before then. As the South Yorkshire Leader's meeting would take place after then, it was **agreed** that a meeting be held once the consultation had finished between key officers and elected Members from each of the three authorities.

138

DATE, TIME AND VENUE FOR THE NEXT MEETING

The next meeting will take place on 12 September 2022 at Rotherham Town Hall subject to confirmation of attendance by representatives of all member Councils.