

<h1>BRIEFING</h1>	TO:	South Yorkshire Waste Partnership Board
	DATE:	23 rd September 2024
	LEAD OFFICER:	Paul Hutchinson - Waste Manager BDR PFI Waste Team Regeneration and Environment
	TITLE:	Joint Waste Board Meeting Location Requirement and Meeting frequency.
1. Background		
1.1	Since 2012 The Joint Waste Board has given oversight and governance to the Specification, Procurement, design, build and delivery of a joint BDR, 25 year contract, PFI Waste Treatment facility. The Board has decision making powers for the contract.	
1.2	The Board is governed via it Terms of Reference (2012, revised 2015) and the Inter Authority Agreement 3 (2016).	
1.3	The meetings were extended to include Sheffield CC via a South Yorkshire Waste Partnership Board under a memorandum of understanding.	
1.4	Currently meetings are held four times a year in the Council chamber of Rotherham Townhall, and each meeting comprises of three parts. <ul style="list-style-type: none"> • 30 Min – Cllr only discussion, followed by • 30 Min – SY Waste Partnership Board, followed by • 30 Min – BDR Joint Waste Board 	
1.5	In attendance (from each authority) are Cllr Board members or their deputies as well as Senior Council officers. Also in attendance is The Waste Manager from the BDR PFI Waste Team, the WIDP Transactor and any specialist consultants or contract staff required to aid discussion.	
1.6	The BDR Joint Waste Board section of the meeting is publicly attendable with Agenda and Papers published in advance on-line.	
2. Key Issues		
2.1	Portfolio Holders who comprise the Membership of the formal BDR Joint Waste Board, and associated informal SY Partnership Board, have requested investigation be undertaken to look at the current requirement for the BDR Joint Waste Board meetings to be held in person and to see if meetings can be held virtually.	
2.2	As Members come from across the four SY authorities, it is often difficult and/or time consuming to attend meetings in person as well as co-ordinating time including traveling to all to attend together.	
2.3	As part of this investigation, the BDR PFI Waste manager has also taken the opportunity to review the current PFI contract governance and oversight meetings	

– Joint Waste Board, Steering Committee and Joint waste Board – That also encompass Partnership working across Waste in South Yorkshire to ensure they are fit for purpose and the correct frequency.

3. Key Actions and Timelines

3.1 Meeting Location

3.2 I have sought clarification from RMBC’s Monitoring Officer, Phil Horsfield, Assistant Director, Legal, Elections and Registration Services, if meetings can be held virtually. He has confirmed :-
“My understanding is that the JWB is a Joint Committee of the Executive and so the Local Government Act 1972 prevents the Council from holding these meetings remotely. I understand that the Government is re-examining this rule at the moment, but I am not expecting anything soon”.
Therefore, we do not have the option to hold JWB meetings remotely.

3.3 In respect of the venue where meetings are held, The Tor and IAA3 have slightly contradictory, or different interpretations of where the meetings should be held.

- TOR – *“The venue for the meetings will be in the administrative area of the Chairperson”*
- IAA3 – *“The standing orders of the Administering Authority (PH – RMBC) shall apply to the proceedings of the JWB as they do to meetings of that Party, except that in the event of those standing orders conflicting with the provisions of this Agreement this Agreement shall prevail”*

3.4 Having sought a legal perspective between TOR and IAA3. The TOR recognise the rotation of the chair and for the chair to hold meetings in their own administrative area , but the IAA3’s wording to use the Administering Authority standing orders give continuity and consistency of governance throughout the PFI project term, as chopping and changing to slightly different rules every year would be counter-productive: ensuring all know that the Rotherham Borough Council orders apply.

3.5 As meetings are always held at Rotherham Townhall, I have assumed that as RMBC is the Administrative Authority for the PFI contract, meetings have been agreed to always be held in Rotherham to ease, and give consistency to admin tasks - Organisation of meetings, Council Governance, Agenda and Paper publishing and minute taking. If the parties wish to agree something different (proposing amendments to the adopted Rotherham Borough Council standing orders that do not work or be replaced by something different by agreement) may require the IAA3 to be amended and that would then have priority over individual Councils standing orders.

3.6 Meeting Frequency

The following table outlines the current frequency of PFI contract governance and oversight meetings – Joint Waste Board, Steering Committee and Joint waste Board. These meetings also encompass partnership working across South Yorkshire.

3.7

Current Meetings per year

MEETING	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
MEETINGS P/M	2	2	3	2	0	3	2	1	2	2	2	1	22
BDR Joint Waste Board			AGM.										
SY Joint Waste Board													
Joint Waste Board Cllr Pre-meeting													
BDR Steering Committee													
SY Steering Committee													
BDR(S) Joint Waste Team													
Liaison Committee													

3.8

There are considerable number of meetings covering the same topics, all be it aimed at different levels of audience.

- JWB – Cllrs and Senior managers
- SC – Senior managers and their Heads of Service / Waste manager
- JWT - Heads of Service / Waste manager
- Liaison – Contract Directors and Operation directors from Renewi + Senior managers, Heads of Service and Waste manager

There is an inconsistency of frequencies, imbalance in number each month, duplicate information being presented to some audiences within the same month, diary pressures causing apologies, and lack of gaps between meetings for progress to be actioned.

3.9

Benchmarking against other PFI Councils we are one of the higher if not highest frequency of meetings held (although BDR meetings also incorporate Joint workings across the whole waste partnership) :-

Project 1:

Monthly Operational Meetings , Monthly Financial Meetings , Strategic meetings once every quarter / six months which can involve a wider audience. There are Joint Waste Management Board in two tier authorities which are usually held quarterly, Day to day meetings on operational matters, Ad-hoc senior management meetings usually called when there is something significant to discuss.

Project 2:

6 monthly project executive meeting with senior officials from constituent councils in the partnership. 6 Monthly liaison meeting with the contractor (they tend to tie this in with the meeting above) .An annual joint committee meeting, Weekly operational meetings.

Project 3:

Officer Project Board (OPB), (monthly) that brings together all the operational staff (contract managers and Heads of waste for each Authority). Liaison Meeting (3 monthly) at senior level with the Contractor. There is also a monthly contract operational meeting at contract manager level with the contractor. 6 monthly meeting with politicians.

Project 4:

No OPB, but quarterly liaison meeting. Monthly contract operational meeting at contract manager level with the contractor. 6 monthly meeting with politicians.

Project 5:

No OPB., The Liaison Meeting with the Contractor is only 6-monthly but the operational level meeting is monthly. Political is ad-hoc.

Project 6:

Other than regular operational meetings, nothing formal is scheduled.

3.10 In respect of the frequency of JWB meetings, again the Tor and IAA3 are slightly contradictory.

- JWB TOR – *“The meetings will be held every 3 months unless otherwise agreed at meetings”.*
- IAA3 – *“The JWB shall hold ordinary meetings no less than once a year (including the annual meeting) except that: the Chairman may in his discretion cancel any ordinary meeting if in his opinion there is insufficient business to be transacted; and a special meeting may be convened at any time on the requisition of the Chairman or at least two (2) members of the JWB or by a member of the BDR Steering Committee”*

3.11 Again, having sought a legal perspective between TOR and IAA3. The opinion is there is a level of content in each document which has value.

3.12 I sought the opinion of Emma Hill, RMBC Head of Democratic Services, Assistant Chief Executive's Office. Emma is comfortable with altering the frequency of JWB and other meetings (as long as ensuring frequency is sufficient for purpose). She just requested that any changes be in the next Financial year as this years JWB have been published for 23/24.

3.13 The change of frequency has also been informally discussed with AD's and Waste Officers from across BDR(S) who view the proposed changes favourably but wish full discussion and understanding of responsibilities before implementation.

3.14 The following table is a proposed meeting frequency to allow discussion. The aim is to make the frequency more structured and consistent. Not having overkill of meetings and therefore allow better attendance as they become more pertinent with less diary pressure.

New Proposed (indicative) meeting frequency

3.15	MEETING	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
	NUMBER OF MEETINGS	2	1	1	1	1	1	2	1	1	1	1	1	14
	BDR Joint Waste Board			AGM.										
	SY Joint Waste Board													
	Joint Waste Board Cllr Pre-meeting													
	BDR Steering Committee													
	SY Steering Committee													
	BDR(S) Joint Waste Team													
	Liaison Committee													

- 3.16** Anticipated advantages of new frequency
- Reducing JWB meeting by 1, allow better synergy with timings if other meetings. Dates to be agreed for months Cllrs are able to attend.
 - Reducing frequency of SC meetings allow better synergy with both JWB and JWT. Also, as AD's attend JWB will prevent duplication of information reported and Diary pressures.
 - Aligning frequency of JWT to be in-between JWB and SC will mean Waste Officers always meeting in a timely manner to be updated of any actions or respond to previous actions asked (from JWB & SC).
 - The whole indicative timetable above will insure one PFI waste meeting is held each month.
 - May encourage better attendance if frequency more attainable / manageable.

4. Recommendations

4.1 Meeting Location

It is recommended that JWB Meetings continue to be held in person at Rotherham townhall. And that consideration, after discussion with all parties could be given to the following:-

- Number of meetings held per year (see Meeting Frequency for further detail)
- SY Joint waste Board be amalgamated into BDR Joint Waste Board meeting to save repetition and time, with Sheffield CC member attending as guest.
- Meeting Venue could be rotated with Chairperson. Consideration would need to be given to Governance Administration implications if changed each year.

4.2 Meeting Frequency

It is recommended that JWB Meeting Frequency be discussed at South Yorkshire Partnership Board, with the aim to improve governance.