

JOINT WASTE DISPOSAL BOARD
5 SEPTEMBER 2013
(10.00 - 11.45 am)

Present: Bracknell Forest Borough Council
Councillor Mrs Dorothy Hayes MBE
Councillor Iain McCracken

Reading Borough Council
Councillor Paul Gittings
Councillor Tony Page

Wokingham District Council
Councillor Angus Ross

Officers Claire Ayling, Reading Borough Council
Pete Baveystock, Wokingham Borough Council
James Clemments, Reading Borough Council
Oliver Burt, Reading Borough Council
Janet Dowlman, Bracknell Forest Council
Dave Fisher, Reading Borough Council
Kevin Holyer, Reading Borough Council
Steve Loudoun, Bracknell Forest Council
Mark Moon, Wokingham Borough Council
Kevin Parker, Reading Borough Council

Apologies for absence were received from:

Councillor Stanton, Wokingham Borough Council

1. **Election of Chairman**

RESOLVED that Councillor Mrs Hayes be elected Chairman of the Joint Waste Disposal Board for the next twelve months.

COUNCILLOR MRS HAYES IN THE CHAIR

2. **Appointment of Vice-Chairman**

RESOLVED that councillor Gittings be appointed Vice-Chairman of the Joint Waste Disposal Board for the next twelve months.

3. **Declarations of Interest**

There were no declarations of interest.

4. **Minutes of the Meeting of the Joint Waste Disposal Board**

RESOLVED that the minutes of the Joint Waste Disposal Board meeting held on 29 May 2013 be approved as a correct record and signed by the Chairman.

5. **Urgent Items of Business**

The Board was informed that a report discussed at the Board's March meeting under Part II of the agenda had been inadvertently published on Bracknell Forest Council's

website. An investigation had been carried out and procedures relating to the publication of agenda papers had been checked and the Council was confident that the situation would not reoccur. The Council apologised for any disadvantage that this situation might have placed the Board in.

6. **Progress Report**

The Board received a report providing an update on progress made since its last meeting on 29 May 2013. The report included updates on: proposals to introduce a Code of Conduct for the PFI, performance and the potential development of a Communications Strategy.

It was reported that DEFRA had contacted each of the re3 council's advising them of the desirability of having a Code of Conduct specifically for PFI and PPP operational contracts. It was intended that a Code of Conduct would encourage a collaborative approach between the contracting parties, principally with a view to the delivery of efficiencies and savings. It was acknowledged that a Code of conduct would be a beneficial move for the Partnership and that the re3 Councils were keen to see one entered into. It was confirmed that under the terms of the delegation of executive functions to the Joint Waste Disposal Board any Code of Conduct entered into could be signed by the Board's Chairman on behalf of the Partnership.

The Board noted that the amount of household waste collected continued to fall however it was stressed that the situation was expected to change and that officers were working to ensure that when levels did start to increase residents were able to recycle as much of their household waste as possible.

The Board agreed that it would be beneficial to develop a Joint Communications Strategy covering those areas which affected residents across all boroughs where a long term approach was required.

RESOLVED that:

- i. The contents of the Project Director's report be noted
- ii. Officers seek clarification of the intentions of FCC Environment with regard to the signing a Code of Conduct with the re3 Councils
- iii. Any Code of Conduct entered into be signed on behalf of the Joint Waste Disposal Board by the Board's Chairman
- iv. The development of a re3 Partnership Communications Strategy be endorsed

7. **Adjudication Report**

The Board received a report providing an update on the adjudication of the dispute over excess waste profits.

It was reported that the adjudicator had found in the re3 Councils' favour and had confirmed that the Contractor has to include all recycle and trade waste when it calculates the value of the excess profits from waste. It was noted that whilst the decision of the adjudicator was legally binding it could be challenged in court. The costs of the adjudication were to be shared on a 50:50 basis.

The Board acknowledged the content of letters sent by the Contractor to the re3 Councils before the adjudication ruling had been received. It was agreed that officers would prepare a briefing note for Board members setting out responses to the issues raised in the letters and proposals for a way forward.

RESOLVED that:

- i. The content of the Project Director's report be noted
- ii. Further budget be invested as required to enable the pursuit of issues arising from the payment mechanism
- iii. A letter be drafted appraising DEFRA and HM Treasury of the dispute and its outcomes

8. Audit Report

The Board received the draft re3 Joint Waste PFI Internal Audit Report. The second biennial audit report had been completed by the Audit Team at Reading Borough Council's Internal Audit Team in consultation with the audit teams at Bracknell Forest and Wokingham Borough Councils.

The Audit had examined the following four areas: budget, facilities, governance and contract management and it had been found that overall performance in all areas was sound. Of the eight recommendations had been made following the audit, four had been classified as being medium priority and four as being low priority. This compared well to the fifteen recommendations identified in the 2011 audit. An action plan had been prepared and work was already taking place to address the priority areas identified.

The Board commended the clarity and format of the report.

RESOLVED that:

- i. The audit report relating to the re3 Joint Waste PFI be endorsed
- ii. The management responses, and associated actions, included within the audit report be approved

9. Annual Finance Statement

The Board received a report summarising the financial position of the joint waste PFI. The report included end of year figures for the 2012/13 financial year, the emerging position in the current financial year and a first draft of the budget for 2014/15.

It was noted that the patronage information contained within the results of the Annual User Survey would be applied to the draft 2014/15 budget and once this had been completed the revised draft budget would be circulated to the Board.

RESOLVED that the report of the Project Director be noted.

10. re3 Waste Strategy

The Board received a report providing an update on the development of a Waste Strategy for the re3 Partnership. The report provided an overview of the aim and scope of the strategy, a proposed timetable for completion and adoption of the strategy, a proposed forward plan for the Joint Waste Disposal Board and a proposed dashboard of key performance indicators that would be used to provide a high level illustration of the success of the re3 Partnership. Arising from Member's questions and comments the following points were noted:

- It was suggested that the Forward Plan be included as a standing agenda item at future meetings of the Board

- The strategy needed to give consideration to future aspirations for example new technologies and MRF
- Care needed to be taken to ensure that the language used in the strategy was consistent for example when discussing the measurement of the quantity of waste collected

It was proposed that officers and Members from each respective council consulted on the draft and it was requested that any comments and proposed amendments be forwarded to the re3 Project officers or the Project Director. A further draft, taking into consideration the aforementioned feedback and suggestions, would be brought to the Board's December meeting. It was expected that the Strategy would be finalised for approval by March 2014.

RESOLVED that:

- i. The report of the Project Director be noted
- ii. The proposed timetable for completion of the Strategy as described in paragraph 3.22 of the Project Director's report be approved

CHAIRMAN