

JOINT WASTE DISPOSAL BOARD
21 SEPTEMBER 2010
(6.15 - 7.05 pm)

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

Reading Borough Council
Councillor Tom Stanway

Wokingham District Council
Councillor Gary Cowan
Councillor Rob Stanton

Officers Oliver Burt, Reading Borough Council
Peter Butler, 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
Vincent Paliczka, Bracknell Forest Council
Pete Thompson, Reading Borough Council
Allan Tiplady, Wokingham Borough Council

Apologies for absence were received from:
Councillor Swaine

1. **Quorum**

The start of the meeting was delayed by 15 minutes as a quorum was not present until 6.14pm. As this was not the first time a quorum had not been achieved until sometime after the intended start of the meeting, it was agreed that a report should be prepared proposing an amendment to the constitution to permit members to nominate substitutes, if necessary.

2. **Election of Chairman**

RESOLVED that Councillor Mrs Hayes be elected Chairman of the Board for the next year.

Arising from this decision, Councillor McCracken expressed his thanks to Councillor Stanton for the excellent job that he had done in chairing and leading the Board through some difficult times.

3. **Appointment of Vice-Chairman**

It was agreed to defer the appointment of a Vice-Chairman.

4. **Declarations of Interest**

There were no declarations of interest.

5. **Minutes - 1 July 2010**

RESOLVED that the minutes of the meeting of the Joint Waste Disposal Board held on 1 July 2010 be approved as a correct record and signed by the Chairman.

In response to questions arising on the minutes, the Board was advised that:

- There had yet to be a response from Green Machine as the latter was still preparing its business plan.
- The Fire & Rescue Service and insurers were being kept informed of progress in completing the outstanding fire safety work.

6. **Urgent Items of Business**

There were no urgent items of business.

7. **Project Update**

The Board considered a report informing it of progress since its last meeting on 1 July 2010. The report covered:

- Operations and facilities including actions being taken following another incident of abuse towards a member of staff at Smallmead; the trial of a mini-MRF at Longshot Lane; new arrangements for recycling wood; and the re-use activity.
- A request from the contractor to re-let the haulage contract earlier than provided for in the contract in order to allow time to acquire new vehicles if necessary.
- A request from the contractor to allow a relaxation of the requirement to add the re3 logo to the haulage contractor's fleet.
- Proposed revisions to the height barriers and access controls at both Household Waste Recycling Centres.
- Recycling Performance.
- The latest position on the Use of re3 Facilities by West Berkshire residents and on the legal agreement relating to the Lakeside Energy from Waste Facility.

In response to the report, the officers were congratulated on the establishment of the mini-MRF at Longshot Lane.

Arising from the issues of good governance raised regarding whether the Chairman and Project Director should be from the same authority, it was agreed that it would be timely to look at clarifying the matter in the joint agreement.

RESOLVED that:

- 1 The progress made since the last meeting on 1 July 2010 be noted;
- 2 The early procurement of a new haulage contract be endorsed;

- 3 The relaxation of the requirement for vehicles hauling re3 waste to be liveried with the re3 logo be endorsed .
- 4 The changes to the access controls at both Household Waste Recycling Centre's be approved.
- 5 That a review of the Joint Agreement be undertaken to ensure that it remained fit for purpose.

8. **Annual Financial Statement**

The Board considered a report summarising the present financial position of the joint waste PFI. The report sought to conclude the management of finances in the 2009/10 year, detailed the emerging position in the current year and presented the first draft of the budget for the 2011/12 year.

The Board was advised that the major reasons for a projected underspend of £170,000 against the budget were the fall in contract waste tonnage, a significant reduction in inflation (from 4% to 1.7%) and business rates not increasing as much as expected following the revaluation of the sites.

The budget for 2011/12 was based upon estimated tonnages derived from a waste modelling exercise which the Councils had completed in conjunction with the Contractor in July 2010.

RESOLVED that the contents of the Annual Financial Statement be noted.

9. **Work Programme**

The Board considered a report on progress made against the Work Programme agreed at the 2009 Annual General Meeting.

Of the objectives set, only one item, the issue of a Joint Waste Authority, had not been specifically covered during the preceding year by mutual agreement.

Members of the Board were being invited to attend a Workshop on waste management within the re3 partnership. The initial workshop was to be pitched at two levels, firstly, to set partnership priorities, and, secondly, to inform members about developments within waste management. It was then intended to hold a second session at which WRG would be invited to attend. In the period between the two workshops, it was intended that the re3 Project Team and WRG would work together to develop proposals to address the priorities identified by members. As such the second workshop, should take the form of a series of proposals for member consideration.

It was proposed that the Work Programme would be developed during the course of the first workshop and then be formally agreed by the Board at the December 2010 meeting.

RESOLVED that

- 1 The issues from the 2009/10 Work Programme which had been addressed be noted.
- 2 The initial waste management workshop be held on the evening of 13 October 2010.

- 3 A new Work Programme for 2010/11 be developed at, or immediately following, the forthcoming workshop session on waste management with a view to it being formally adopted at the Board's meeting in December 2010.

10. **Audits of the re3 Joint Waste PFI**

The Board considered a report informing it of the process to be adopted for future audits of the re3 Joint Waste PFI.

The Board noted that it was proposed that the re3 councils should work together to audit their shared PFI contract. This was to avoid inconsistency, utilise resources effectively and ensure a robust and coherent audit process. The Audit process would be carried out in accordance with the usual standards of such a procedure. Terms of Reference would be agreed in advance and in liaison with appropriate officers at each of the three councils.

RESOLVED that

- 1 The re3 joint waste PFI be audited biennially, starting in 2011.
- 2 With both the council partnership and ongoing contractual arrangements with WRG in mind, each audit look at:
 - Finance
 - Facilities
 - Governance
 - Relationships
- 3 Reading Borough Council carry out audits, in its role as administering authority, liaising with the Audit Teams at Bracknell Forest Council and Wokingham Borough Council as appropriate.

11. **Reading Borough Council Scrutiny Panel Recommendations**

The Board considered a report on the recommendations of the Reading Borough Council Scrutiny Panel review of the re3 Joint Waste PFI Contract. The Scrutiny Panel had recommended that:

- The annual report produced by re3 should include a section that looked at emerging technologies and considered what might be appropriate to incorporate in future years;
- Re3 should investigate appropriate technology to sort out non-residents of the three councils and how a charge to cover re3 costs in disposing of waste be made;
- More effort should be made by the three councils to educate their residents about what could and what could not be recycled and how to minimise their waste.

The Board discussed briefly the recommendations, in particular the third relating to educating residents. It was noted that the issue which had been at the heart of the scrutiny panel's deliberations had been the handling of food waste and what advice was offered to residents.

RESOLVED that

- 1 The recommendations of the Reading Borough Council Scrutiny Panel review of the re3 Joint Waste PFI Contract be noted; and,
- 2 A partnership approach be adopted to addressing the Reading Borough Council Scrutiny Panel recommendations as part of the 2010/11 Work Programme.

12. re3 Partnership Response to DEFRA Review of Waste Policies 2010

The Board considered a report inviting it to respond to a call for evidence from DEFRA in relation to a review of waste policy in England. The deadline for a response was 7 October 2010. A briefing paper set out some of the key issues the Board needed to consider

The Panel had no additional comments to add to the points already raised in the briefing paper and invited the Project Manager to prepare his response accordingly.

RESOLVED that the views expressed in the review of waste policies briefing paper, be endorsed as the basis of the Board's submission to DEFRA in relation to the review of Waste policies.

13. Exclusion of Public and Press (S100A)

RESOLVED that pursuant to section 100A of the Local Government Act 1972, as amended and having regard to the public interest, members of the public and press be excluded from the meeting for consideration of item 13 which involved the likely disclosure of exempt information under category 3 of Schedule 12A of that Act:

- Information relating to the financial or business affairs any individual person including the authority.

14. Risk Register

The Board received and noted a report containing exempt information relating to its Risk Register.

The Board noted the latest position regarding the Risk Register. In response to a request for any comments, it was suggested that, if possible, it would be helpful to know in future what the risk was in financial terms too.

15. Use of re3 Facilities by West Berkshire Residents

The Board was advised that following the protracted discussions with West Berkshire Council regarding a payment to cover the cost of its residents using the re3 facilities, the Council had offered a settlement of £262,500 to cover the payment due for 2008/09, £12,500 less than the minimum being sought. Whilst some regret was expressed about the failure to offer the amount sought, the Board considered that it would be in the best interests of the residents of the three partner councils to accept the offer and get the money in the bank rather than embarking on further

negotiations, particularly at a time when West Berkshire Council was seeking to establish its own facility in 2011.

RESOLVED that the Project Director arrange for a legal agreement to be drawn up on the basis of the £262,500 payment agreed with West Berkshire Council for 2008/09 and to cover all other retrospective and future cost of the use of re3 facilities by West Berkshire residents; the agreement covering 1 April 2011 to 31 March 2012 could be on an annually renewable basis to cover any on-going use of the facilities.

CHAIRMAN