

## JOINT WASTE DISPOSAL BOARD

### NOTICE OF MEETING

FRIDAY 16 OCTOBER 2015

**TO: ALL MEMBERS OF THE JOINT WASTE DISPOSAL BOARD**

You are invited to attend a meeting of the Joint Waste Disposal Board on **Friday 16 October 2015 at 9.30 am** in the Smallmead Household Waste Recycling Centre, Island Road, Reading RG2 0RP. An agenda for the meeting is set out overleaf.

#### Members of the Joint Waste Disposal Board

Councillor Mrs Dorothy Hayes MBE, Bracknell Forest Council  
Councillor Iain McCracken, Bracknell Forest Council  
Councillor Paul Gittings, Reading Borough Council  
Councillor Liz Terry, Reading Borough Council  
Councillor Anthony Pollock, Wokingham Borough Council  
Councillor Angus Ross, Wokingham Borough Council

#### EMERGENCY EVACUATION INSTRUCTIONS

**If you hear the alarm:**

- 1 Leave the building immediately**
- 2 Follow the green signs**
- 3 Use the stairs not the lifts**
- 4 Do not re-enter the building until told to do so**



If you require further information, please contact: Katharine Simpson  
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WOKINGHAM  
BOROUGH COUNCIL





9. **PARTNERSHIP PROGRESS REPORT** 29 - 32
- To consider a report providing an update on the progress made in relation to the shared re3 PFI Contract since the Joint Waste Disposal Board Management Committee's last meeting on 7<sup>th</sup> July 2015.
10. **DATES OF FUTURE MEETINGS**
- To agree the following proposed dates for future meetings of the Joint Waste Disposal Board Management Committee:
- Friday 15 January at 9.30am  
Friday 8 April 2016 at 9.30am  
Friday 8 July 2016 at 9.30am (AGM)  
Friday 7 October 2016 at 9.30am
11. **EXCLUSION OF PUBLIC AND PRESS**
- To consider the following motion:
- That pursuant to Regulation 4 of the Local Authorities (Executive Arrangements) (Access to Information) Regulations 2012 and having regard to the public interest, members of the public and press be excluded from the meeting for the consideration of items 12 and 13 which involves the likely disclosure of exempt information under the following category of Schedule 12A of the Local Government Act 1972:
- (3) Information relating to the financial or business affairs of any particular person.
12. **CONTRACT UPDATE** 33 - 36
- To receive a report providing an update on the progress made to resolve the financial disagreement between the re3 councils and their PFI Contractor, FCC Environment, since the Management Committee's last meeting.
13. **ANNUAL FINANCIAL STATEMENT** 37 - 46
- To receive a report providing an update in terms of the financial management of the Joint Waste PFI contract.

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Unrestricted

**JOINT WASTE DISPOSAL BOARD  
7 JULY 2015  
(9.30 - 10.25 am)**

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

Reading Borough Council  
Councillor Paul Gittings

Wokingham District Council  
Councillor Angus Ross

Officers Oliver Burt, re3 Project Manager  
Chris Brooks, Reading Borough Council  
Steve Loudoun, Bracknell Forest Council  
Josie Wragg, Wokingham Borough Council

Apologies for absence were received from:  
Councillors Terry and Pollock

**1. Election of Chairman**

**RESOLVED** that Councillor Mrs Hayes be elected Chairman of the Joint Waste Disposal Board Management Committee for the 2015/16 Municipal Year.

**2. Appointment of Vice-Chairman**

**RESOLVED** that Councillor Gittings be appointed Vice-chairman of the Joint Waste Disposal Board Management Committee for the 2015/16 Municipal Year.

**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 meeting of the Joint Waste Disposal Board Management Committee held on 26 March 2015 be approved as a correct record and signed by the Chairman.

**5. Urgent Items of Business**

The Chairman gave notice that she had agreed to the addition of an item of urgent business to the agenda for the meeting. The report related to the potential impacts that the outcome of the Government's Airports Commission report on the expansion of airport capacity in the South East might have on the on the Lakeside Energy from Waste Facility at Colnbrook.

**6. Review of Governance Arrangements**

The Board received a revised report providing an update on the work taking place to review the governance arrangements for the re3 public finance initiative (PFI) project.

It was reported that following a competitive interview process the position of Project manager had been offered to, and accepted by, Oliver Burt who would take up the position on 1 August 2015.

Work was underway to review the project team's structure and governance arrangements to ensure that they not only remained fit for purpose but also enhanced the way that the Board is able to oversee business and secure service improvements for the remainder of the PFI contract. The appointment of the new Project Director would result in the Contract Manager's role becoming vacant and in light of this review work the vacancy would in the interim be backfilled using secondment and acting up options.

**RESOLVED** that the Board note the contents of the Senior Managers' report and authorises the three senior managers to provide a report to the Board's next meeting which:

- i. Addresses the structure of the remainder of the team in particular the Contract Manager's role
- ii. Proposes some minor clarifications and modifications to the existing governance arrangements which oversee and facilitate the re3 project

**7. Legislative Changes**

The Board received and noted a report providing an update on recent and proposed changes in national legislation that would impact on the waste disposal sector.

**8. Improving Waste Management in England**

The Board received and noted a report providing an update on recent lobbying of the Government's newly appointed Resource Minister in an effort to engage with the minister and influence the future direction of resource policy.

**9. Dates of Future Meetings**

It was agreed that the next meeting of the Joint Waste Disposal Board Management Committee would take place on Friday 16<sup>th</sup> October 2015 at 9.30am at Smallmead Household Waste Recycling Centre.

**10. Exclusion of Public and Press**

**RESOLVED** that pursuant to Regulation 4 of the Local Authorities (Executive Arrangements) (Access to Information) Regulations 2012 and having regard to the public interest, members of the public and press be excluded from the meeting for the consideration of items 12 and 13 which involves the likely disclosure of exempt information under the following category of Schedule 12A of the Local Government Act 1972:

- (3) Information relating to the financial or business affairs of any particular person.

**11. Finance Report**

The Board considered a report providing an update on the progress made in relation to the shared re3 PFI contract since its last meeting.

It was noted that the residual tonnage at Smallmead HWRC was lower than forecast and the residual tonnage at Longshot Lane was in line with expectations. Whilst the volume of green waste being taken to the Household Waste Recycling Centres (HWRC) had fallen the amount collected through kerbside collections had increased and this was attributed to the work that had taken place to encourage the use of the kerbside green waste collection service.

It was questioned what plans were being put in place to deal with the expected increase in waste production brought about by increasing housing numbers in future years. It was noted that until the three re3 authorities had adopted their individual Waste Collection strategies it would be difficult for the Board to agree its strategic approach however officers were working to ascertain the range of options available and would be bringing a report on this work to a future meeting.

The Board noted the report.

## 12. **Contract Update**

The Board received a supplementary report providing an update on the progress made in relation to concluding contractual negotiations.

Having considered both reports the Board discussed the relative organisational needs in respect to bringing the matter to a conclusions having regard to the few outstanding matters under discussion.

It was agreed that the negotiation team would remain unchanged until the matter had been resolved to the satisfaction of the re3 Councils.

**RESOLVED** that:

- i. Subject to any oral update to the Board, provided that DEFRA and the Lenders confirm their agreement to the terms of the settlement and the proposed contract variations, the Board authorise the conclusion of the negotiations so as to affect the cessation of all further legal action
- ii. That Bracknell Forest's Chief Officer: Environment and Public Protection retain the authority of the Project Director for the purposes of dispute resolution in consultation with the Chairman

## 13. **Lakeside Energy from Waste Facility Update**

The Board received a report bringing the Board's attention to the potential impacts that the outcome of the Government's Airports Commission report on the expansion of airport capacity in the South East might have on the on the Lakeside Energy from Waste Facility at Colnbrook.

It was agreed that the Board would write to DEFRA expressing their concerns about the potential implications of the Commission's proposals and the impact that these would have on local authorities.

The Board noted the report and requested that they be provided with regular updates on the situation as it developed.

**CHAIRMAN**

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TO: **JOINT WASTE DISPOSAL BOARD**  
**16 OCTOBER 2015**

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**AUDIT REPORT – WASTE PFI REVIEW 2015**  
**Senior Managers – re3 Councils**

**1 INTRODUCTION**

- 1.1 The purpose of this report is to inform Members of the recent audit of the re3 joint Waste PFI.

**2 RECOMMENDATION**

- 2.1 **That the Board notes the findings and actions as set out in the report (Annex 1) and agrees that a follow up audit be undertaken in 2016 (as suggested in recommendation 8) to review progress relative to the recommendations in the report.**

**3 REASONS FOR RECOMMENDATION**

- 3.1 The Board is asked to note the findings and thereby accept the responsibility to ensure that the recommendations are appropriately actioned.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 None.

**5 BACKGROUND INFORMATION**

- 5.1 The PFI was last audited two years ago. Then, as now, the audit was taken on behalf of all three Councils. The overriding conclusion of the audit is “substantial assurance”. There are again no high priority recommendations: just one medium priority and seven low priority recommendations, all of which have to be accepted.
- 5.2 As can be seen in the report a number of recommendations relate to matters of governance. Reports on progress in respect of these and other related matters outstanding from the last meeting of the Board are addressed elsewhere on the agenda. The last recommendation suggests a follow up in a year’s time to monitor progress.
- 5.3 The only medium term recommendation relates to the need to develop a Joint Strategic Waste Disposal Strategy. Whilst this is a priority, it cannot be completed until the needs and aspirations of the three Councils have been articulated through their Waste Collection Strategies.
- 5.4 It’s important to note that the responses reflect ‘target’ dates. Whilst every endeavour will be made to achieve these, progress will be largely resource dependent. Progress against targets will be reported to the Board.

**6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

Borough Solicitor

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- 6.1 No legal issues arise directly from the recommendations made in the audit report, the contents of which have, however, been noted.

### Borough Treasurer

- 6.2 The response to Recommendation 6 was discussed and agreed with the Strategic Waste Manager.

### Equalities Impact Assessment

- 6.3 None.

### Strategic Risk Management Issues

- 6.4 There are none arising from the audit.

## **7 CONSULTATION**

### Principal Groups Consulted

- 7.1 Not applicable.

### Method of Consultation

- 7.2 Not applicable.

### Representations Received

- 7.3 Not applicable.

### Background Papers

Audit Report 2015

### Contacts for further information

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# Internal Audit Report

## Waste PFI Review 2015

To: Steve Loudoun - re3 Project Director

Date: 4/8/15

Ref: 3/15 v3



Substantial  
Assurance

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### 1 Purpose and Scope of Review

- 1.1 The Re3 partnership of Bracknell Forest, Wokingham and Reading Borough Councils was first established in 1999 to develop waste management facilities across the area. In 2006 a 25 year PFI contract was let to FCC Environment to manage and dispose of all the household, and some trade, waste from the three boroughs in line with guidelines and regulations.
- 1.2 Re3 has two main sites, namely Smallmead and Longshot Lane and the management and administration of the contract is undertaken by a small team of officers based at Smallmead. In turn the team is managed by a Project Director and a Joint Waste Disposal Board, drawn of Councillors from each of the boroughs. The administration and governance requirements for the scheme are laid down in a Joint Working Agreement (JWA).
- 1.3 This internal audit review is carried out every 2 years by the RBC Internal Audit team on behalf of the 3 boroughs. The previous reviews were carried out in 2011 and 2013.

### 2 Main Conclusions

#### 2.1 Governance

- 2.1.1 There is a clear understanding by all partners to continually review the key elements of the contract, structure, roles and responsibilities of the main parties as defined in the Joint Working Agreement (JWA) and that this is continually being applied to ensure it remains fit for purpose. Legal advice has been sought to improve the Contract to reduce the risk of future disputes. In addition to the offer of awareness seminars held for members of the Joint Waste Disposal Board (JWDB), it has been highlighted that it would be helpful to produce a consolidated guidance document which explains the relationship between elements of the Contract.
- 2.1.2 There are satisfactory arrangements in place to monitor and appraise the strategic and operational risks for re3. Members of the Senior Management Group are responsible for assessing how or whether these risks should be reported in their Local Authority's Annual Governance Statement.

# Internal Audit Report

## Waste PFI Review 2015

2.1.3 To coincide with the restructure of re3 in 2015, the SMT recognised that the delegated authorities for the JWA need to be reviewed so that this dovetails with the new roles and responsibilities that have been agreed by the JWDB. It is our opinion that this would also be an opportune time to also develop the terms of reference for the SMT and as already identified by the Project Director.

### 2.2 Contract Management

2.2.1 The role of the re3 Project Team was reviewed in 2015 by the JWDB, who agreed that the team should be restructured and resourced to enable a strategic approach.

2.2.2 The Contract clarifies both the self-monitoring responsibilities of the contractor (33.2) and the real-time scrutinising role for the local authorities have been embedded (33.3) to monitor the contract. Our observations are as follows:-

- We were informed the output specification as specified under Schedule 3 of the Contract is to be reviewed. This will coincide with the imminent review of the Joint Waste Strategy which expired in 2013.
- Although the JWA already clarifies the role and responsibilities of the project team, it is our opinion that in order to reduce any possible perceptions of inter-borough conflicts of interest, we have advised that terms of reference reaffirming the representation protocols would be useful. However, we are satisfied that the team does represent the interests of the collective as a whole.
- Although there is a risk the contractor could over report its service and performance delivery, we are satisfied there is a robust inspection programme to independently test and verify this. Issues arising have been satisfactorily integrated within the risk management framework. To strengthen its approach, we have suggested that the contract monitoring programme should be reviewed and authorised annually to confirm the focus remains appropriate. The Project Team has also introduced a database and reporting mechanism to clarify the status of service and performance issues raised with the contractor.
- Management is proactively seeking to improve communication. However, we believe this could also be extended to improving access to key governance documentation and performance data. JWDB Agenda, Minutes and Terms of Reference are not published on the re3 website and no weblink is provided to Bracknell Forest Council. Although the contractor publishes an annual report of its service performance, it is our opinion the contractor could also publish its recycling performance statistic each month etc. on the re3 website and Twitter.

# Internal Audit Report

## Waste PFI Review 2015

### 2.3 Finance

2.3.1 Payments to the contractor are based upon a monthly estimation of tonnage (as a reflection of the annual budget) which is adjusted quarterly to actual. A sample test of payments recorded on the general ledger for 2014/15 confirmed these are supported by an invoice and a 'calculator' to transparently explain the basis and methodology for the payment. Our observations are as follows:-

- There are good separations of duties in place between the officer responsible for monitoring service delivery and the checking and processing of payments. Although payments are checked and submitted by the Finance Officer, a copy of which is sent to Accountancy to support their review and authorisation, we have advised these payments should be reviewed and authorised by the Strategic Waste Manager before submission. Moreover, a list of delegated authorisations should also be considered to enhance ownership. This will help develop knowledge of the payment mechanism and resilience amongst the newer members of the Senior Management Team.
- Sample testing of a quarterly payment an 'on-account' payment confirmed the invoice sums for December 2014 and March 2015 were satisfactorily verified and correctly calculated. The integrity of the activity report of weighbridge transactions supporting the quarterly submission for December 2014 was examined and found to be satisfactory.

2.3 A total of 8 recommendations have been raised in respect of this review, of which none have been considered a high priority. The full detail of these recommendations and the corresponding management action plan are attached to this report as Appendix 1.

# Internal Audit Report

## Waste PFI Review 2015

### 3. Summary of Findings

#### 3.1 Governance

##### 3.1.1 Joint Working Agreement

The JWA sets out the various obligations of parties in relation to the principal contract, administration, decisions, the Joint Waste Disposal Board, principal contract management and the standing orders to be applied.

Section 27 of the JWA clarifies the requirements and time frame for ensuring the review and renewal of the terms of the JWA to agree any changes that may be required. To this end it was noted that:-

- The JWDB was informed on the 14/3/15 on the progress being made towards addressing Members' requests for greater understanding of important elements of the re3 Waste PFI contract. It has been highlighted there is a need to produce a consolidated document to produce a consolidated guidance document which explains the relationship between elements of the Contract (See Rec 1).
- We were informed by both the Project Director and re3 Strategic Waste Manager that there is a desire to simplify elements of the Contract to ensure clarity following resolution of the dispute. Importantly, it has been demonstrated there is a 'Lessons Learnt' culture so that there is continual improvement. We are aware that steps are being taken (at time of writing) to incorporate such simplification within the contract amendments arising from the proposed dispute settlement.
- We noted a supplementary JWA was approved on 11/5/2012 following approval of the original JWA on 31/10/2006. The Strategic Waste Manager highlighted the capacity within the principal Contract for either re3 or the contractor to instigate formal contractual Change, however to date there have been few changes.
- Awareness seminars were proposed in 2014 to inform JWDB members how elements of the contract, such as the payment mechanism, worked.

##### 3.1.2 Joint Waste Strategy

Both the Project Director and re3 Strategic Waste Manager reported the partnering LAs are prepared to review the need for a joint re3 waste strategy in 2016 as the current strategy<sup>1</sup> requires updating. It was explained this should sit comfortably and in parallel to the individual council waste collection strategies and corporate elements of the

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<sup>1</sup> Re3 Joint Municipal Waste Management Strategy (2008-2013)

# Internal Audit Report

## Waste PFI Review 2015

imminent Minerals and Waste Planning process. The Strategic Waste Manager will produce an re3 waste strategy. This was also a recommendation that was accepted by management following the 2013/14 audit review<sup>2</sup> (See Rec 2).

### 3.1.3 Joint Waste Disposal Board

Schedule 2 of the JWA clarifies the constitutional arrangements of parties to form a Joint Waste Disposal Board<sup>3</sup> (JWDB) to work together to secure the proper exercise of those powers and duties required under the Environmental Protection Act 1990.

Together with meeting agendas, minutes etc, it was noted the terms of reference for the JWDB, which are agreed at the annual AGM together with positions, are published by Bracknell Forest Council. The terms of reference clarify that the JWDB is not responsible for making decisions on the change to the policies and targets of the Councils or the determination of the budget of the Councils regarding the Project.

We noted the re3 website could be improved to provide clear access to JWDB documents and to provide a clearer overview of the current performance status (See Rec 3).

### 3.1.4 Senior Management Group

The Senior Management Group (SMG), which is made up of a senior representative from each of the 3 authorities recognises there is a need to develop terms of references for both the SMG and the Project Team to clarify their purposes. Currently the position of the Project Director is organised on a willingness/knowledge basis and it is considered by the group that the appointment of SWM will help support and maintain resilience (See Rec 4).

Conflicts of interest risk for the SMG has been assessed to be very low by Project Director and he explained that any conflicts would be managed through a meeting of the Berkshire Chief Executives. It was further explained the competencies for each representative are managed via their respective local authorities' performance management framework.

### 3.1.5 Project Team

To complement the JWDB's review of the roles and responsibilities of the Project Team on the 22/1/2015, the re3 Strategic Waste Manager confirmed the team's job descriptions were reviewed by the SMG in March 2015 in preparation for the restructure and recruitment initiative in May 2015.

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<sup>2</sup> Previous audit report 6/13, dated 5/9/13, recommendation 5.

<sup>3</sup> Bracknell Forest Council has delegated responsibility for administrating the Joint Waste Disposal Board.

# Internal Audit Report

## Waste PFI Review 2015

The JWDB “considered a report setting out proposals for a new management structure for the re3 project that would ensure the project’s structure remained fit for purpose for the remaining lifetime of the contract. It noted that the proposals had been developed with the intention of bringing about stronger collaboration between the re3 councils, develop the collection and disposal interface and bring about greater strategic presence and impact for the re3 contract across the three councils as well as improving capacity and strategic guidance.”

### 3.1.6 Risk Management

A risk register<sup>4</sup> is maintained to record and report strategic and operational risk status for re3. The register satisfactorily profiles the various performance standards which inform each risk, which are predominately services related and detail proposed mitigation plans of action e.g. a strengths and weaknesses analysis for the administration of the contract monitoring and the JWDB reviewed a report regarding service continuity<sup>5</sup>.

Each Local Authority is required to publish its Annual Governance Statement (AGS). SMG members are responsible for reviewing and reporting back relevant control issues to their own respective local authorities for consideration.

Reading Borough Council’s Internal Audit and Investigations Team is required to carry out an audit every 2 years on behalf of the re3 partnership. This arrangement does not allow for the prompt follow-up of recommendations (See Rec 8).

### 3.2 Contract Monitoring

#### 3.2.1 Contract Monitoring Provision

At the time of our review, the Project Team employs 3 people (2.6 Full Time Equivalent). We are satisfied the Project Team presents a professional outlook to protect the interests of the partnering authorities. A Board review of the project team’s function and governance structure in 2015 agreed the team should be enhanced and resourced so that it could take responsibility for a more strategic approach to mitigate the potential risk of waste growth due to the improving economy. To complement the Board’s review, the Strategic Waste Manager confirmed the team’s job descriptions were reviewed as well.

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<sup>4</sup> Previous audit report 6/13, dated 5/9/13, recommendation 6

<sup>5</sup> Previous audit report 6/13, dated 5/9/13, recommendation 4.

# Internal Audit Report

## Waste PFI Review 2015

Project Team costs are administered by RBC are recharged at the end of each financial year to the local authorities equally, with the exception of any waste related costs. Each local authority is responsible for its own internal monitoring of costs.

### 3.2.2 Contract Monitoring & Reporting

Contract Schedules 25 - 26 'Performance Mechanism' clarifies the service plan criteria and performance standards to be met.

Contract Schedule 7 sets out the method statement and the contractor's approach for delivering the services specified. The SWM commented the Service Delivery Plan also details the contractor's 'offer' of service to the local authorities.

Although DEFRA provided re3 with an introductory contract monitoring manual at the start of contract to help develop a set of documented procedures, we are satisfied the Project Team has documented and implemented an effective test programme (Summary of Performance Mechanism Monitoring, which is underpinned by the Contract) detailing its approach for monitoring the risks attaining to service delivery and performance. In particular the following observations were made:-

- We are satisfied that the status of service delivery risks and performance standards have been incorporated into the re3 strategic register and that there is an audit trail to the Summary of Performance Monitoring Mechanism Monitoring records<sup>6</sup>.
- In accordance with the contract, the contractor produces a monthly service delivery and a performance report for the Project Team. For purposes of completeness and accuracy, these reports are cross examined by the re3 Monitoring & Performance Officer, who maintains independent records to verify the 'default point' and 'performance deduction' required. The Project Team has now introduced a query log to improve the effectiveness and transparency of issues being highlighted by the Project Team. This records the review status of outstanding service/performance issues and their frequency and provides a clear audit trail and breakdown of the defaults being applied.
- The re3 Strategic Waste Manager has highlighted that the impact of any change, resulting from new strategic priorities, will need to be fully evaluated to ensure compliance with the Public Contract Regulations 2015. A copy of the Project Team's analysis showing the priorities of each of the partnering LAs and their objectives was produced together with the relevant related performance standard. For reference, there are 74 performance standards, of which one (SO4:1 'Product

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<sup>6</sup> Previous audit report 6/13, dated 5/9/13, recommendation 7.

# Internal Audit Report

## Waste PFI Review 2015

Markets') is used to measure the attainment of the main priority to support the local economy as well as six customer service standards.

- Although the contractor provides a breakdown of their performance standard results to substantiate the total reported, the Project Team does not have access to contractor's information system to independently verify completeness. Information held on the database is recorded by the contractor when completing a 'Daily Site/KPI Log' for each of the two sites, and a copy of the Log is forwarded to the Project Team for information. Despite this and as directed by the Project Team's Testing Programme, the Project Team is able to effectively challenge the completeness and accuracy of the performance standard results. As an observation, we noted, the performance standards monitored via the 'Daily Site/KPI Log' are not aligned to the output risks being reported via the Project Team's 'Summary of Performance Mechanism Monitoring' risk profile and the reporting of results by the contractor (See Rec 5).
- In continuation from the previous audit and although not specifically examined, the Project Team reported 'bring bank' performance has continued to be an issue<sup>7</sup>. A resolution to this issue is being actively be pursued by the Project Team.
- The re3 Strategic Waste Manager has highlighted that although there are satisfactory controls in place to confirm/escalate/resolve performance issues between re3 and FCCE, the Contractor's approach for managing this has not always been satisfactory. Although the financial implications of performance deductions are immaterial in context to the gross cost of the contract, the issue of a mutually accepted protocol for managing such issues could help improve relations, reliability of information and reduce the administration costs. The Project Team has introduced a formal process to document issues being and their feedback status and this has, thus far, been successful.
- We have advised the monitoring programme should be reviewed and approved annually by the senior managers' team to ensure the focus and approach remains appropriate to the risks and issues being highlighted by the Project Team (See Rec 5).

### 3.2.3 Recycled Pass Through Costs

FCCE held a presentation for re3 Project Team to demonstrate and provide evidence of their procurements of the 'pass through' costs for waste wood, hardcore and paints. It was noted that on the 24/6/15:-

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<sup>7</sup> Previous audit report 6/13, dated 5/9/13, recommendation 8.

# Internal Audit Report

## Waste PFI Review 2015

- FCCE carry out an annual review of their 'off-taker' companies. The Project Team has been invited to participate in the 2015 review. Companies are vetted to ensure continuity of service and spot audits are conducted to ensure they can meet the specification requirements required by FCCE.
- Although product price indices are used to guide the cost specification, these are subject to daily price fluctuations. In order to remain commercial FCCE's procedures remain flexible to accommodate this. The Materials and Marketing Department is responsible for obtaining and negotiating prices, and for submitting a summary report for its Boards decision. It was agreed that FCCE would develop a procedure so that re3 is informed of decisions, especially where materials were being stored for a favourable rate (See Rec 7).

### 3.3 Finance

#### 3.3.1 Payment Mechanism

Schedule 24 (Payment Mechanism) of the Contract, sets out the parameters and calculation methodology for the contractor's application for payment and for the Project Team to make payment. Monthly payments are based upon an agreed estimated tonnage forecast, which are then adjusted quarterly against actual tonnage. Each local authority is responsible for ensuring its proportional charge is correct.

#### 3.3.2 Review & Authorisation of Payment Application

The JWA specifies that Bracknell Forest Council's Standing Orders are to be used for compliance purposes. It should be noted Schedule 4 'Delegated of Responsibilities' fails to clarify the responsibilities of officers for ensuring payments are appropriately authorised. Payments to the contractor are processed via CHAPS<sup>8</sup> by Accountancy once the re3 Finance Officer has satisfied herself that the invoice is correct. As recommended in the previous audit report copies of the weighbridge checks are now retained by the Project Team<sup>9</sup> to confirm the additional spot checks carried out. A copy of the 'unitary calculator' is also forwarded as evidence support. In order to improve separation of duties, we have proposed that a scheme of delegation for authorising payments to involve the Strategic Waste Manager etc. should be introduced (See Rec 6).

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<sup>8</sup> CHAPS stands for Clearing House Automated Payment System. It's an automated payment system used to make payments on the same day in the UK, in sterling (providing the payment instruction is received before 1:00 pm).

<sup>9</sup> Previous Audit Report 6/13, dated 5/9/13, recommendation no. 1

# Internal Audit Report

## Waste PFI Review 2015

### 3.3.3 Accounting

A subjective code has been established on the general ledger<sup>10</sup> to account for payments made to the contractor. A full sample check of two invoices made during 2014/15 proved satisfactory.

### 3.3.4 Substantiation of Payments

a) We examined an 'on account payment' for the period March 2015 and found the charge was satisfactorily calculated:-

- The monthly 'on account' payments are correctly based and calculated upon forecast tonnage which is proportioned<sup>11</sup> according to usage arising from the findings of civic amenity usage surveys at Longshot Lane and Smallmead.
- The cumulative tonnage used to calculate the payments for the baseline, recycling and composting were found to be correct to the forecast tonnage for the period. Testing confirmed the correct proportion of tonnage had been appropriately indexed linked and multiplied in accordance with the tonnage bands defined in the JWA.

b) We examined the quarterly adjustment for December 2014 and found the charge was sufficiently supported and calculated in accordance with the JWA:-

- A variation report was produced to explain the cost differential between the forecast charge and the actual charge for the quarter.
- A tonnage data transaction report for the period was provided to support the calculation of each element charged for on the invoice by the contractor for sample checking by the Finance Officer. A statistical<sup>12</sup> sample test confirmed the transaction report for December 2014 was accurate, although we noted a 4% error margin where the driver had failed to certify the weighbridge ticket<sup>13</sup>. These transactions are reconciled against the tonnage tracker which defines the type of waste and quantifies for the calculation.
- The cumulative tonnage used to calculate the payments for the baseline, recycling and composting were found to be correct to the forecast tonnage for the period. Testing confirmed the correct proportion of tonnage had been appropriately indexed linked and multiplied in accordance with the tonnage bands defined in the JWA.

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<sup>10</sup> Oracle Fusion

<sup>11</sup> Proportionment: Longshot Lane , BFC 55%, WBC 45%; Smallmead RBC 50.5%, WBC 49.5%

<sup>12</sup> Statistical Sample: A sample size of 50 against a population size 6,125 transactions (Smallmead 3,054, Longshot Lane 3,071) with a confidence level of 95%, provides an error margin of +/- 13.8 per finding.

<sup>13</sup> Previous audit report 6/13, dated 5/9/13, recommendation 2.

## Audit Management Action Plan Waste PFI 2015/16

Ref	Risk	Recommendation	Priority	Management Response	Responsible Officer(s)	Target Date
1	Resilience to understand the extensive and complicated Contract is at risk.	To aide knowledge resilience there is a need to produce a consolidated document to provide a simplified updated overview of the Contract.	Priority 3	The suggestion to produce such an overview document is acknowledged as a means to aid new members to the Board and the senior managers team	Strategic Waste Manager	01/01/2016
2	Because the Joint Strategic Disposal Strategy is out of date there is no strategic direction.	The Joint Waste Disposal Strategy and a Strategic Plan to deliver it should be produced.	Priority 2	The Board are aware that existing strategy needs to be updated. To do so requires the re3 Councils to have produced their waste collection strategies as both are inter-related. The strategy will need to be signed off by the Board after due process	Senior Management Team	First Draft March 2016, adoption by March 2017
3	There is a need to improve access to key governance records.	Access to information which is already in the public domain could be improved. Consideration should be given to:- * Providing a web link to JWDB Meeting Agenda, Minutes etc. at Bracknell Forest Council. * Monthly performance data, could be published on the re3 website and the new Twitter account etc.	Priority 3	Agreed - subject to re3 Ltd giving approval as they own the web site  Agreed - subject to re3 Ltd giving approval as they own the web site	Strategic Waste Manager  Strategic Waste Manager	October 2015  October 2015
4	Purpose and function of the Senior Management Team and Project Team requires clarification.	Consideration should be given to developing terms of reference for the Senior Management Group and the re3 Team to ensure these dovetail with the new roles and responsibilities.	Priority 3	Agreed. The commitment to do so has already been given to the JWDB	Senior management team	Report to JWBD Oct 2015

5	The focus and approach for monitoring 74 performance standards should be reviewed and approved.	Consideration should be given to approving which performance standards within the contract monitoring programme are monitored to ensure the focus remains appropriate to managerial needs. This should also help inform FCCE's focus to that there is a 'golden thread' principle in operation.	Priority 3	Agreed.	Senior management team	Arrangements in place from April 2016
6	Re3 should be able to better demonstrate the separation of duties in the authorisation of payments.	Although payments to the contractor are appropriately authorised by RBC Accountancy, it is our opinion:- * Consideration should be given to developing a list of 'delegated payment authorities' for * A certification programme needs to be introduced to ensure the Budget Holder is directly held accountable should be	Priority 3	Agreed. We need to confirm the arrangements as to authorised signatories to ensure we also have cover and arrangements to escalate should it be needed.	Senior Management Team Senior Management Team	October 2015 October 2016
7	The disposal status of 'off taker' of products have not been transparent.	The 'Off taker' arrangements agreed with FCCE which allows for the status monitoring of products should be formalised.	Priority 3	Agreed	Strategic Waste Manager	October 2015
8	The bi-annual internal audit programme does not permit the prompt follow-up of recommendations.	A follow-up audit should be carried out in 2016 to report back the implementation status of the recommendations made in this report.	Priority 3	Agreed.	Senior Management Team	October 2015

**TO: JOINT WASTE DISPOSAL BOARD  
16 OCTOBER 2015**

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## **REVIEW OF GOVERNANCE ARRANGEMENTS Senior Managers – re3 Councils**

### **1 INTRODUCTION**

- 1.1 The Board received an update at its last meeting in respect of the progress and changes being made in respect of the governance arrangements for the re3 partnership.
- 1.2 The Board noted the comments of that report seeking further details that address the structure of the remaining team and clarifies the changes proposed to the existing re3 governance arrangements in light of the new arrangements.
- 1.3 This report appraises the Board of the progress in that regard and also seeks to address recommendations 3, 4 and 6 of the audit report as set out elsewhere on this agenda.

### **2 RECOMMENDATION**

#### **2.1 That the Board:**

- (i) agrees the terms of reference of the re3 Strategic Managers' Group and notes those of the Joint Waste Officers Group (Annex 1),**
- (ii) notes the actions taken in respect of the audit recommendations 3, 4 and 6 as outlined in this report.**

### **3 ALTERNATIVE OPTIONS CONSIDERED**

- 3.1 None.

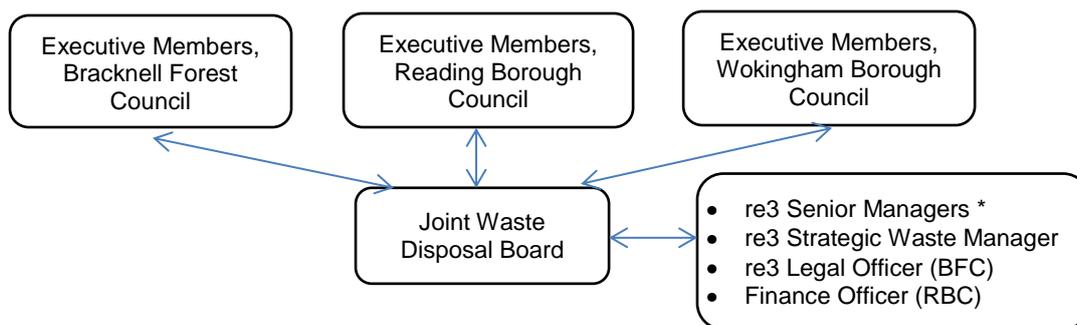
### **4 REASONS FOR RECOMMENDATION**

- 4.1 The recommendations reflect what the Senior Management Team believes are necessary to meet the Board's expectations.

### **5 BACKGROUND INFORMATION**

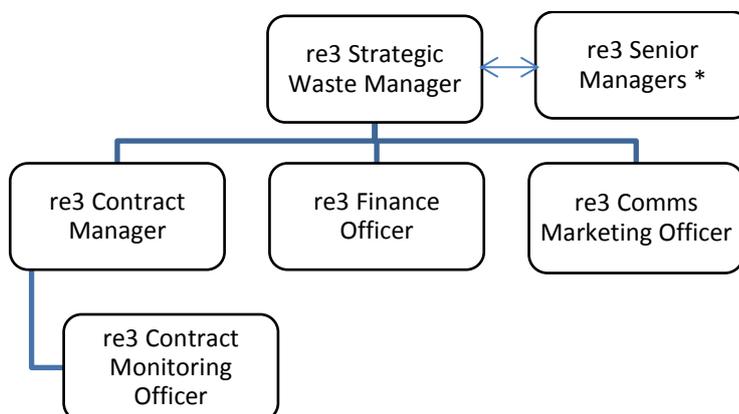
- 5.1 As reported to the last meeting of the Board, from 1 August new arrangements were put in place that combined the function of the Project Director into a new post of re3 Strategic Waste Manager. That post also looks after the waste disposal needs of the three Councils.
- 5.2 The schematic representation of what has now been put in place is as follows:

**(A) Board/Officer Interface Arrangements**



NB: the Legal Advisor role to the Board is provided under the terms of the Joint Working Arrangement by Bracknell Forest Council. Custom and practice has been that Reading Legal Services provides advice in respect of matters relating to the Contract. This is not proposed to change but the relationship is not shown in the diagram above.

**(B) re3 Management Arrangements**



\* i.e. Chief Officers: Reading, Bracknell, Wokingham.

- 5.3 With the internal appointment to the new position this has created the opportunity to once again reflect on the future needs of the team. The team has recently been strengthened with the appointment to the re3 Marketing Officer post.
- 5.4 Having made the appointment to the Strategic Waste Manager position, the priority for the senior managers has been to develop a twelve month development plan for the new post. That plan needs to reflect the business needs of the Board and for the plan to be concluded the Board needs to agree its Work Plan for the coming year.
- 5.5 One of the key drivers to the introduction of this new post of the Strategic Waste Manager was the need within each partner Council to develop their Waste and Minerals Plans. The other key driver was the recognition to explore the strategic relationship between collection and disposal across the 3 Councils. However, this work is now being led by planning officers, and the timetable they are looking at means that this is not a high priority for the role for perhaps another twelve months.
- 5.6 Whilst this new structure settles, it would be premature to backfill for the re3 Contract Manager position at this stage. This need will be kept under review over the coming months and any shortfalls addressed as reported previously to the Board.

5.7 Along with looking at the Work Plan for the Board and for the re3 Strategic Waste Manager, the senior managers have reviewed the arrangements for reporting to the Board and the way they work and support delivery of the Board's decisions. Their terms of reference and those of the Joint Waste Officers Group are attached (Annex 1). (Audit Recommendation 4 refers).

5.8 As part of this review, it is proposed that a Quarterly Performance Report be introduced as a standard item. It is suggested that the Board receives such a report at each of its meetings. The content of the report would be consistently reported under the agreed headings. This would provide the Board with an easy to use point of reference over time as to the key performance issues associated with Contract delivery. It is proposed that a draft will be presented for consideration at the next meeting.

5.9 The Audit Report made two further specific recommendations in relation to governance. These are suggestions to improve access to key governance arrangements (recommendation 3). These have been addressed. Recommendation 6 relates to the need to ensure proper arrangements are in place for the authorisation and accountability of orders and payments. Officers have reviewed the financial management arrangements to reflect the new appointment.

## **6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

### Borough Solicitor

6.1 To follow.

### Borough Treasurer

6.2 To follow.

### Equalities Impact Assessment

6.3 None.

### Strategic Risk Management Issues

6.4 The proposals set out in this report strengthen the governance arrangements and therefore help reduce Contract risk.

## **7 CONSULTATION**

### Principal Groups Consulted

7.1 Not applicable.

### Method of Consultation

7.2 Not applicable.

### Representations Received

7.3 Not applicable.

Background Papers

Review of Governance Arrangements - Confidential Report to JWDB 22-01-15  
Review of Governance Arrangements - Confidential Report to JWDB 07-07-15

Contacts for further information

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## re<sup>3</sup> Senior Managers Group (SMG) TERMS OF REFERENCE

### Attendees:

Josie Wragg, Head of Community Services (Wokingham Borough Council)  
 Mark Smith, Head of Transport / Highways and Streetcare (Reading Borough Council)  
 Steve Loudoun, Chief Officer: Environment and Public Protection (Bracknell Forest Council)  
 Oliver Burt, re3 Strategic Waste Manager.

### Membership

- a) The Group shall be comprised of the nominated Senior Managers from Bracknell Forest, Reading and Wokingham Borough Councils and the re<sup>3</sup> Strategic Waste Manager (each as named above).
- b) The Council representatives must have sufficient seniority to commit organisational resources according to the needs the Group and in order to deliver the re<sup>3</sup> Strategy.
- c) The Group can invite any others to attend as considered necessary, either on a permanent or ad hoc basis.

### Objectives

- a) To oversee the creation and effective delivery of the re<sup>3</sup> Strategy and to ensure its renewal as appropriate
- b) To lead on the identification, development and delivery of waste related opportunities to the benefit of the re<sup>3</sup> authorities.
- c) To ensure the needs of the re<sup>3</sup> Partnership are met.
- d) To ensure, through a 'plan led' approach, the delivery of the needs of the re<sup>3</sup> authorities via the re<sup>3</sup> Strategy.
- e) To monitor all expenditure and agree budgets.
- f) To agree, support and monitor delivery of the re<sup>3</sup> Strategic Managers' Work Plan.

### Operation of the Group

- a) The Senior Managers will chair the group on a rotating basis for a 6 month term at a time.
- b) The Group will be responsible for agreeing its own secretarial arrangements.
- c) The Group will meet monthly unless otherwise agreed.
- d) In seeking optimal outcomes for the re<sup>3</sup> partnership, the Group will endeavour to recognise and accommodate, within their work and proposals, any differences in the organisational needs of the three authorities.
- e) Where necessary the Group will refer to the Joint Working Agreement and/or the Joint Waste Disposal Board for guidance.
- f) The Group is responsible to the Joint Waste Disposal Board for the delivery of the waste agenda as it impacts upon the three partner authorities and for ensuring joint working as per the Joint Working Agreement.
- g) The Group can set up joint working sub groups in order to deliver the overall objectives. The established sub groups are:
  - (i) The Joint Waste Officers Group  
Their Terms of Reference are attached.
- h) The Group is responsible in the collective to the Joint Waste Disposal Board and the Joint Chief Executives

## **Joint Waste Officers Group (JWOG) TERMS OF REFERENCE**

### **Membership**

- a) The Group shall be comprised of the following officers:  
Oliver Burt, re3 Strategic Waste Manager  
Anna Fowler, re3 Marketing and Communications Officer  
Janet Dowlman, Head of Environmental Services (Bracknell Forest Council)  
Dave Moore, Neighbourhood Services Manager (Reading Borough Council)  
Peter Baveystock, Service Manager, Cleaner and Greener (Wokingham Borough Council).
- b) The re3 Strategic Waste Manager shall be responsible for arranging and chairing the meeting.
- c) The Group can invite any others as considered appropriate, either on a permanent or ad hoc basis.

### **Objectives**

- a) To facilitate the delivery of the re3 Contract so far as it relates to their employing authority.
- b) To advise the re3 Senior Managers' Group on the development of waste collection services and outcomes so far as they impact on the re3 Partnership.
- c) To coordinate waste collection activities across all three authorities such that opportunities can be identified for service improvement.
- d) To keep the re3 Senior Managers' Group apprised of developments in the waste collection and disposal industry.
- e) To coordinate and deliver, subject to established approvals, marketing and communication activities across the three authorities in support of the re3 Strategy.

### **Operation of the Group**

- a) The Group will be responsible for agreeing its own secretarial arrangements.
- b) The Group will meet quarterly unless otherwise agreed by the Senior Managers' Group.
- c) The Group shall draft its own annual work plan for agreement by the Senior Officers' Group.
- d) In seeking optimal outcomes for the re3 partnership, the Group will endeavour to recognise and accommodate any differences in the organisational needs of the three authorities.
- e) The Group is responsible in the collective and shall give a quarterly progress report against work plan to the re3 Senior Management Group and thereafter the Joint Waste Disposal Board.

TO: **JOINT WASTE DISPOSAL BOARD**  
**16 OCTOBER 2015**

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## **PARTNERSHIP PROGRESS REPORT** **Report of the Project Director**

### **1 INTRODUCTION**

- 1.1 The purpose of this report is to inform the Joint Waste Disposal Board (JWDB) of progress in relation to the shared re3 PFI Contract since its last meeting on 7<sup>th</sup> July 2015.

### **2 RECOMMENDATION**

- 2.1 **That Members note the contents of this report.**

### **3 ALTERNATIVE OPTIONS CONSIDERED**

- 3.1 Not applicable.

### **4 REASONS FOR RECOMMENDATION**

- 4.1 This report contains no decisions for Members, only information items.

### **5 BACKGROUND INFORMATION**

#### **Street Sweepings**

- 5.1 In 2012, the Environment Agency (EA) provided a clarification of guidance on the waste management processing of street sweepings and gully arisings. The clarification stressed that such material should not be incorporated into a composting process and could not be recorded as being 'recycled'.
- 5.2 The immediate impact of the clarification was significant. In terms of performance the clarification meant a reduction in recycling rate of <3.5%. In terms of financial cost for the re3 councils, it meant an increased cost of disposal of c£150,000.
- 5.3 Along with many other councils, the re3 partnership unsuccessfully sought to challenge the clarification. Since then, officers have sought an alternative and available process by which to treat street sweepings.
- 5.4 The re3 Project Team has recently been in discussions with the EA in order to seek confirmation on two emergent processing options. Alongside the necessity for cheaper processing of this material, it is also extremely important that the process will qualify as 'recycling' or 'recovery' in relation to our statutory reporting.
- 5.5 The clarification received by the re3 Project Team from the EA shows that elements of the composition of street sweepings will be 'recycled', such as sand and gravel, while other elements are likely to continue being 'disposed' of.
- 5.6 Street sweepings are composed of a range of different materials. A trial is commencing in early October in order to determine the exact processing requirements for re3 street sweepings. The trial will also allow the individual councils and their street sweeping teams to make necessary changes in operational practice (e.g. handling and ultimate delivery of street sweepings to the re3 facilities).

- 5.7 Once the trials are complete, and subject to any operational amendments that are deemed necessary, it is expected that the new reprocessors will continue to receive street sweepings from the re3 area.
- 5.8 Information on the likely impact of this new initiative will be gleaned from the trial and the re3 Project Team will report back on the likely savings and performance implications.

**Re3 Material Reclamation Facility (MRF)**

- 5.9 The re3 MRF has recently processed 200 tonnes of mixed recyclable material from another of the Contractor's contracts. This opportunity was a temporary one, providing contingency cover. The processing of third-party material by the Contractor reflects the willingness of the councils' JWDB for utilisation of the re3 facilities to increased. As an opportunity to learn what implications there are from processing additional material it has been worthwhile. The outcomes and learning are being assessed and will be reported.
- 5.10 As part of the ongoing maintenance of the re3 MRF, a short period of enforced shutdown is planned for November 2015. Works to replace the steel conveyor chains from the bag splitter will take 7-10 days - though expected to affect only a single working week. Other preventative maintenance is also being carried out during this period. The Contractor is planning to hold re3 material, rather than send recyclables to be processed elsewhere.

**Sutton Courtenay MRF**

- 5.11 The re3 Project Team have been in discussion with our Contractor, FCC, for some time on the subject of processing re3 material through the FCC MRF at Sutton Courtenay. Commissioning and capacity issues have thus far delayed the prospect of re3 material being processed by the facility.
- 5.12 The Sutton Courtenay MRF is designed to process waste that would otherwise have been sent straight to landfill into a product known as refuse derived fuel (RDF).
- 5.13 RDF is used widely in combined heat and power plants which produce electricity and heat (principally hot water for local heating). The demand for RDF is greatest in continental Europe.
- 5.14 The re3 Project Team is liaising with the Contractor to address the contract administrative requirements of this new service. The re3 Project Team will also ensure that the change meets the requirements of our project sponsors at Defra.
- 5.15 There is a small percentage of material processed by the Sutton Courtenay MRF (currently around 10%) that is recycled, which will count towards the partnership's recycling performance. The remaining material, as described above, is RDF. RDF does not count towards recycling performance but it is of course diverted from landfill, and therefore this change will increase the partnership's recovery rate.
- 5.16 A current trial sending re3 material to the Sutton Courtenay MRF will determine the likely volumes that can be accepted in the future. Current indications are that the new service will save the councils approximately £15 per tonne on such material.

### **Waste Data Flow**

- 5.17 Waste Data Flow (WDF) is the system by which local authorities across the UK submit information in compliance with statutory reporting requirements. The re3 Project Team undertakes this reporting on behalf of the re3 councils as part of the partnership arrangements.
- 5.18 A new section within WDF (Question 100) aims to create a structure (named a 'tree' in WDF) of reprocessors. The intention is to understand the route taken by materials and the role of individual reprocessors.
- 5.19 The creation of a process 'tree' for each authority has taken a considerable amount of time but has been completed in compliance with requirements.

### **Material Markets**

- 5.20 Markets for recycled materials are dynamic. The process of collecting recyclable materials has graduated from one in which principally statutory objectives (achieving government recycling targets) were being addressed, to one in which local authorities are participants in global supply chains.
- 5.21 While the commercial nature of recycling has been a factor for many years, legislation over recent years has brought it to prominence amongst local authorities. The EU Waste Framework Directive establishes the requirement to collect waste suitable for the requirements of commercial material reprocessors. That principle is transposed in the more recent MRF Code of Practice.
- 5.22 The re3 Project Team are working with the Contractor, FCC, to review the role of the re3 PFI Contract in the supply chain. The process is aimed at continuing to ensure that material collected in the re3 area meets the needs of reprocessors (as per the aforementioned legislation) but also that the councils are able to communicate with re3 residents about the supply-focussed perspective on recycling – e.g. in ensuring we can continue to answer questions such as 'what happens to my recycling?'

## **6 ADVICE RECEIVED FROM ADMINISTERING AUTHORITY**

### Head of Legal Services

- 6.1 **None for this report.**

### Corporate Finance Business Partner

- 6.2 Whilst modest financial benefits should accrue to the Councils as a result of the initiatives described within the report, it is too early to accurately predict the likely level of said benefits and no allowance has therefore been made in either current year budget monitoring figures or budget projections for 2016/17.

### Equalities Impact Assessment

- 6.3 None.

### Strategic Risk Management Issues

- 6.4 None.

## **7 CONSULTATION**

Principal Groups Consulted

7.1 Not applicable.

Method of Consultation

7.2 Not applicable.

Representations Received

7.3 Not applicable.

Background Papers

Contacts for further information

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