

JOINT WASTE DISPOSAL BOARD
12 JULY 2012
(10.00 am - 12.35 pm)

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

Reading Borough Council
Councillor Paul Gittings

Wokingham Borough Council
Councillor Rob Stanton

Officers Claire Ayling, Reading Borough Council
Pete Baveystock, Wokingham Borough Council
Oliver Burt, Reading Borough Council
Janet Dowlman, Bracknell Forest Council
Simon Heard, Reading Borough Council
Kevin Holyer, Reading Borough Council
Sarah Innes, Reading Borough Council
Steve Loudoun, Bracknell Forest Council
Mark Moon, Wokingham Borough Council

Apologies for absence were received from:
Councillor Ross, Wokingham Borough Council

67. Declarations of Interest

There were no declarations of interest.

68. Minutes of the Meeting of the Joint Waste Disposal Board

RESOLVED that the minutes of the meeting of the Joint Waste Disposal Board held on 22 March 2012 be approved as a correct record and signed by the Chairman.

69. Urgent Items of Business

There were no urgent items of business.

70. Progress Report

The Board received a report providing an update on progress made since its last meeting on 22 March 2012. The report included updates on: Environment Agency guidance on street sweepings and gully emptyings, the contractor rebrand, the mini-MRF and retail outlet, Oxfordshire County Council's Minerals and Waste Core Strategy, support to neighbouring authorities during the Olympics and a financial update.

Recently issued guidance from the Environment Agency stipulated that waste material collected in the course of street cleaning and gully clearing should no longer be considered appropriate for composting. The practical effect of implementing this guidance would for each re3 Council result in a reduction in recycling rates of between 1.18% and 3.50% and additional costs of between £28,000 and £103,000.

The Board noted that any material collected during street cleaning and gully clearing was sorted and pre treated before it was sent for composting and the basis for the Environment Agency's guidance was questioned. It was felt that as the waste was pretreated ready for composting this advice seemed to be an over reaction. The timing of the advice was also considered inappropriate as it created mid term budget pressures. The status of the advice was questioned and it was established as being guidance and not legislation. Theoretically, therefore it could still be possible to compost the waste without incorporating the results into the recycling statistics. However it was acknowledged that processors would be reluctant to go against the guidance if it placed their licences at risk.

It was agreed that a letter would be sent by the Board's Chairman to the Environment Agency, and the MP's covering the re3 Councils, setting out reasons why the guidance should be revised.

Waste Recycling Group (WRG) Ltd, the PFI contractor, had recently undergone a rebranding exercise and had now been renamed as FCC Environment (UK) Ltd. The Board expressed concern over the implications that this might have for the contracts held with re3 and it was agreed that clarification of the legal implications of the rebranding exercise would be sought.

Officers were still seeking clarification and negotiating on a number of issues identified within the Contractor's business case for the Mini-MRF and Retail Outlet. Whilst alternative arrangements to that originally proposed have been put in place the contract went without such costed alternatives for some years.

A submission had been made in response to Oxfordshire County Council's Minerals and Waste Core Strategy consultation. Any feedback received would be circulated to the Board.

The Project Team had been approached by the Royal Borough of Windsor and Maidenhead over the possibility of providing additional support to the Borough during the Olympic Games, in the event of there being an emergency affecting their ability to access their waste transfer station during the Olympics. A costed package of help, that would enable the re3 authorities to continue operating as normal, had been suggested and a response was awaited.

RESOLVED that:

- i. Officers be instructed to draft a response from the Chairman to send to the Environment Agency and local MPs and copied to the LGA strongly expressing Board concerns over the recently issued guidance on street sweepings and gully emptyings and making clear the case for their continuing use for composting
- ii. Officers be instructed to provide clarification of the Mini-MRF project and the legal implications of the WRG's rebranding and renaming to the next meeting of the Board

71. Household Waste Recycling Centre Access

The Board received an update on access arrangements at the re3 Household Waste Recycling Centres (HWRC).

The Board was informed that the original expectation was that both sites had the same arrangements for 'over height' vehicles at both HWRC sites. The Board was advised that the arrangements envisaged now work well at Smallmead but they are

giving rise to continued concern at Longshot due to the potential access to the site by the trade. The Board were concerned to learn that there was such a risk and asked that appropriate measures be introduced to reintroduce the former well disciplined arrangements. To help ensure that the site was properly managed it was agreed that officers should develop a suitable Disclaimer Form for use by the on site staff. This would be used to compliment the overall management arrangements. If a member of staff suspected trade waste was being disposed of without a licence then the person disposing of the waste would be asked to complete a disclaimer form. The information gathered would then be used to develop a database which would be used to monitor the situation.

The PFI Contractor was reviewing its pricing and service policy for trade customers and a report on the findings would be brought to the Board's next meeting.

Of the two outstanding planning conditions at Longshot Lane, the webcam to enable the public to view queues online before leaving home was now operational. The second outstanding planning condition was the development and implementation of a traffic management strategy for use during peak hours and although a strategy had been developed it was not yet being implemented. Discussions with the Planning Officers and the Contractor were taking place in attempt to resolve the matter.

RESOLVED that:

- i. The current access arrangements (including hours of opening) at both Longshot Lane and Smallmead HWRC be retained
- ii. That the supplementary amendments, detailed in paragraphs 3.9 through to 3.13 of the Project Director's report, be made to the current access arrangements
- iii. A further review of access arrangements be undertaken over the next 12 months
- iv. Any changes proposed to the design element of the planning application to facilitate or improve and/or control trade access at Longshot Lane be brought back to the Board for approval

72. Exclusion of Public and Press

RESOLVED that pursuant to Regulation 21 of the Local Authorities (Executive Arrangements) (Access to Information) Regulations 2000, members of the public and press be excluded from the meeting for the consideration of items 8 and 9 which involve 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 (including the authority).

73. Review of First Five Years of the re3 Joint Waste Public Finance Initiative

The Board received a presentation in respect of a review of the first five years of the re3 Joint Waste PFI.

It was reported that good progress had been made during the first five years of the contract and that there were a number of successes in a range of areas. Where performance had been less than expected. Analysis had found that the macro economic situation had had a significant impact on the areas in question. Items of particular note included: a reduction in the average volume of waste generated by each household from 507kg in 2002 to 437kg in 2010/11 a reduction of 14%

compared to the 16% reduction that had been set for the life of the contract. In addition, the new facilities provided by the PFI have helped to ensure that the percentage of waste recycled and composted has increased and levels of waste going to landfill had fallen by approximately 20% over the first five year period.

Over the next twelve months, the re3 Project Team would work to develop a strategy that would ensure that the PFI continued to be fit for purpose whilst at the same time enabling the Board to take advantage of any opportunities to develop and progress the service. The Board stressed that any proposal must go through the appropriate internal arrangements within each council first so that the Board was in a position to make a fully informed decision.

The Board commended the presentation and associated report and suggested that the Project Team give presentations to wider groups of members in all three authorities.

It was hoped that sessions would be arranged in the autumn to give Board members the opportunity to develop a more in-depth understanding of the contracts and their constituent parts.

RESOLVED that:

- i. The contents and findings of the review be noted
- ii. The re3 Management Team undertake a further review of the review document for presentation to the Board no later than July 2013 having been through their appropriate internal management processes.

74. Report on Legal Advice from Professional Advisors

The Board received a briefing on the current position with regard to contract legal matters.

It was noted a mediated session between the PFI Contractor and the Project Team was scheduled to take place on Thursday 19 July 2012 and the Board would be provided with an update on any progress made immediately following the session.

It was stressed any proposals would have to be put before each Council's Executive for a decision and it would not be possible to reach an agreement with the Contractor straightway and that a six week time lag should be expected before the Board responded to any offers made.

RESOLVED that:

- i. The progress made in relation to Recyclate Income Compensation be noted
- ii. Officers bring back to the Board and individual councils any proposals that they feel is worthy of consideration which arises from the mediation session that has been agreed in relation to this disagreement

75. Dates of Future Meetings

It was agreed that future meetings of the Board would take place as follows:

Tuesday 2 October 2012 at 10am at Smallmead, Reading

Tuesday 4 December 2012 at 10am at Wokingham District Council

It was noted that an extraordinary meeting of the Board might be required in July to discuss any matters arising from the mediation session on 19 July 2012.

CHAIRMAN

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