



**NWWTP**

North Wales Waste Treatment Partnership

**AGENDA ITEM NO. 2**

**Shadow Joint Committee**

Wednesday, 10 December 2008  
Bodlondeb, Conwy

**PRESENT:**

Councillor Eryl Williams (Chair)	Denbigh County Council
Councillor Graham Rees (Vice-Chair)	Conwy County Borough Council
Councillor Mike Priestley	Conwy County Borough Council
Councillor Patrick Heesom	Flintshire County Council
Councillor Richard Jones	Flintshire County Council
Councillor Richard Llewelyn Jones	Isle of Anglesey County Council
Councillor Arwel Pierce	Gwynedd County Council
Councillor Gareth Roberts	Gwynedd County Council
Councillor Robert. G. Parry	Isle of Anglesey County Council
Councillor Julian Thompson-Hill	Denbigh County Council

**In attendance**

Enid Roberts	Conwy County Borough Council
Andrew Kirkham	Conwy County Borough Council
Alwyn Evans	Conwy County Borough Council
Kerry Feather	Flintshire County Council
Barry Davies	Flintshire County Council
Nigel Trueman	Flintshire Council Council
Colin Everett	Flintshire County Council
Carl Longland	Flintshire County Council
Dewi Rowlands	Gwynedd County Council
Arthur Owen	Isle of Anglesey County Council
Geraint Edwards	Conwy County Borough Council

**Apologies**

Iwan Prys-Jones	Denbigh County Council
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**1. Introductions**

All those present introduced themselves and explained their role on the Committee.

**2. Minutes**

The Minutes of the North Wales Waste Treatment Partnership meeting held on 16 November 2008 were approved as a correct record.

It was clarified that the cost of the first stage of the project would be £4 million.

It was noted that Councillor R. G. Parry had been in attendance at the meeting.



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## **2. Memorandum of Understanding (MOU) – Transactor Support/Release of Funding from WAG**

The five Local Authorities had given their consent for their Chief Executive to sign the MOU and were all in receipt of the document. The first stage payment was awaited and WAG had formerly confirmed funding for the project.

## **3. Partnership Agreement**

The final draft of the Partnership Agreement was circulated to the Committee. Each Council would have two representatives, with one vote, sitting on the Committee and were able to appoint deputies to attend in their absence; deputies would have the power to vote. The Committee would only be quorate if there was one Member from each Authority in attendance. Translation would be provided for each Committee meeting and agendas together with written reports would be circulated five working days before each meeting.

Comments and responses were made as follows:-

- All documentation should be circulated before the meeting from one source to avoid confusion.
- It was understood that there were a few minor typing errors in the Partnership Agreement and these would be corrected.
- The word 'Residual' had been omitted and this would be corrected.
- Once the Outline Business Case was agreed by each Authority the final Partnership Agreement would be signed by each Local Authority.

## **4. Inter Authority Agreement**

Work on preparing the Inter Authority Agreement has begun. A draft will be presented to a future meeting of the Committee.

## **5. Communication Strategy**

Flintshire would take the lead on communication and all press enquiries should be signposted to Flintshire. A background paper would be produced together with a statement and outline plan, which each Local Authority would use when briefing potential contractors. Regular Member briefings are also required. All documentation produced by the Partnership would need to have a common brand and typeface.

## **6. Project Team – Procurement Methodology, Recruitment Costs, Recruitment Timescales**

A paper was circulated giving information relating to salary, timeframe and recruitment costs.

The salary was in accordance with advice from Partnerships UK and in-line with similar posts in Flintshire.



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It was hoped that, if the advertisements ran in the press in mid-January 2009 and after interviews were held by the Panel, an offer would be made verbally to a prospective candidate by 19 February 2009.

The cost of recruitment was high at £21,262.04 as the cost of advertising in large broadsheets ran at around £7,000; it was vital to advertise nationally to ensure the highest calibre of candidates were reached.

The advert would state that a candidate with an understanding of local government and the ability to speak Welsh would be highly desirable.

**AGREED – That the Procurement Methodology, Recruitment Costs and Recruitment Timescales be approved.**

## **7. External Consultants – Options Appraisal, Anticipated Costs, Procurement Timescales.**

A paper relating to the appointment of external consultants had been circulated to the Committee.

### Methods of Procurement

The options together with the strengths and weaknesses were:-

1. Office of Government Commerce (OGC) Framework Agreements
  - Had the potential to reduce timescale to appoint as advisers on the framework had already prequalified.
  - There were a smaller number of potential bidders.
  - Maybe seen to 'Cherry-Pick' if bidders were selected from different OGC framework agreements.
  - Potentially reduce competition.
  - Still the need to run a completion to evidence 'Best Value'.
2. Official Union of the European Union (OJEU) Procurement Process
  - Greater competition.
  - Opened the contract out to a larger number of potential advisers.
  - Potentially increase timescale to appointment.
  - Need to decide procurement route.

The Committee agreed that Option 2 would be better at delivering best value.

Before moving forward with the Method of Procurement it was agreed that the legal representatives from each Authority discuss any legal issues and present them at the next meeting.

**AGREED – That Option 2 of the Method of Procurement be approved.**

**ACTION – That internal procurement and legal advice be taken on the procurement route and be presented at the next meeting of the Committee.**

### Methods of Engagement

The options together with the strengths and weaknesses were:-



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1. Appoint a single lead adviser who appointed others on a sub-consultant basis.
  - Single point of contact for delivery of all aspects of the required services.
  - Responsibility for delivering lay with the lead consultant – less risk of silos emerging.
  - Consultants would have established working relationships with financial and legal partners.
  - Would reduce the number of tender documents to evaluate.
  - Would give the advisers the opportunity to look at synergies across the range of advice being requested to deliver Value for Money.
  - Tender price may reflect issues associated with sub-contracting.
  - Lead consultant may select partners which did not have prior experience of complex procurement – so less choice for the contracting Authority.
  - May not achieve 'best-value' for individual elements of the overall work package. However, it was the overall price which would matter.
  - Harder to address performance issues with collaborative partners.
  - Preferred method of Partnership UK.
  
2. Invite a consortium of advisers to bid who were engaged on a joint and several basis.
  - Consultants would have established working relationships with Financial and Legal partners.
  - Gave the advisers the opportunities to look at synergies across the range of advice being requested to deliver value for money.
  - Required additional management of consultants by the Project Team.
  - Tender process required greater resource given likelihood that legal would bid separately.
  - Likely that legal advisers would need to be procured separately.
  
3. Procure all 3 separately.
  - Able to demonstrate 'best value' for individual work streams.
  - Could readily address performance issues with adviser.
  - Consortia able to terminate individual adviser, if necessary.
  - Advisers would need greater management to ensure silo effect was avoided.
  - Successful tenderers may have no previous experience of working together leading to delay and variations.
  - Increased number of tender documents to evaluate.
  - Greater emphasis on project team to identify all workstreams.

It was felt that Option 1 would be preferential as it would be easier to manage, and would give a single point of accountability; however, it was essential that evaluation criteria would have to be put in place to ensure value for money.

The specifications of the contract would need to be as tight as possible to ensure that variations, incurring additional costs, would be minimal.

Updates on the progression of the contract would be given to the Partnership on a regular basis.

**AGREED – That Option 1 of the Method of Engagement be approved.**



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**AGREED - That work would be undertaken by the Project Team to define fixed-priced packages for achieving specific milestones such as the OBC and elements within the procurement stage as accurately as possible to mitigate additional costs, but a schedule or rates would be requested to deal with variations.**

## Scope of Engagement

The options together with the strengths and weaknesses were:-

1. Appoint advisers for the OBC stage only and on completion of the OBC stage re-tender for the advice required during the procurement stage.
  - Gave the opportunity to re-price at the procurement stage based on clearer understanding of what was required at that stage.
  - Delay in timetable due to re-tendering at procurement stage.
  - Lack of competition at procurement stage, giving the detailed knowledge, and established working relationship incumbent at the OBC stage would have established.
2. Appoint advisers for both the OBC stage and the procurement stage at the outset.
  - Continuity of support.
  - Long-term contract should be more attractive to the market of advisers and enable the consortia to derive extra value.
  - Limits the risks of delay as a result of having to re-tender at the procurement stage.
  - Not a clear picture of what advice would be required during the procurement stage.

It was agreed that Option 2 would give continuity to the project and would attract the widest range of consultants.

**AGREED – That Option 2 for the Scope of Engagement be approved.**

## **8. National Update – Financial Support, Clarification of Targets.**

There had been no commitment from WAG on subsidising combined 'gate fees' of the facility.

There was an issue with regard to re-balancing local allowance scheme and no decision had yet been made.

It was agreed that a summary of waste as a background document be produced to feed into the waste targets.

It was understood that food waste was taken out of the waste figures and facilities for anaerobic digestion could not be owned or operated by any of the Local Authorities.

Certain timescales had to be met in order to access the larger element of 22 million by 2011/12.



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## 9. Risk and Issue Register

The Risk and Issue Register was circulated to the Committee and would be updated at the next meeting to take account of the signing of the Partnership Agreement.

It was suggested that a traffic light system to identify the risks be introduced.

**AGREED – That the most up-to-date Risk and Issue Register be presented to the Committee at future meetings.**

**AGREED – That a traffic light system to identify the risks quickly be added to the document.**

## 10. Forward Work Programme

Members of the Appointment Panel for the Project Director were requested to keep the 16 and 19 February 2009 free in their diary.

The next meeting would be held after the Project Director had been appointed.



## NORTH WALES RESIDUAL WASTE TREATMENT PARTNERSHIP PROGRESS REPORT

### Joint Committee

**Date:** 11<sup>th</sup> March 2009

**Period:** April 1<sup>st</sup> – June 30<sup>th</sup> 2009

### Project Summary

To procure a sustainable waste management solution for the 5 local authorities in north Wales (Flintshire, Denbighshire, Conwy, Gwynedd and Isle of Anglesey) that will assist with the reduction in greenhouse gas emissions from landfill and will minimise the tonnage of waste residue sent to landfill thus ensuring that the authorities avoid Landfill Allowance Scheme (LAS) infraction penalties

### Progress since last update

- Joint Committee now fully constituted
- PID approved by WAG PO
- Outline Business Case (OBC) commenced by officers
- External consultants brief prepared by PUK

### Project Status

<b>Project status</b>	
☹	The recruitment of the project team has been subject to delay due to the late withdrawal of a candidate for the post of Project Director. Approval for a change in strategy in the recruitment process will be sought from the JC in March. The recruitment of external advisors has been subject to further review following the allocation of Hazel Nickless as PUK advisor. Project Plan to be evaluated by LA Project Managers and baselined.

<b>Budget status</b>	
☺	Funding for the project team and supporting administrative functions yet to be received. Recruitment costs for the Project Director remained roughly in line with budget with the exception of the advert in the MJ which was approximately £2,250.00 in excess of that reported due to an increase in size. Total spend to date to reported at future meetings against budget profile.

Symbol	Meaning
☺	There are no problems; all is progressing well and to plan.
☹	There are some minor/less significant problems. Action is needed in some areas but other parts are progressing satisfactorily.
☹	There are significant problems and urgent and decisive action is needed



## NORTH WALES RESIDUAL WASTE TREATMENT PARTNERSHIP PROGRESS REPORT

### Project Update - Activities due for Completion January 1<sup>st</sup> to March 31<sup>st</sup> 2009

ID	Activity	RAG Status	Comments	Forecast
	Stage 1 funds (£75,000) uploaded from WAG PO	☺	PL8 form required completion. WAG PO confirmed upload 26 <sup>th</sup> Jan	Mar
51	PID Approved by WAG PO	☺	PID issued to WAG on 16 <sup>th</sup> Dec. Approved with comments 26 <sup>th</sup> Jan	19 <sup>th</sup> Jan
52	Stage 2 funds (£195,000) uploaded from WAG PO	☺	PL8 form required completion. WAG PO confirmed upload 26 <sup>th</sup> Jan	Mar
	Remote Document Management systems evaluated	☹	FCC procurement team confirming procurement	Mar
	Member Training Organised	☺	Further consideration led to a decision to undertake Member Training later in the Procurement Schedule	Apr 2009
54	Write Advertisement	☺	Completed	2 <sup>nd</sup> Jan
55	Approve Ad	☺	Completed	5 <sup>th</sup> Jan
56	Advert Placed	☺	Completed. Advert placed in MJ, Guardian & Daily Post	15 <sup>th</sup> Jan
57	Replies Received	☺	Closing date extended to 2 <sup>nd</sup> Feb 12 replies received long listed to 5	23 <sup>rd</sup> Jan
58	Interview Stage 1 (Project Board)	☹	4 candidates interviewed. Candidate withdrew terminating process	6 <sup>th</sup> Feb
59	Interview Stage 2 (Joint Committee)	☹	See ID 56	13 <sup>th</sup> Feb
60	Final Assessment	☹	See ID 56	19 <sup>th</sup> Feb
61	Verbal Offer	☹	See ID 56	20 <sup>th</sup> Feb
62	Determine Job Description, Salary Scale – Project Manager	☺	Completed in draft form	26 <sup>th</sup> Jan
63	Write Advertisement	☹	Recruitment of project team process subject to approval by joint Committee	1 <sup>st</sup> Feb





## NORTH WALES RESIDUAL WASTE TREATMENT PARTNERSHIP PROGRESS REPORT

64	Approve Ad	☹️	Awaiting decision on 61. To be re-scheduled	12 <sup>th</sup> Feb
65	Advert Placed	☹️	Awaiting decision on 61. To be re-scheduled	24 <sup>th</sup> Feb
66	Replies Received	☹️	Awaiting decision on 61. To be re-scheduled	4 <sup>th</sup> Mar
67	Interview Stage 1 (Project Board)	☹️	Awaiting decision on 61. To be re-scheduled	18 <sup>th</sup> Mar
68	Interview Stage 2 (Joint Committee)	☹️	Awaiting decision on 61. To be re-scheduled	25 <sup>th</sup> Mar
69	Verbal Offer	☹️	Awaiting decision on 61. To be re-scheduled	26 <sup>th</sup> Mar

**Reason for Changes:**

**51. The submission of the PID over the Christmas period delayed the provision of feedback**

**57. Due to the late availability of the advertisement it was determined that the application date be extended**

**59-61. Candidate withdrawal resulted in recruitment process being terminated**

**Project Update - Activities due for Completion April 1<sup>st</sup> – June 30<sup>th</sup> 2009**

	Activity	RAG Status	Comments	Forecast
	Project plan to be baselined	☺️	Project plan to be reviewed by participating authorities and agreed prior to baselining.	Apr
	Inter Authority Agreement Completed	☺️	Legal consultants required to develop and complete this element of work	Jun
73	Prepare brief (technical, legal, financial)	☹️	Change in recruitment process requires authorisation. Briefs available from PUK for further development	1 <sup>st</sup> Apr
74	Place OJEU Advert for External Advisors	☺️		2 <sup>nd</sup> April
75	PQQ's distributed	☺️		3 <sup>rd</sup> April
76	PQQ's Returned	☺️		14 <sup>th</sup> May
77	Evaluate Bids	☺️	Bid team to be assembled to evaluate	21 <sup>st</sup> May



## NORTH WALES RESIDUAL WASTE TREATMENT PARTNERSHIP PROGRESS REPORT

			technical, legal & Financial bids	
	OBC Strategic Case Sections 3.2, 3.3, 3.4, 3.5 & 3.6 completed by waste officers	☺	Officer meetings scheduled, workstreams identified	Jun

### Key Risks

Risk/Issue	Action	Owner
WAG waste management targets change	Re-profiling and affordability following each alteration	LA

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** NORTH WALES RESIDUAL WASTE JOINT COMMITTEE

**DATE:** 11 MARCH 2009

**REPORT OF:** HEAD OF LEGAL & DEMOCRATIC SERVICES

**SUBJECT:** RECRUITMENT OF EXTERNAL CONSULTANTS

**1.00 PURPOSE OF REPORT**

1.01 To give consideration to the appointment of legal consultants separately from other specialist consultants for the procurement project.

**2.00 BACKGROUND**

2.01 At a meeting of the Shadow Joint Committee at Bodlondob on the 10 December 2008 consideration was given to the various options for the appointment of consultants to advise on the residual waste project. A general view was that all advisors should be procured jointly as a consortia with joint and separate liability.

2.02 The lawyers representing each of the five authorities on the Joint Committee have subsequently met to consider how best to develop an inter-parties agreement which will extend from the acceptance or refusal of the outline business case until the award of contract to the successful tenderer for residual waste treatment project. The consensus of the meeting which was advised by Hazel Nickless of Partnerships UK was that it would be preferable for the inter-parties agreement to be developed by a firm of external solicitors with significant expertise in major residual waste treatment contracts.

2.03 Advice was also given that, for the sake of consistency and continuity, the same solicitors who advise on the development of an inter-authorities agreement should also be the main legal advisor for the procurement exercise. Ms Nickless felt that a direct relationship with its outsourced legal advisors would be more beneficial to the Joint Committee than the provision of advice through intermediaries.

### **3.00 CONSIDERATIONS**

- 3.01 Information has been sought in relation to the appointment of legal advisors for project work involving five local authorities in South Wales. They have recently undertaken a procurement exercise for external legal advice through the OGC catalyst route. Their external legal advisors are now in the process of preparing two inter-authorities agreements. The first to last from the publication of the OJEU notice for the project and lasting until the engagement of the successful contractor. The second one will encompass the period of the contract with the successful tenderer. It was recognised that it might well be that no contractor is appointed following the procurement exercise.
- 3.02 If the Joint Committee agreed then a procurement exercise could be undertaken through the OGC catalyst route seeking tenders from those firms on the list able to demonstrate significant experience in public law procurement, the competitive dialogue process and major residual waste management contracts. Firms could be asked to price for advice during the whole process but the appointment could be in stages so that there would be an opportunity to terminate in certain eventualities, e.g. if the Joint Committee were to be unhappy with the advice provided prior to the outline business case.
- 3.03 If the Joint Committee agree to procure external legal advisors, ahead of the appointment of the consortium, it is suggested that the costs arising out of the appointment can be resourced from the funds earmarked for the recruitment of specialist advisors.

### **4.00 RECOMMENDATIONS**

- 4.01 That legal advisors be appointed through the OGC catalyst route for the development of inter-authorities agreement and to advise throughout the procurement process.
- 4.02 That the project board be given delegated authority to make all necessary arrangements for the recruitment process, including the appointment of legal advisors.
- 4.03 That the costs arising from the appointment be paid from the funds set aside for external advisors.

### **5.00 FINANCIAL IMPLICATIONS**

- 5.01 None at this stage as the recruitment of external legal advisors can be undertaken internally among the five authorities. The cost of the external legal advice arising from the appointment will be sourced from existing funds to be drawn down.

**6.00 ANTI-POVERTY IMPACT**

6.01 None

**7.00 ENVIRONMENTAL IMPACT**

7.01 None in respect of this part of the exercise.

**8.00 EQUALITIES IMPACT**

8.01 Not applicable

**9.00 PERSONNEL IMPLICATIONS**

9.01 The project will involve significant involvement of in house legal teams to support and inform the external solicitors appointed.

**10.00 CONSULTATION REQUIRED**

10.01 None

**11.00 CONSULTATION UNDERTAKEN**

11.01 Partnerships UK

**12.00 APPENDICES**

12.01 None

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**Background Documents:**

None

**Contact Officer for Background Documents:**

Barry Davies, Head of Legal & Democratic Services  
01352 702344, [barry.davies@flintshire.gov.uk](mailto:barry.davies@flintshire.gov.uk)

Item	Budgeted	Actual
<i>Project Director Recruitment</i>		
1 Job design & Evaluation	£800.00	£800.00
Total costs of job evaluation	£800.00	£800.00
<b><i>Proposed Recruitment in Jan 09</i></b>		
2 Advert in Society Guardian (based on Quarter Page colour Ad)	£7,125.00	£7,068.75
3 Advert in Municipal Journal (based on Quarter Page colour Ad)	£2,850.00	£5,032.00
4 Advert in Daily Post (colour/bilingual)	£5,258.00	£6,005.40
5 Estimated Internet Advertising	£875.00	£875.00
6 Estimated Creative Ad Design Costs (Tribal)	£500.00	£500.00
Estimated Longlist Interview/Shortlist Assessment Days HR Consultancy		
7 Support Jan	£1,000.00	£1,000.00
8 Estimated Candidate Travel Costs	£500.00	£9.04
9 Estimated Total Recruitment Costs for Project Director	£18,108.00	£20,490.19
10 Estimated Administration Fee - Flintshire Support	£2,354.04	£2,663.73
<b>Total Estimated Budget Required</b>	<b>£21,262.04</b>	<b>£23,953.92</b>

**[REDACTED]** Invoices for these activities have yet to be received

**Notes**

- 3 The Advert for the MJ was increased in size from Qtr page mono to Half page colour.
- 6 Invoice yet to be received
- 7 Internal support costs currently being calculated
- 8 Activity over estimated

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** NORTH WALES RESIDUAL WASTE JOINT COMMITTEE

**DATE:** 11 MARCH 2009

**REPORT OF:** INTERIM PROJECT MANAGER

**SUBJECT:** NATIONAL WASTE TARGETS

**1.00 PURPOSE OF REPORT**

1.01 To update members on the revised Future Directions 2 paper and to provide context in relation to the impact on the North Wales Residual Waste Treatment Partnership.

**2.00 BACKGROUND**

2.01 On the 18<sup>th</sup> October 2007 the Welsh Assembly released the 'Future Directions' paper for consultation with both local and national government. The paper contained targets which outlined preferred targets for the management of municipal waste.

2.02 The initial consultation process has now concluded and this has resulted in a number of changes to the previously proposed municipal waste targets.

2.03 On 20<sup>th</sup> January 2009 the revised 'Future Directions 2' paper was issued to local and national government organisations for further consultation prior to a full public consultation later this year.

**3.00 CONSIDERATIONS**

**3.01 Targets**

For the purpose of clarity I have set out below the proposed targets in full, rather than identifying only those which have been subject to alteration. The original targets are shown in brackets.

Targets for each Local Authority	Targets for each target Year				
	2009/10	2012/13	2015/16	2019/20	2024/25
Dry Recycling	25%	52%	58%	64%	70%
Composting	15%				
Food & Kitchen Waste (Min %) as part of target above	-	(15%)	(15%)	(15%)	(15%)
		12%	14%	16%	18%
EfW (Maximum %) Net <sup>1</sup> (Gross)	-	-	42%	36%	30%
Maximum amount of residual waste per inhabitant per annum	-	(-) 295 kg	(-) 258 kg	(-) 210 kg	150 kg
Maximum Level of Landfill	-	-	-	10%	5%
(A minimum efficiency target of between 60%-65% for EfW facilities).					
(A potential ban on land-spreading non-source separated treated municipal waste from 1st April 2016).					

It should be noted that the dry recycling and composting targets for the 2012/13 target year show no increase from the current 2009/10 target

(3.02 The minimum efficiency target for EfW type facilities effectively means the commissioning of Combined Heat Power (CHP) facilities in order to ensure the utilisation of the heat generated. CHP facilities need to be located within a maximum 2 mile radius of high pressure industry users and 7 miles from domestic properties. This places a further limitation on the suitability of sites.

3.03 The principal alterations are;

- A decrease in the percentage of food and kitchen waste collected from 15% to 12% (2012/13) and 14% (2015/16). Collection targets have increased to 16% (2019/20) and 18% (2024/25)
- From 1<sup>st</sup> April 2012 onwards it is proposed that incinerator / EfW bottom ash and beach cleansing wastes will be added as recyclates and will therefore have a positive impact on authorities' ability to attain recycling targets.
- The Energy from Waste (EfW) target has been modified on three counts :
  - i. the 'sharing' amongst the partnership of the percentage of waste permitted to be sent for treatment at EfW facilities.

<sup>1</sup> It has been assumed that approximately 20% of the total EfW input will be bottom ash.



- ii. the tapering of targets and
  - iii. the incorporation of 'bottom ash' as a recyclate enabling the percentage of waste to be sent for treatment to be increased, therefore reducing kerbside performance by the same percentage.
- The waste minimisation target (maximum amount of residual waste per inhabitant) has been expanded to include targets for 2012/13, 2015/16 and 2019/20. The target of 295kg per inhabitant per annum represents a reduction based upon 2006/07 population statistics of over 45%.
  - WAG has identified additional revenue funding from 2014/15 onwards which is specific to the contribution towards gate fee payment for EfW type facilities.
- 3.04 The revised food waste collection targets are based on assumptions of waste composition and not on robust data. Waste composition is an integral part of the work to be undertaken as part of the Outline Business Case (OBC) and can be used to assist waste recycling officers to identify those materials where participation or 'put-out' rates are lower.
- 3.05 WAG informed Authorities that consideration is being given to the re-profiling of LAS allowances for all 22 Authorities from 2010/11 onwards. The revised LAS targets had an overall benefit to the NWRWP though these targets are local and Conwy were adversely affected.
- 3.06 The Eumonia report, which informed the original Future Directions paper, identified that the proposed targets were only achievable with a number of economic and legislative powers in place. These included; statutory Pay As You Throw (PAYT) or Direct and Variable Chargeable (DVC), Producer responsibility and landfill charges in line with the Flanders region of Europe (approximately £130 per/tonne). These legislative powers have yet to be attained and the landfill tax escalator is not due for review until 2011. In the event that this supporting legislation is not obtained the recycling targets will require further consultation and may cause delays in the procurement program as further waste modeling is undertaken.

#### **4.00 RECOMMENDATIONS**

- 4.01 That Members approve the commissioning of localised waste composition analyses to inform WAG policy targets.
- 4.02 To continue to seek clarification on the Future Direction targets specifically in relation to food waste collection and re-base lining of local LAS targets.

- 4.03 To continue political dialogue with the Welsh Assembly in respect of issues associated with the introduction of mandatory PAYT, producer responsibility and landfill tax escalator and the impact on national targets in their absence.
- 4.04 To seek clarification on SWMG revenue allocations for non-EfW solutions and opportunities in relation to support where existing EfW facilities may be available to consortia prior to 2014/15.

#### **5.00 FINANCIAL IMPLICATIONS**

- 5.01 None in direct relation to the revised targets. However, the Department for the Environment Sustainability & Housing (DESH) have secured revenue funding to assist the affordability of gate fees at EfW facilities. The funding has been made available from 2014/15 onwards.

#### **6.00 ANTI-POVERTY IMPACT**

- 6.01 None

#### **7.00 ENVIRONMENTAL IMPACT**

- 7.01 Landfill waste produces landfill gases which contribute to global warming and have a significant negative impact upon the environment. The diversion of waste from landfill in line with WAG targets will have a positive impact on both the environment and CO2 emissions.

#### **8.00 EQUALITIES IMPACT**

- 8.01 Not applicable

#### **9.00 PERSONNEL IMPLICATIONS**

- 9.01 None

#### **10.00 CONSULTATION REQUIRED**

- 10.01 None

#### **11.00 CONSULTATION UNDERTAKEN**

- 11.01 None

## **12.00 APPENDICES**

12.01 None

### **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

#### **Background Documents:**

'Scoping New Municipal Waste Targets for Wales' (Eunomia Research & Consulting)

'Future Directions for Municipal Waste Management in Wales' (WAG)

#### **Contact Officer for Background Documents:**

Nigel Trueman  
Interim Project Manager  
01352 703120  
Nigel\_trueman@flintshire.gov.uk

**Environmental Services: Bulky Collections Contract**

**Risk and Issues Register**

*A list of the threats to the success of the project and the action being taken to address these.*

**This document is only valid on the day it was produced and dated**

**Revisions etc.,**

Revision Date	Version	Summary of Changes	Distributed
			Y/ N
17.02.09	V2.0	All risks scored. Removed (R5, P4) Revised (T2, T3)	

**Approvals**

This document requires the following approvals.

Name	Signature	Title	Date of Issue	Version

**Distribution**

This document has been distributed to:

Name	Title	Date of Issue	Version

Author: **N. Trueman**  
**E. Roberts**  
 Version: 2  
 Revision No. 0  
 Status **Draft**

**AGENDA ITEM NO. 12**  
**RIR**

IDENTIFYING THE RISK or ISSUE						MANAGING THE RISK or ISSUE						
ID	Risk / Issue (i.e.: Threat to the Project)	Consequence	Current Assessment			How the risk will be managed and controlled				Impln Date	Review Date	Closure Date
			Impact	L'hood	Overall	Already in Place	Who is Managing	Not in Place (Proposed)	Who will Manage			
<b>Resourcing - Staff / Advisors / Funding</b>												
R1	Outstanding Team appointments	Project team under resourced leading to project slippage	3	2	6	Proposed team requirements		Authorities to nominate appropriate individuals and to backfill their posts				
R2	Unclear definition of responsibilities of the project team	Tasks not completed. Risks and issues not escalated.	3	1	3	Job Descriptions for key roles		Project structure with outline Job Descriptions included in PID				
R3	Lack of Budget profile leads to unexpected surplus	Surplus is absorbed and re-application required	3	2	6	PUK/WLGA investigating spend by discipline		Payments based on milestones. FO to be appointed to Project Team to specifically monitor the budget. Budget Profile to be established				
R4	Funding not Provided from Treasury	Project Delayed whilst costs are reduced or Project suspended	4	1	4							
R6	Consultants not appointed using correct procedures	Project delays whilst appointments challenged	4	1	4			Take advice from Procurement specialists and PUK				
					0							
<b>Timescales</b>												
T1	Multi-Authority Approach leads to protracted discussions to resolve issues	Consultancy costs increase. End date not met. LAS penalty risk increased.	3	3	9	Project Plan detailing timescales		Cabinet meeting dates to be obtained from participating Authorities for inclusion into the plan to assess impact. documentation distribution to be widened at discretion.				

T2	Planning Permission not granted at identified Sites	Project delayed whilst suitable sites are secured	5	3	15			Alternative Site(s) to be identified and prioritised in order of suitability. Planning Officer appointed to project team				
T3	Partner LA doesn't sign Inter Authority Agreement (IAA)	Project delayed whilst revisions are made to IAA document	3	2	6							
T4	Procurement delays lead to increased procurement costs	LA's seek additional funding or withdraw	3	3	9	Cabinet reports sought to extend finance as required beyond budget						
T5	Key Activities not identified in Project Plan	Potential for project to be delayed due to lack of resource or dependability issues	3	1	3	WAO and PUK experts to scrutinise Project documentation						
T6	WAG Policy changes affecting project (emissions/landfill diversion)	Project delayed whilst impact of change and mitigation measures determined	4	4	16							
T7	Environmental Activists seek to delay construction	Project/build potentially disrupted	3	3	9	Pro-Active Communication Plan & involvement of EA and HIA		Appointment of PR Consultants				
T8					0							
<b>Procurement Process - Decision Making / Competition/Method Policy - National / Local Finance - Affordability/Budget</b>												
P1	One of the Partner LA's withdraw during PQQ	New OJEU notice has to be placed	5	2	10	Procurement Agreement to be drafted to tie Authorities in to the PQQ procurement phase.		Comprehensive PID endorsed by all participating partners				
P2	Existing contracts and facilities prevent all participating authorities to utilise all elements of the proposed final solution	Payment made by authorities in duplication	2	2	4	Facilities paid for on a gate fee by use, not availability						

P3	LAS Risk for the contractor deters potential bidders	insufficient competition for contract	4	2	8			Authorities sign agreement guaranteeing landfill diversion targets, accepting penalty for failure to manage to targets.				
P5	Potential bidders do not bid due to the costs associated with Competitive Dialogue process	Reduced Competition on bid process	4	2	8			Contact companies expressing concern from the SMT to determine cost implications and review implications				
P6	Potential bidders do not bid due to the Risks being passed to the Contractor	Reduced Competition on bid process	4	2	8			Consideration given to removal of Risk to contractor as a variant bid				
P7	Potential bidders do not bid due to lack of cohesiveness of the Partnership	Reduced Competition on bid process	4	2	8	Partnership Agreement & Governance Arrangements drafted		All related documentation signed prior to PIN & OJEU				
P8	Potential bidders do not bid due to the prescriptive requirements	Reduced Competition on bid process	4	2	8	Procurement is 'Open' Technology						
P9	Cost of Contract too High	Project Re-tendered	4	4	16			Allow variants within the bid to remove elements to bring costs down				
P10	Variant bid and resultant funding arrangements are present in PQQ	PQQ evaluation period extended to accommodate variations and risks regarding funding	2	2	4	Financial assessment to be undertaken by consultancy						
P11	Decision of Contractor selection is not left solely with Lead Authority	Selection of Contractor is delayed due to multi-Authority Involvement (Cabinet Process)	4	3	12			Project Champions from participating Authorities shall evaluate the bid without disclosure to members/senior staff (GMWDA Model)				
P12	Solution offered is not technically viable	landfill diversion not obtained, LA's incur infraction penalties	5	2	10	LAS infraction fine passed to contractor. Technical viability scored within procurement documentation						
P13	Technological solutions offered are not commissionable within LAS infraction timescales	LA' s face infraction fines for additional landfill above allowance	4	4	16			Identification of intermediate solutions				



P14	Bids scored by inexperienced internal team	Solution selected is not the most advantageous tender and is open to challenge by unsuccessful bidders	4	3	12			Bid team selected by Project manager and PUK				
P15	Bids scored by external consultants	Solution selected does not meet local requirements and is not accepted by LAs	4	2	8			Bid team selected by Project manager and PUK				
P16	Officer(s) are perceived to have preconceived ideas of the 'best' solution	Lack of trust of bidder selection and solution selected	4	2	8			Bid team selected by Project manager and PUK. Agreed scoring criteria				
<b>Specification - Ambiguity/Scope Creep Planning - Sites/Availability Communication Approvals</b>												
S1	Mis-information to Members caused by differences in reports and documentation	Authorities working to different agendas/outcomes leading to a breakdown in the consortia	3	2	6			Communication protocol established to ensure consistency of message	PMO			
S2	RDF produced Cannot be sold	RDF is landfilled	4	2	8			Total solution to be added as a variant bid to ensure market. Consideration to producing PIN and OJEU notice for the procurement of RDF from FCC	AM			
S3	RDF quality not consistent due to inflow of residual	Purchaser of RDF rejects loads	4	2	8			Contractor to guarantee calorific value within tolerance limits. Scoring off PQQ to favour total solution				

S4	LA fails to supply required volumes of waste for treatment	Contractor invokes penalty clause to meet targets	4	3	12			Waste volumes set at minimum levels and monthly monitoring of waste arisings until contract sign to provide clarity.				
S5	Waste composition analysis not as Eunomia / AEA	Contractor unable to determine appropriate technology for treatment / EfW	2	3	6			Waste composition to be monitored during procurement and data shared at Competitive Dialogue to inform solution.				
S6	LA collection methodology leads to peaks and troughs of supply	treatment plant unable to cope with wide variance in volumes / composition	3	3	9			LA's sign LAA to ensure even flow of material to facilities as determined by the contract.				
S7	Potential bidders do not bid as volumes of waste are too small	Reduced Competition on bid process	4	2	8			Consider adding Commercial and Industrial waste to scope of project. Consider allowing bidders to be open to other contracts				
S8	WAG waste management targets change	Local Authorities will incur penalties regardless of this project	4	4	16			Consider delaying project until there is more certainty of targets. Consider medium term solution only. Consider maximising outcomes regardless of targets. Communicate the issue to WAG				
S9	Regional Waste Plan is in conflict with potential solutions	Reduced Competition on bid process	4	2	8			Ensure the Regional Waste Plan is endorsed as guidance only. Communicate the issue to WAG				

Definition of Risk

Likelihood	High	5 (W)	10 (W)	15 (M)	20 (M)	25 (M)	<div style="display: flex; flex-direction: column; align-items: center; gap: 10px;"> <div style="display: flex; align-items: center; gap: 5px;"><span style="background-color: red; color: white; padding: 2px 5px;">M</span> Mitigate</div> <div style="display: flex; align-items: center; gap: 5px;"><span style="background-color: yellow; padding: 2px 5px;">W</span> Watch</div> <div style="display: flex; align-items: center; gap: 5px;"><span style="background-color: green; color: white; padding: 2px 5px;">A</span> Accept</div> </div>
	Medium / High	4 (W)	8 (W)	12 (M)	16 (M)	20 (M)	
	Medium	3 (A)	6 (W)	9 (W)	12 (M)	15 (M)	
	Low / Medium	2 (A)	4 (A)	6 (W)	8 (W)	10 (M)	
	Low	1 (A)	2 (A)	3 (A)	4 (W)	5 (W)	
	Low	Low / Medium	Medium	Medium / High	High		

Impact

Likelihood (probability of occurrence)

5	High	75% to 100%
4	Medium / High	50% to 75%
3	Medium	26% to 49%
2	Low / Medium	11% to 25%
1	Low	< 10%

Impact (affect on outcome)

5	High	Catastrophic
4	Medium / High	Critical
3	Medium	Concerning
2	Low / Medium	Marginal
1	Low	Negligible

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** NORTH WALES RESIDUAL WASTE JOINT COMMITTEE

**DATE:** 11 MARCH 2009

**REPORT OF:** PROJECT MANAGEMENT LEAD

**SUBJECT:** COMMUNITY ENGAGEMENT

**1.00 PURPOSE OF REPORT**

1.01 To identify, and gain support for measures aimed at improving community engagement in the process being undertaken by the North Wales Residual Waste Partnership (NWRWP).

**2.00 BACKGROUND**

2.01 Historically, the development of new waste treatment facilities has been a contentious subject with local residents and other stakeholder groups. With the added pressure of limited time and mounting costs, local authorities cannot afford to go through lengthy planning appeals and must get the public engaged and involved as soon as possible. In the waste management industry, public engagement is now becoming standard practice and service delivery is more focused on the public as 'customers'. What can be done to make public engagement better and to ensure people understand the serious issues facing us in terms of waste treatment and disposal?

2.02 In order to overcome potential confrontation and develop productive dialogue and cooperation there is a need to ensure that the community has access to up to date, accurate information. Public involvement is an important element in any waste project from the very beginning and should continue up to and including the statutory process and throughout the duration of any facilities operating life.

2.03 The Community Engagement toolkit was produced for WAW in 2007. The toolkit provides full factual guidance document on how and when to consult key stakeholders in the planning and delivery of new waste management facilities. This guidance was produced as a result of a partnership between the Welsh Local Government Association (WLGA), Welsh Assembly Government (WAG), Environment Agency Wales (EAW) and Waste Awareness Wales (WAW).

- 2.04 However production of a toolkit alone is not enough and for LAs and other agencies to make the most of the wealth of material and information that has been produced it is essential that training is delivered. Training on the toolkit and the best ways to approach difficult and controversial service changes and planning applications will assist LAs, WAG and others through the difficult and challenging procurement and planning processes. The training on best practice will also reassure our communities that LAs are aware of their responsibilities on consultation and will engage appropriately and take account of local views and needs through the process.
- 2.05 In addition to the Community Engagement training, it is proposed NWRWP invites the Project Manager, and other key individuals, of the consortia in the South East ('Prosiect Gwyrdd') to present a briefing session of their experience and lessons learnt to date. Prosiect Gwyrdd is a similar project to the NWRWP based on a partnership of Caerphilly, Cardiff, Monmouthshire, Newport, and Vale of Glamorgan. This project is currently finalising their Outline Business Case (OBC). Creating an Outline Business Case is one of the next important steps of the NWRWP project.
- 2.06 Work is required to arrange this briefing session including selecting a date, booking a venue, preparing an agenda and identifying the attendance list.

### **3.00 CONSIDERATIONS**

- 3.01 Waste Awareness Wales in partnership with Welsh Assembly Government (WAG), Environment Agency Wales (EAW) and the Welsh Local Government Association (WLGA) wish to commission training to ensure Local Authorities and other agencies are appropriately skilled in consultation and communication through the procurement and commissioning of contentious waste facilities.
- 3.02 The primary aim is to provide a series of training days to a range of stakeholders so all understand their role in communications/consultation, understand best practice and are equipped to plan their communications strategy alongside their procurement programmes:
- To ensure that Local Authorities and relevant agencies understand and appreciate the need for best practice community engagement and consultation through the procurement, planning and commissioning of waste facilities – particularly food waste treatment and residual waste treatment.
  - To ensure that LAs and relevant agencies fully appreciate the different tools and techniques open to them for community engagement and consultation.
  - To enable LAs and relevant agencies to understand the different communication requirements through the various procurement stages e.g. project preparation, OJEU notice, planning etc.

- To ensure the training dovetails with training and advice being provided by the WAG Procurement Office on the procurement and quality assurance process.
- 3.03 Format & Delivery Model:
- introductory session for all target audiences.
  - separate session with waste cabinet members for them to appreciate their community leadership role and what consultation means through the procurement process
  - 2-3 day training for officers heavily involved in the AD and residual procurement programmes. This could either be in blocks or over a period of weeks.
- 3.04 It is proposed that the detailed training would be held on a regional basis – North, South West - Mid and South East.
- 3.05 The programme is intended to run across 2009 -10 with a possible extension for a further year should demand and success of the programme necessitate it.
- 3.06 It is essential that training is tailored to the needs of the audience. Particular groups are:
- Local Authority: Waste cabinet members; Planning cabinet members; Planning committee members; Waste procurement lead officers; Waste procurement project directors/project managers; Waste officers; Planning officers; Procurement officers; Consultation/engagement officers; Media/PR officers
  - Other relevant bodies: EA strategy and regulatory staff; CCW staff who would be involved in planning issues; WAG waste, procurement and DET (finding appropriate site) officials; WAW officers; PUK officers (working with WAG in Procurement Office)

#### **4.00 RECOMMENDATIONS**

- 4.01 That Members agree to stakeholders attending the Community Engagement training when it becomes available.
- 4.02 That Members agree to a briefing session by Prosiect Gwyrdd's Project Manager aimed for Members and Officers involved in the NWRWP, and other identified key stakeholders.
- 4.03 That Members support attendance at future training and briefing events that are relevant and appropriate to the NWRWP project.

#### **5.00 FINANCIAL IMPLICATIONS**

- 5.01 Waste Awareness Wales: Cost of travel by attendees to a venue in north Wales

5.02 Prosiect Gwyrdd briefing: Travel, and potential accommodation cost of presenters travelling from Cardiff; cost of venue; cost of travel by attendees to a venue in north Wales. It is proposed that these costs be met from the RCAF monies assigned to the project management function.

**6.00 ANTI-POVERTY IMPACT**

6.01 None

**7.00 ENVIRONMENTAL IMPACT**

7.01 Not applicable

**8.00 EQUALITIES IMPACT**

8.01 Not applicable

**9.00 PERSONNEL IMPLICATIONS**

9.01 Member and Officer time to attend training and briefing events as appropriate.

**10.00 CONSULTATION REQUIRED**

10.01 NWRW Project Board

**11.00 CONSULTATION UNDERTAKEN**

11.01 NWRW Project Board

**12.00 APPENDICES**

12.01 None

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**Background Documents:**

None

**Contact Officer for Background Documents:**

Not applicable