



NWRWTP

North Wales Residual Waste Treatment Project

NORTH WALES RESIDUAL WASTE JOINT COMMITTEE

Minutes of the meeting of the Joint Committee held at County Hall, Mold on Friday 14th January, 2011.

PRESENT: Councillor Eryl Williams (Chairman) – Denbighshire County Council

Councillor Neville Phillips – Flintshire County Council
Councillor Nancy Matthews – Flintshire County Council
Councillor Arwel Pierce – Gwynedd Council
Councillor Hefin Thomas – Isle of Anglesey County Council
Councillor Sharon Frobisher – Denbighshire County Council
Councillor Mike Priestley – Conwy County Borough Council

ALSO PRESENT:

Flintshire County Council

Mr Carl Longland (Director of Environment)
Mr Barry Davies (Head of Legal and Democratic Services)
Miss. Ceri Owen (Committee Officer)

Conwy Borough Council

Mr. Andrew Kirkham (Head of Corporate Finance)

Isle of Anglesey County Council

Mr. Meirion P. Edwards (Chief Waste Management Officer)
Mr. Dewi R. Williams (Head of Service - Highways & Waste Management)

North Wales Residual Waste Treatment Partnership

Mr Stephen Penny (Project Director)

APOLOGIES

Mr. Colin Everett (Flintshire County Council), Mrs. Kerry Feather (Flintshire County Council), Steffan Owen (Project Manager)

1. DECLARATIONS OF INTEREST

No declarations of interest were received from any Member and Officers present.

2. MINUTES

29th October, 2010

The minutes of the meeting held on 29th October, 2010 were submitted.

RESOLVED

That the minutes be approved as a correct record.



5th November, 2010

The minutes of the meeting held on 5th November, 2010 were submitted.

RESOLVED

That the minutes be approved as a correct record.

3. MATTERS ARISING FROM THE PREVIOUS MEETING

There were no matters arising.

4. PROGRESS REPORT

The Project Director presented the progress report and he referred in particular to the overall project status. He noted that the Invitation to Participate in Dialogue (ITPD) was issued to bidders on 5th November, 2010 as per the timetable. Positive initial dialogue meetings were held with bidders later in November, with the partnership outlining its key priorities clearly. Clarifications were now being sought from the bidders and work had started on detailed planning for the ISOS evaluation process and ISDS documentation. Since discussions with bidders had started, one bidder had notified the project Director that they would not be continuing with the process.

On the budget status, the Project Director also noted that the actual spend for this financial year up to 31/12/10 was lower than the profiled spend for the same time period. This was mainly due to advisor costs that had not yet been through the system and it was noted that significant advisor costs were expected to come through during January, 2011.

The Project Director also provided a progress update on the development of the proposed timetable and methodology for dealing with TUPE and reported that work would commence with the Isle of Anglesey County Council in January/February 2011 before moving to other authorities. Also a positive meeting with the vendor of the second site had taken place and it was hoped that a full options agreement would be presented for approval at the next meeting of the Joint Committee.

Mr. Stephen Penny had met with the Rail Head Operator together with Officers from Conwy County Borough Council and the Isle of Anglesey County Council where positive discussions around forming a rail based solution had taken place and further engagement between the Rail Head Operator and planners at Conwy County Borough Council would now take place over the next few months.

Evaluation Teams were in place to evaluate ISOS. A briefing will be held for Joint Committee Members on the 24th March, 2011 prior to the Joint Committee on 25th March, 2011.



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The Project Director concluded that the Project Team had engaged with WAG on the status of MSP waste reduction targets. He reported that the Project Team would be attending a meeting with the WAG Head of Programme next week to outline its concerns around how this reduction would affect the NWRWTP.

RESOLVED

That the report be noted.

5. RIR – RISK STATUS UPDATE

The Project Director presented a Risk Register report which highlighted some of the amendments to the risk register that had been made to reflect the current understanding of risks and mitigation measures that were in place.

It was noted that there were two new risks in this period. F14 which related to WAG approval of the Final Business Case to enable contract award, which was linked to new financial constraints faced by WAG and F15 which related to the availability of funding by partner authorities to support enhanced 'front end' recycling services. It was also noted that there were two changes to existing risks. Firstly, to PO1 which had been amended to reflect increased risks relating to WAG funding availability in light of new financial constraints, and secondly W1 which had been amended to reflect risk of partner authorities not increasing front end recycling levels.

The Chairman advised elected Members of the Joint Committee to highlight the potential risks relating to the availability of WAG funding when preparing future budgets. Mr. Carl Longland (Director of Environment, Flintshire County Council) reported that the Sustainable Waste Management Grant for each partner authority was yet to be announced by WAG. He said that there was an assumption that there would be a slight reduction in the grant for the 2011/12 financial year with a considerable reduction for future years. This would have a significant impact on corporate budgets which would have to be managed accordingly.

RESOLVED

That the updated Risk Register for the project be noted.

6. COMMUNICATIONS UPDATE

The Project Director updated Members on communication matters concerning the NWRWTP.

It was noted that following the formal pre-qualification evaluation process a statement was released to inform the press on progress to date. The statement had named the eight successful bidders to make it through the pre-qualification stage and also highlighted the next stages of the process. The Project Team had also circulated a newsletter to elected Members providing them with an update on the procurement's progress.



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It was understood that Friends of the Earth (FoE) had circulated a statement to elected Members from each of the partner local authorities reflecting their position to any form of incineration. The statement had contained several inaccuracies which could be misleading and following agreement of the Project Board a detailed response to the FoE statement had been circulated to all elected Members from all five partner local authorities.

On the website development, it was reported that Steffan Owen (Project Manager) and Karen Powell (Personal Assistant) from the Project Team had recently received training on how to update and develop the NWRWTP's specific website. This would allow for efficient and timely uploading of data onto the project's website.

Following the termination of the communications advisor's contract, there was a need to develop a plan to deal with future communication issues. It was suggested that the Project Team develops a way forward with the communications officers from all five local authorities and a meeting between the communications officers had been scheduled for 21st January, 2011. In the meantime, there may be a need for the Project Team to call-in specialist communications support on an 'as and when required' basis.

RESOLVED

- (a) That the report be noted.
- (b) That further update reports on communication matters be submitted to future meetings of the Joint Committee.

7. FREEDOM OF INFORMATION PROTOCOL REPORT

The Project Director presented a report to seek approval for a Confidentiality and Freedom of Information (FOI) Protocol, a Confidentially Agreement to be signed by Officers and Members and the administrative system to be utilised for dealing with commercially sensitive papers at Joint Committee or individual Partner Authority Members' meetings.

It was noted that there were a number of regulatory constraints placed on the Partnership and Procuring authorities around maintaining the confidentiality of bidder's proposals during a procurement process, specifically the Regulations 18(21) (c) of the Public Contracts Regulations 2006. The Project Director outlined the NWRWTP's proposed approach to Confidentiality and FOI together with the key elements of the Confidentiality and FOI Protocol.

The Project Board would have full access to all information relating to the procurement process and bidder proposals. Detailed presentations and reports would be made to the Project Board on bidder proposals and on any planned de-selection of bidders during the procurement process. The Joint Committee would be provided with summaries of the key proposals/solutions proposed by bidders in



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closed/private session as well as recommendations at differing stages of the procurement process.

In order to ensure an effective and efficient way of distributing confidential papers to Members it was proposed that commercially sensitive papers were dealt with in a specific way, as outlined within the report. In the later stages of the process (post ISDS/CFT stages) it might be possible to bring some information into the public domain about potential use of the reference or other sites as part of bidders proposals but only with the agreement of the bidders.

On questions around the decision making process, Mr. Barry Davies (Head of Legal and Democratic Services, Flintshire County Council) advised that further work around the framework of the Protocol and how each partner authority deal with FOI request was needed. Key decisions would also need to be made around information being held by Members, who may not be re-elected in May, 2012 and Officers leaving the authority, therefore outlining the importance of Members and Officers signing the Confidentiality Agreement.

The Chairman asked that briefing sessions be provided to non Joint Committee Members of each partner authority prior to key decisions being taken. Councillor Mike Priestley agreed and suggested that informal Council meetings be held in order to provide Members with an update on progress.

RESOLVED

- (a) That the Joint Committee approve the Confidentiality and Freedom of Information Protocol subject to minor amendments and approval by the Legal Officer.
- (b) That the Joint Committee approve the Confidentiality Agreement subject to minor amendments and approval by the Legal Officers.
- (c) That the Joint Committee approve the administrative system as outlined within the report for dealing with commercially sensitive agenda items.

8. AMENDMENT TO INTER AUTHORITY AGREEMENT

Mr. Barry Davies (Head of Legal and Democratic Services, Flintshire County Council) presented a report to update Members of the Joint Committee on the potential options for a variation of the Inter Authority Agreement to reflect an amendment to the Quorum clause for the Joint Committee.

It was noted that in order to allow more flexibility in Joint Committee decision making, it was deemed appropriate by all Authorities that an amendment to the Quorum clause was required. The Legal Officers had considered various options of allowing more flexibility, which were highlighted within the report. A meeting of the Legal Officers had been organised for later in January to finally agree a way forward, however it was deemed necessary to update the Joint



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Committee on the progress on the matter and receive feedback on the preferred option.

Councillor Mike Priestley proposed that the Inter Authority Agreement remain as it is at present with a minimum quorum of 5 partner authorities represented at Joint Committee meetings. This was supported by the Joint Committee.

RESOLVED

That the Inter Authority Agreement remains as it is at present with a minimum quorum of 5 partner authorities represented at Joint Committee meetings.

9. WASTE (WALES) MEASURE 2010 REPORT

The Project Director updated Members of the Joint Committee on the Waste (Wales) Measure 2010.

It was noted that although the Waste (Wales) Measure 2010 contained several important changes concerning future waste management issues in Wales, two of the most significant for the NWRWTP related to future recycling/composting targets and the classification of Incineration Bottom Ash (IBA). WAG was currently consulting on its draft Recycling, Preparation for Re-Use and Composting Targets (Definitions) (Wales) Order 2011, which confirms within the guidance notes, that IBA that was obtained following the combustion of local authority municipal waste (as defined) may be counted towards recycling targets where ash was processed to become a material.

Following the completion of WAG's consultation process, it was likely that IBA would be allowed to be counted towards recycling, although it was unclear at this stage what methodology would be used to calculate this. Therefore, if the NWRWTP decided to use a waste treatment solution that produced IBA, it was likely that this material would contribute towards future recycling targets.

RESOLVED

- (a) That the report be noted.
- (b) That the Project Team be authorised to prepare a formal response to WAG on the Waste (Wales) Measure 2010 Order and Regulations as part of the consultation, confirming its agreement that IBA should be counted as recycling in future.

10. ANY OTHER BUSINESS

None.



AGENDA ITEM NUMBER 5

NORTH WALES RESIDUAL WASTE TREATMENT PROJECT PROGRESS REPORT

NORTH WALES RESIDUAL WASTE JOINT COMMITTEE

Date : 25 March 2011

Period: 7th January to 18th March 2011

PROJECT SUMMARY

To procure a sustainable waste management solution for the 5 local authorities in North Wales (Conwy, Denbighshire, Flintshire, 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 and meet National Waste Strategy targets.

PROJECT STATUS

Overall Project Status	
Green	Bids have been received from all participants. Legal, Technical and Financial advisors evaluated bids according to the agreed Evaluation Framework weightings. Legal, Technical and Financial “challenge” sessions held, with advisors then making any necessary amendments and finalising their reports. Procurement Working Group met on the 8 th of March to review evaluation process and final scores.

Budget status	
Green	Actual spend for this financial year up to 28/02/11 is £598,977. Profiled spend for the same time period is £873,367. (Under profile by £274,391). £200,000 RCAF grant stage payment received from WAG. Actual spend against budget is shown in Appendix 1 below.

Status	Meaning
Green	There are no problems; all is progressing well and to plan



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Amber	There are some minor/ less significant problems. Action is needed in some areas but other parts are progressing satisfactory
Red	There are significant problems and urgent and decisive action is needed.

PROJECT UPDATE – Activities due for completion 7th January 2011 to 18th March 2011 (and highlighted longer term actions).

ID	Activity	RAG status	Comments	Forecast	Actual
32	Option developed on second site that is capable of acceptance by Joint Committee	Amber	Progress is being made, but it is slow. Project Director has been in touch with the landowner concerned to impress the importance of a swift resolution.	February 2011	
33	Valuation of land and assets complete by District Valuer	Amber	Initial valuation report received.	January 2011	Complete
35	Develop proposed timetable and methodology for dealing with TUPE	Amber	Initial methodology given by Pinsent Masons following review of Anglesey. Methodology to be rolled out to other partner authorities asap.	January / February 2011	February 2011
42	Engage with WAG re: potential rail related funding	Amber	Entec have been working on a “shadow” bid to ascertain what WAG might be willing to fund. TO be submitted to WAG.	November 2010	
46	Develop detailed actions for inclusion in Project Plan following action 45	Amber	SO updating Project Plan	January 2011	Complete
48	Engage with WAG and Prosiect Gwyrdd	Green	Meeting held on 26 January 2011. Procurement team	26 January 2011	Complete



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	re: evaluation of merchant bids		taken on board outcome of meeting.		
52	Commencement of development of ISDS documentation	Green	See item 9 on the agenda	March 2011	
53	Second ISOS dialogue sessions	Green	Sessions held 17 - 20 January 2011.	Mid January 2011	Complete
54	Confidentiality Protocol to be agreed by legal officers and Freedom Of Information Officers	Amber	No further comments received. Now ready to be signed by partner authorities.	January 2011	Complete
55	Advisor evaluation of ISOS submissions	Green	Financial, Technical and Legal advisor evaluation of relevant parts of ISOS submissions now complete	February 2011	Complete
56	Technical Officers reviewing ISOS submissions	Green	Technical Officer given paper copies of technical aspects of submissions.	February 2011	Complete
57	"Challenge" Sessions	Green	"Challenge" sessions held with legal, technical and financial advisors.	1 & 2 March 2011	Complete.
58	Issue draft programme to bidders through to Invitation to Submit Detailed Solutions (ISDS) stage.	Green	After Joint Committee approval of ISOS de-selection, draft procurement programme issued to remaining bidders	29 March 2011	
59	Issue Invitation To Continue Dialogue (ITCD) documentation	Green	After action 58, documentation to be issued to remaining bidders	31 March 2011	
60	Identify issues with potential use of existing sites arising from ISOS submissions	Green	Project Team, lead technical officer and advisors to liaise with individual authorities.	End of June 2011	
61	Liaise with technical officers on waste flows	Green	This work will use the waste data from 2010/11 to update	May 2011	



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	following 2010/11 outturn data.		the waste flow model and agree a “back stop” position with regards to minimum tonnage guarantees.		
62	Procure advisors to plan and carry out consultation exercise on approach of partnership	Amber	Following meeting with John Twitchen, a more detailed specification now drawn up to invite companies for tender	End Feb 2011	
63	Decide on engagement and facilitation support	Amber	Need to appoint advisors. Meeting to be held with Waste Awareness Wales. See communication update report.	March 2011	

KEY RISKS – See item 6 on this agenda.



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AGENDA ITEM NO: 6

REPORT TO: NWRWTP JOINT COMMITTEE

DATE: 25 MARCH 2011

REPORT BY: PROJECT DIRECTOR

SUBJECT: RISK REGISTER REPORT

1. PURPOSE OF REPORT

- 1.1. The members of the NWRWTP Joint Committee have requested that they are provided with an update of the risk register at each meeting of the Committee.
- 1.2. This report will highlight some of the amendments to the risk register that have been made to reflect the current understanding of risks and mitigation measures that are in place.

2. BACKGROUND

- 2.1. The Risk Register will require continual update throughout the project.

3. CONSIDERATIONS

- 3.1. There is one new risk/ issue identified this reporting period.
 - PD 20 – risk in relation to seeking control of sites by one or more Participants that may lead to the commercial disadvantage of other Participants and potentially their withdrawal from the procurement process.
- 3.2. There is a change to the risk/ issue levels identified this reporting period.
 - PO2 WAG Environmental policy and objectives change- risk in relation to the WAG Municipal Sector Plan Waste Reduction Target The Partnership has now received guidance from WAG that the Partnership is free to make its own assessments about future waste arisings and as a result planning risk is now moderated. However the guidance re-iterates that procuring authorities should take the waste reduction target into account when setting minimum tonnage guarantees. WAG do not however expand on what is meant by this (e.g. will be this be assessed as part approval of the Final Business Case for the Project or not). Thus some residual risks still remain. Further follow up with WAG will be required.
- 3.3. The Top 8 risks (after controls have been put in place) are shown in appendix 1.



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3.4. The changes this period are shown in appendix 2.

3.5. The risk register will continue to be reviewed by the Project Director and reported to the Joint Committee at future meetings.

4. RECOMMENDATIONS

4.1. That the Joint Committee note the updated risk register for the project.

5. FINANCIAL IMPLICATIONS

5.1. Not applicable

6. ANTI-POVERTY IMPACT

6.1. None

7. ENVIRONMENTAL IMPACT

7.1. Not applicable

8. EQUALITIES IMPACT

8.1. Not applicable

9. PERSONNEL IMPLICATIONS

9.1. Not applicable

10. CONSULTATION REQUIRED

10.1. Not applicable

11. CONSULTATION UNDERTAKEN

11.1. Not applicable

LOCAL GOVERNMENT ACCESS TO INFORMATION ACT 1985

Background Documents:

None

Contact Officer: Stephen Penny NWRWTP



Appendix 1 Top (Red) risks and issues

ID	Risk / Issue (i.e.: Threat to the Project)	Consequence	Current Assessment			How the risk will be managed and controlled				Residual risk after management			Impln Date	Review Date	Closure Date	Additional explanatory notes		
			Impact	L'hood	Overall	Already in Place	Who is Managing	Not in Place (Proposed)	Who will Manage	Impact	L'hood	Overall						
Policy & regulatory Risk – Change in WAG objectives / regulations																		
PO1	WAG changes financial support available for residual waste treatment projects due to WAG affordability / budgetary constraints in the current economic climate	Residual waste treatment projects become less affordable for partnership and each partner authority	5	4	20	Project Team to monitor WAG positions in terms of budget availability and lobby at ministerial level if there are indications that proposed funding is to be reduced	PD					5	3	15	Ongoing	Nov-10		
PO2	WAG Environmental policy and objectives change	Project is now inappropriate	4	5	20	Keep in close contact with WAG to ensure potential policy changes that may impact on the project are identified early.	PD	Project team develop a partnership consultation response (for approval by the PB and Joint Committee) highlighting the potential impact of such a target on the project and to ensure WAG addresses how any such target is related to potential household numbers of population growth rates that authorities may be subject to in future.				4	3	12	Ongoing	Feb-11	WAG have indicated in the draft Municipal Sector Plan (MSP) just published that they may adopt a waste minimisation target for MSW with a negative growth rate (reduction) of -1.2% pa. The existing OBC has growth rates modelled at 0.5% growth pa (to reflect projected HH number increases in the partner ship area). The WAG MSP does not as presently written take any account of individual or partner authority HH or population growth rates. The Partnership has now received guidance from WAG that reduces the risk to the Partnership by Confirming that the Partnership has to make its own assessments of waste arisings and is therefore not bound by the MWP waste reduction target. The Partnership will however need to be cognisant of the target when setting any minimum tonnage guarantees.	
PO4	Change in legislation or guidance either at European, National or Regional/Local level	Could require revisit of preferred solution, possible termination of project, excessive LAS compliance costs	3	5	15	Keep in close contact with WAG to ensure potential policy changes that may impact on the project are identified early.	PD	Lobby WAG and liaise with WLGA on this issue.				3	4	12	Ongoing	Sep-10	WAG have in correspondence with the WLGA indicated that DEFRA's lawyers do not agree with WAG's guidance that bottom ash will count towards the solution's and partner authority recycling performance. If the recycling cannot be counted it will reduce the size of the proposed solution as the solution modelled was a maximum 30% EFW net of recycling (total circa 37% EFW). Any change would	
Communication & stakeholders – failure to proactively engage with key stake holders leading to delays and lack of public support for the proposed solution.																		
CO4	Pressure from lobby groups/public against the preferred solution and location.	Alternative solution/site has to be sought, increased project development costs, delays to project delivery programme, excessive LAS costs, impact on Partner Councils reputation	4	5	20			Project team will ensure an adequate stakeholder engagement and communications plan in place. Alternative site work will continue during early stages of procurement process.				PD	4	3	12	Ongoing	Sep-10	
Procurement Strategy and Process																		
P13	Technological solutions offered are not commissionable within LAS infraction timescales	LA's face infraction fines for additional landfill above allowance	4	4	16	OBC modelling has shown that each partner authority can meet LAS allowances if they increase "front end" recycling and composting" and the project is delivered to timetable. Any underperformance in this "front end" recycling and composting are outside the scope of this project and any subsequent LAS liabilities will lie with the individual partner authorities. See also risk W1	Partner authorities	Procurement process to ensure that is delivered in timely manner with the risk of late delivery of the residual waste treatment service minimised.				PD	4	3	12	Ongoing	Sep-10	
Planning and permitting –ability to secure successful planning and permitting outcome for solution																		
PSS	Suitable sites are not in council ownership to support development of the solution	Project delayed whilst suitable sites are secured	5	3	15	Project team are identifying sites that could be suitable for location of both the waste transfer stations and residual waste treatment facility(s)	PD	Commence negotiations with land owners of (further) additional sites identified as potentially suitable for location of facilities with the aim of securing options/ heads of terms for sites.				PD	5	3	15	Ongoing	Sep-10	
Wastes																		
W3	Composition of waste is different from that anticipated (poor data, policy changes, changes in collection practices)	Performance is below required level, excessive LAS compliance costs	3	5	15			Waste composition to be monitored during procurement and data shared at Competitive Dialogue to inform solution. All Wales Waste composition analysis being delivered by WAG through WRAP. Initial work commencing in June 09. Performance of technology solution will be tested and understood as part of the procurement process to identify the ability of each solution to process wastes with changed				PD	3	4	12	Ongoing	Sep-10	Technology specific. EFW less sensitive to waste compositional change.
Performance																		
PE1	Market/outlet is not available for outputs from the facility(s)	Increased project operational costs, increase in demand for landfill void	4	4	16			Ensure market deliverability demonstrated as part of procurement evaluation process.				PD	4	3	12	Ongoing	Sep-10	Electricity sound, ash uncertain. Project and market saturation dependant.



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Appendix 2 Changes this Period

ID	Risk / Issue (i.e.: Threat to the Project)	Consequence	Current Assessment		How the risk will be managed and controlled			risk after management			Implem Date	Review Date	Closure Date		
			Im pa ct	L i n g t h	Overall	Already in Place	Who is Managing	Not in Place (Proposed)	Who will Manage	Im p a c t				L i n g t h	Overall
PD20	Participants are concerned that one or more other Participants have gained a commercial advantage by gaining control of a site that may be required to deliver their solution	Participants withdraw from the procurement process	4	3	12	Partnership issue clear instruction to participants in relation to sites. Procurement team to enforce sanctions that may apply against participants that breach these instructions. The PD has received verbal assurances from a rail undertaker that their newly required option on the site in question will not be used solely to give one or more participants a competitive advantage in securing access to a rail head.	PD	Written confirmation gained for the alternative site operator that has secured an option of the site to ensure that all Participants can achieve equal access to the site if required (agreement to a non-exclusive engagement with all participants if required).	PD	4	3	12	Ongoing	Feb-11	
PO2	WAG Environmental policy and objectives change	Project is now inappropriate	4	5	20	Keep in close contact with WAG to ensure potential policy changes that may impact on the project are identified early. The Project team have developed and submitted a partnership consultation response (approved by the PB and Joint Committee) highlighting the potential impact of such a target on the project and to ensure WAG addresses how any such target is related to potential household numbers of population growth rates that authorities may be subject to in future.	PD			4	3	12	Ongoing	Feb-11	

IDENTIFYING THE RISK or ISSUE						MANAGING THE RISK or ISSUE								Additional explanatory notes		
ID	Risk / Issue (i.e.: Threat to the Project)	Consequence	Current Assessment			How the risk will be managed and controlled				Residual risk after management			Impln Date		Review Date	Closure Date
			Impact	L'hood	Overall	Already in Place	Who is Managing	Not in Place (Proposed)	Who will Manage	Impact	L'hood	Overall				
Policy & regulatory Risk – Change in WAG objectives / regulations																
PO1	WAG changes financial support available for residual waste treatment projects due to WAG affordability / budgetary constraints in the current economic climate	Residual waste treatment projects become less affordable for partnership and each partner authority	5	4	20	Project Team to monitor WAG positions in terms of budget availability and lobby at ministerial level if there are indications that proposed funding is to be reduced	PD				5	3	15	Ongoing	Feb-11	
PO2	WAG Environmental policy and objectives change	Project is now inappropriate	4	5	20	Keep in close contact with WAG to ensure potential policy changes that may impact on the project are identified early. The Project team have developed and submitted a partnership consultation response (approved by the PB and Joint Committee) highlighting the potential impact of such a target on the project and to ensure WAG addresses how any such target is related to potential household numbers of population growth rates that authorities may be subject to in future.	PD				4	3	12	Ongoing	Feb-11	WAG have indicated in the draft Municipal Sector Plan (MSP) just published that they may adopt a waste minimisation target for MSW with a negative growth rate (reduction) of -1.2% pa. The existing OBC has growth rates modelled at 0.5% growth pa (to reflect projected HH number increases in the partnership area). The WAG MSP does not as presently written take any account of individual or partner authority HH or population growth rates. The Partnership has now received guidance from WAG that reduces the risk to the Partnership by confirming that the Partnership has to make its own assessments of waste arisings and is therefore not bound by the MWP waste reduction target. The Partnership will however need to be cognisant of the target when setting any minimum tonnage guarantees.
PO4	Change in legislation or guidance either at European, National or Regional/Local level	Could require revisit of preferred solution, possible termination of project, excessive LAS compliance costs	3	5	15	Keep in close contact with WAG to ensure potential policy changes that may impact on the project are identified early.	PD	Lobby WAG and liaise with WLGA on this issue.		PD	3	4	12	Ongoing	Feb-11	WAG have indicated in correspondence with the WLGA that DEFRA's lawyers do not agree with WAG's guidance that bottom ash will count towards the solution's and partner authority recycling performance. If bottom ash recycling cannot be counted it will reduce the size of the proposed solution as the solution modelled was a maximum 30% EFW net of recycling (total circa 37% EFW). Any change would require partner authorities to carry out more than the modelled 63% front end composting and recycling. WAG are continuing to clarify with DEFRA to seek a resolution.

PO5	WAG fail to provide clarity within their strategic objectives	Delay and loss of stakeholder support			12	Keep in close contact with WAG to ensure potential policy changes that may impact on the project are identified early.	PD			3	3	9	Ongoing	Feb-11		
			3	4												
Strategy risk – change in any participating council's waste strategy or technology / solution preference																
SR 1	A change in any participating council's waste strategy or technology / solution preference by any of the partner authorities				16	Existing MWMS in place. Impartial options appraisal process carried out to identify reference solution (based on WAG national evaluation framework). Multi partner authority officer input to this process. Ongoing communications and information to partner authorities on need for the project, technologies, benefits of adopted approach and a technology neutral procurement process.	PM & partner authorities			4	2	8	Ongoing	Feb-11		
Political																
AP1	Multi-Authority Approach leads to protracted discussions to resolve issues	Consultancy costs increase. End date not met. LAS penalty risk increased.			9	Project Plan detailing timescales. OBC Approvals process mapped out for each partner authority. Offer of support form project team and advisors in approvals processes.	PM			3	2	6	Dec-09	Feb-11		
AP2	Decision on award of contract is multi 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	PD	4	2	8	July - Aug 2011	Feb-11		
AP4	Lack of Council political support within one or more of the Partner Authorities.	Delays to project, increase in costs, loss of competitive pressure, threat to VFM, possible procurement challenge, or total abortion of the project	4	3	12	Existing work on PID has fleshed out core principles of agreement. Provision of briefings and information to partner authorities - offered proactively by project team and advisors. Ongoing communication and engagement on key project parameters.	Lead chief Executive, Project Board members (lead Officers for each partner authority)			4	2	8	Ongoing	Feb-11		
AP5	Change in priorities in a Council	Major funding issues	4	3	12	OBC has identified affordability of project and benefits of the reference solution in terms of costs management.	Lead chief Executive, Project Board members (lead Officers for each partner authority)			4	2	8	Ongoing	Feb-11		
AP6	Local Government re-organisation	Confusion and uncertainty	4	4	16	To be managed if and when prospect occurs during the project period	TBC			4	2	8	Ongoing	Feb-11		
Joint Working – one or more partners exiting the partnership																

JW1	One of the Partner LA's withdraw during procurement process	New OJEU notice has to be placed	5	2	10	IAA 1 signed by partner authorities that shows clear consequences of Authorities leaving the process during and after procurement phase.	BD		5	1	5	Ongoing	Feb-11			
Finance & Affordability																
F1	Lack of Budget profile leads to unexpected surplus	Surplus is absorbed and re-application required	3	2	6	Finance Officer to be appointed to the team. Payments based on milestones. PD has updated project budget profile. PD to monitor and manage	PD		3	1	3	Ongoing	Feb-11			
F2	Procurement delays lead to increased procurement costs (due to extended procurement process)	LA's seek additional funding or withdraw	1	2	2	Affordability envelope has been agreed that includes delay to the project	PD	Manage procurement delays by appropriate design of procurement process.	PD	3	2	6	Jan-10	Feb-11		
F3	Commodity and construction prices increase significantly during procurement and construction phases	Increased project costs and possible exceedance of affordability envelope	4	5	20	Advisors have utilised current market pricing and liaising with WAG / Local Partnerships in relation to projected costs in future and sensible assumptions to be made. A range of sensitivity tests carried out as part of the OBC process to ensure range of costs understood	PD		4	2	8	Ongoing	Feb-11			
F4	Long term interest rates volatility beyond current anticipated levels	Increased project costs and effective impact on affordability envelope	3	5	15	OBC includes a number of sensitivities to be modelled to inform affordability profile.	PD		3	3	9	Ongoing	Feb-11			
F5	The bid prices are outside of the affordability envelope	Delay to project programme, excessive LAS compliance costs, excessive costs associated with securing and implementing an alternative solution	4	4	16	Advisors have utilised current market pricing and liaising with WAG / Local Partnerships in relation to projected costs in future and sensible assumptions to be made. A range of sensitivity tests carried out as part of the OBC process to ensure range of costs understood	PD	High market interest encouraged by active market engagement. Procurement process is to be run under competitive dialogue enabling the partnership to seek to drive down costs of the solution	PD	4	2	8	Ongoing	Feb-11		
F6	Preferred solution is not bankable	Delay to project programme, excessive LAS compliance costs, excessive costs associated with securing and implementing an alternative solution	5	3	15			Procurement process was designed to ensure that only those solutions capable of delivery (e.g. including bankability) are capable of being awarded the contract	PD	5	2	10	Ongoing	Feb-11		
F7	Inappropriate funding structure adopted	Failure, delay, and cost	4	3	12			Procurement process to be designed to ensure that only those solutions capable of delivery (e.g. including finance structure) are capable of being awarded the contract	PD	4	2	8	Ongoing	Feb-11		

F8	Inadequate due diligence where a non project finance structure is adopted	Increase in procurement cost and transfer of risk to Authority	3	3	9		Ensure that adequate advice is taken from WAG, PUK and advisors so that risk of prudential borrowing or other finance route are well understood by the partner authorities.	PD	3	2	6	Ongoing	Feb-11		
F9	Foreign exchange rate changes adversely	Affordability compromised	4	3	12	Advisors have made prudent assumptions (checked with Local Partnerships and WAG) and carried out sensitivity analysis as part of OBC development	PD		4	2	8	Ongoing	Feb-11		
F10	Financial assumption incorrect	Re-procurement and reduced level of service	5	3	15	Advisors have made prudent assumptions (checked with Local Partnerships and WAG) and carried out sensitivity analysis as part of OBC development	PD		4	2	8	Ongoing	Feb-11		
F11	Banking sector cannot provide capital	Increased costs or procurement failure	4	4	16		Procurement process designed to ensure that only those solutions capable of delivery (e.g. including finance availability) are capable of being awarded the contract	PD	4	2	8	Ongoing	Feb-11		
F12	Robustness of bank funding clubs	Increased costs or procurement failure	3	4	12		Procurement process designed to ensure that only those solutions capable of delivery (e.g. including finance availability) are capable of being awarded the contract	PD	3	3	9	Ongoing	Feb-11		
F13	WAG financial support evaporates	Project potentially unaffordable	5	3	15	Assurances already received from WAG that funding is available for the project as has been agreed previously for project Gwyrdd. OBC funding award letter defines the conditions for payment of funding- this is consistent with the Partnership's expectations.	PD	PD	5	2	10	Ongoing	Feb-11		
F14	WAG seeks unachievable levels of VFM at Final Business case review stage and approval process due to financial constraints	WAG funding support is less than anticipated making the project potentially unaffordable	5	3	15	OBC funding award letter defines the conditions for payment of funding- this is consistent with the Partnership's expectations.	PD	PD	5	2	10	Ongoing	Feb-11		
F15	Partner authorities fail to make financial plans to support additional recycling and composting services to meet "front end" increased recycling levels that are required	Failure to meet WAG "front end" recycling and composting targets with increased residual waste arisings as a result.	4	4	16	Partner authorities to develop long term funding plans to support enhanced front end recycling and composting services.	Partner Authorities		4	3	12	Ongoing	Feb-11		

Advisers – change in key personnel																
AD 1	Key advisor personnel team leave or are no longer available to support the project	Delays and lack of familiarity with the project by any replacement advisory staff.	3	3	9	Advisor's project directors to keep an overview of the advisor work. Capacity of teams providing advice tested during appointment of the advisors. Ongoing monitoring of advisor situation to ensure adequate advisor cover an knowledge often project .	PD				3	2	6	Ongoing	Feb-11	
Project Delivery																
PD1	Potential bidders do not bid due to the costs associated with Competitive Dialogue process	Reduced Competition on bid process	4	2	8	To ensure a suitably streamlined, timely and well delivered procurement process adopted. Appropriate use and instruction of advisors. Input from WAG, WPPO and Local Partnerships.	PD				4	1	4	Ongoing	Feb-11	
PD2	Potential bidders do not bid due to the Risks being passed to the Contractor	Reduced Competition on bid process	4	3	12	A risk allocation workshop was held with input from Advisors to ensure appropriate risk allocations are made for the procurement and that the Partnership adopt a commercially deliverable and sustainable position.	PD	The Project Agreement will conform to standard from of contract as provided by WAG / Local Partnerships. Any derogations / changes from this standard position will be agreed with WAG/ Local Partnerships before implementation to ensure acceptable transfer of risks.	PD	4	2	8	Ongoing	Feb-11		
PD3	Potential bidders do not bid due to lack of cohesiveness of the Partnership	Reduced Competition on bid process	4	3	12	IAA signed & Governance Arrangements for procurement period defined in OBC/ IAA.	PD	IAA signed by all partner authorities.	PD	4	2	8	Ongoing	Feb-11		
PD4	Potential bidders do not bid due to the prescriptive requirements	Reduced Competition on bid process	4	3	12	Procurement is to be "Technology Neutral"	PD	Ensure appropriate design of procurement process.	PD	4	2	8	Ongoing	Feb-11		
PD5	Potential bidders do not bid as volumes of waste are too small	Reduced Competition on bid process	4	3	12	Good level of market interest demonstrated.			PD	4	2	8	Ongoing	Feb-11		
PD6	Too many bidders come forward and difficult to de-select to suitable shortlist	Delays to procurement programme, increased development phase costs	3	3	9	Procurement process designed and resourced to allow a number of bidders to assessed.	PD			3	1	3	Ongoing	Feb-11	Maximum of 8 bidders to be invited to ISOS stage	
PD7	The Preferred Bidder drops out or fails to reach a satisfactory commercial/financial close	Programme delay, increased development phase costs, excessive LAS penalties, loss of competitive pressure and possible increase in overall solution costs	5	2	10			Procurement process designed to ensure ability and /or appetite for contract closure is understood pre preferred bidder appointment. No major issues to be allowed to remain unresolved prior to preferred bidder.	PD	5	1	5	Ongoing	Feb-11		

PD8	One of the two final bidders drops out	Threat to VFM, price escalation, possible exceedance of affordability envelope, delay to procurement programme	4	3	12		Procurement process designed to ensure ability and /or appetite for contract closure is understood pre final tender appointment. Will seek agreement with all bidders at this stage in relation to major issues.	PD	4	2	8	Ongoing	Feb-11		
PD9	Utility connections may not be available for the solution	Possible threat to affordability, delay to programme	3	3	9		Technical advisors to be tasked to ensure ability to secure utility connections is understood early in the procurement process.	PD	3	2	6	Ongoing	Feb-11		
PD10	Construction contractor goes into liquidation/receivership during construction phase	Delay to commencement of waste processing, excessive LAS costs, replacement constructor required - increased capital costs	3	3	9	Bidders to demonstrate financial position as part of PQQ and also re-checked at key stages during procurement process		PD	3	2	6	Ongoing	Feb-11		
PD11	Insufficient project resource (numbers and knowledge/experience of staff/project team)	Delays to projects, increased development costs to 'repair' project, reduced market interest and consequent loss of competitive pressure VFM	3	3	9	PD and PM now in post	Authorities to nominate appropriate individuals and to backfill their posts. Input required from key officers in Partner Authorities. PD has produced an estimated resource input schedule to assist Partner authorities in resource management	Individual Partner Authorities	3	2	6	Ongoing	Feb-11		
PD12	Negotiations on contract are protracted beyond planned programme	Contractor has opportunity to re-bid, price escalation, loss of VFM, affordability threatened, project delay, possible excessive LAS costs.	3	4	12		Procurement process will be clearly defined. Clear partner positions to be articulated to the bidders at all stages.	PD	3	2	6	Ongoing	Feb-11		
PD15	Inadequate project management discipline	Possible delay to project programme, LAS compliance costs incurred, delivery management objectives not met, internal stakeholders complain	2	2	4	PD and PM now in post. PD to check that adequate PM controls in place. Internal audit to be engaged prior to Procurement. 1st gateway review completed - project amber green. Recommendations made and taken on board by project team.	Furthe WAG gateway review prior to ISDS. PD to take on board any recommendations.	PD	2	1	2	Ongoing	Feb-11		
PD16	Facilities not commissioned on time	Possible delay to project programme, LAS compliance costs incurred.	3	3	9	Procurement process designed to ensure sites are identified and understood in terms of planning deliverability. Preliminary site investigate works to be carried out on reference sites. Procurement process to test bidders delivery timetables.	PD		2	2	4	Ongoing	Feb-11		

PD18	Only one acceptable bidder comes forward	Delay to project, increased cost of going back to market, increased bid prices, failure to secure VFM, excessive LAS compliance costs	4	2	8	PD has commenced market engagement. Good feedback and high level of interest already expressed by a number of potential bidders.	PD	Ensure consistency of message to market.	PD	4	1	4	Ongoing	Feb-11		
PD19	There is no market interest due to limited capacity within the industry	Delay to project programme, excessive LAS compliance costs, excessive costs associated with inflation and need to revisit market to secure an acceptable solution. Partnership reputation damaged.	5	2	10	Good level of market interest demonstrated.	PD			5	1	5	Ongoing	Feb-11		
PD20	Participants are concerned that one or more other Participants have gained a commercial advantage by gaining control of a site that may be required to deliver their solution	Participants withdraw from the procurement process	4	3	12	Partnership issue clear instruction to participants in relation to sites. Procurement team to enforce sanctions that may apply against participants that breach these instructions. The PD has received verbal assurances from a rail undertaker that their newly required option on the site in question will not be used solely to give one or more participants a competitive advantage in securing access to a rail head.	PD	Written confirmation gained for the alternative site operator that has secured an option of the site to ensure that all Participants can achieve equal access to the site if required (agreement to a non-exclusive engagement with all participants if required).		4	2	8	Ongoing	Feb-11		
Communication & stakeholders – failure to proactively engage with key stake holders leading to delays and lack of public support for the proposed solution.																
CO1	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	3	9	Communication Officer Group established, with a media protocol agreed to ensure consistency of message.	PM		PM	3	2	6	Ongoing	Feb-11		
CO2	Risk of challenge to planning approvals if opportunity not given to stakeholders to input to the development of the evaluation framework that will underpin the procurement and subsequent facility planning approvals process.	Risk of un successful planning application or judicial review against planning consent and therefore inability to deliver the project as procured.	4	3	12	Consultation sessions with members of the 5 authorities and external stakeholder held during July - Sep 2010 to get input into the evaluation framework.	PM		PM	4	2	8		Feb-11		
													Jul-10			

CO3	Reference sites identified within OBC could lead to significant opposition to proposed development. As a result planning committee(s) and/or judicial review may not support a positive planning outcome if early engagement is not carried out with affected communities.	Risk of an successful planning application or judicial review against planning consent and therefore inability to deliver the project as procured.	4	3	12	"Drop in" sessions held in the area of the Reference Site. Contact made with key businesses around Reference Site.	PM	Further engagement work around reference site (and other reference sites if identified) at key stages of project.	PM	4	2	8	Ongoing	Feb-11		
CO4	Pressure from lobby groups/public against the preferred solution and location.	Alternative solution/site has to be sought, increased project development costs, delays to project delivery programme, excessive LAS costs, impact on Partner Councils reputation	4	5	20	Communication and Engagement Strategy drafted and agreed in draft form by Communication Officer group. To be "live" document and therefore updated when necessary.	PM	Alternative site work will continue during early stages of procurement process.	PD	4	3	12	Ongoing	Feb-11		
Timescales																
T4b	Procurement delays lead to increased procurement costs (due to extended Approvals processes)	LA's seek additional funding or withdraw	3	3	9	PID identifies projected timeline and key decision points.	PD		PD	3	2	6	Ongoing	Feb-11		
T5	Key Activities not identified in Project Plan	Potential for project to be delayed due to lack of resource or dependability issues	3	2	6	WAO and Local Partnerships experts to scrutinise Project documentation	PD		PD	3	1	3	Ongoing	Feb-11		
Procurement Strategy and Process																
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. Agreement on Universal gate fee principal written into IAA. Projected timeline for commencement or residual waste treatment service clearly communicated to partner authorities. No existing partner authority contracts will over lap with commencement of this service.	PD			2	1	2	Ongoing	Feb-11		
P10	Differing funding proposals from bidders leads to extended procurement period	Delays to service commencement	2	2	4	Different funding proposals to be considered as part of Evaluation Framework	PD		PD	2	2	4	Ongoing	Feb-11		
P12	Solution offered is not technically viable	landfill diversion not obtained, LA's incur infraction penalties	5	3	15	LAS infraction fine passed to contractor. Technical viability scored within Evaluation Framework	PD		PD	5	2	10	Ongoing	Feb-11		

P13	Technological solutions offered are not commissionable within LAS infraction timescales	LA's face infraction fines for additional landfill above allowance	4	4	16	OBC modelling has shown that each partner authority can meet LAS allowances if they increase "front end" recycling and composting" and the project is delivered to timetable. Any underperformance in this "front end" recycling and composting are outside the scope of this project and any subsequent LAS liabilities will lie with the individual partner authorities. See also risk W1	Partner authorities	Procurement process to ensure that is delivered in a timely manner with the risk of late delivery of the residual waste treatment service minimised.	PD	4	3	12	Ongoing	Feb-11		
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 Director including mix of appropriate skills (including advisors)	PD		4	2	8	Ongoing	Feb-11			
P15	Bids scored by external consultants	Solution selected does not meet local requirements and is not accepted by LAs	4	3	12	Bid team selected by Project Director including mix of appropriate skills (including officers from partner authorities and specialist external advisors)	PD		4	2	8	Ongoing	Feb-11			
P16	Officer(s) are perceived to have preconceived ideas of the 'best' solution	Lack of trust of bidder selection and solution selected	4	3	12	Agreed scoring criteria and Evaluation Framework. Stakeholder input to evaluation framework. Moderation of scores to ensure consistency of evaluation approach. Input from local partnership's transactor.		PD	4	2	8	Ongoing	Feb-11			
Scope Change – Material change in the scope of services required																
SC1	Material change in the scope of services required	Delay to procurement process of bidders withdraw from procurement due to uncertainties	4	3	12	Technical officer input on draft specification and approved as part of OBC by partner authorities	PM		PM	4	2	8	Ongoing	Feb-11		
Planning and permitting -ability to secure successful planning and permitting outcome for solution																
PS1	Regional Waste Plan is in conflict with potential solutions	Reduced Competition on bid process	4	3	12	Planning and Site Workstream has been set up to assist in reducing site and planning uncertainty and improve prospects for a positive planning outcome for the project.	PD		4	2	8	Ongoing	Feb-11			
PS5	Suitable sites are not in council ownership to support development of the solution	Project delayed whilst suitable sites are secured	5	3	15	Project team are identifying sites that could be suitable for location of both the waste transfer stations and residual waste treatment facility(s)	PD	Complete negotiations with land owners of (further) additional sites identified as potentially suitable for location of facilities with the aim of securing options/ heads of terms for sites.	PD	5	3	15	Ongoing	Feb-11		

PS6	There is a delay on obtaining planning permission (identified reference site)	Failure to comply with LAS, increased costs, impact on award of Environmental Permit	3	3	9	Ongoing engagement / consultation with relevant planning authorities and other stakeholders/ statutory consulters. Site assessment and investigate works carried out by partnership.			PD	3	2	6	Ongoing	Feb-11		
PS7	There is a delay on obtaining planning permission for WTS sites requiring planning	Failure to comply with LAS, increased costs, impact on award of Environmental Permit	4	4	16	Ongoing engagement / consultation with relevant planning authorities and other stakeholders/ statutory consultees. Site assessment and investigate works carried out by partnership.		PD	3	2	6	Ongoing	Feb-11			
PS8	There is a delay on obtaining planning permission (alternative main reference site solution)	Failure to comply with LAS, increased costs, impact on award of Environmental Permit	4	4	16	Early identification of potentially suitable alternative main site. Ongoing engagement / consultation with relevant planning authorities and other stakeholders/ statutory consultees. Site assessment and investigate works carried out by partnership.			PD	3	3	9	Ongoing	Feb-11		
PS9	Planning permission has onerous conditions	Sub-optimal solution, performance below required level, increased costs	3	3	9	Ongoing engagement / consultation with relevant planning authorities and other stakeholders/ statutory consultees. Site assessment and investigate works carried out by partnership.			PD	3	2	6	Ongoing	Feb-11		Risks apply to all sites including those proposed by Contractor, not just Authority sites
PS10	Planning permission not secured even after appeal.	Diversion performance is below required level, excessive LAS penalties, increased costs	5	3	15	Procurement process to identify deliverability risks of contractor proposals, including likelihood of a successful planning outcome.			PD	5	2	10	Ongoing	Feb-11		Risks apply to all sites including those proposed by Contractor, not just Authority sites
PS12	Environmental Permit not secured in accordance with project programme	Project development costs exceed expectations, delays to project, excessive LAS penalties	4	3	12	Procurement process to identify deliverability risks of contractor proposals, including likelihood of a successful permit application.			PD	4	2	8	Ongoing	Feb-11		

PS13	Planning application from successful bidder fails to demonstrate Best Practicable Environmental Option (BPEO)	Unsuccessful planning application	4	4	16	To identify BPEO in Life Cycle Assessment (LCA) (Wizard) as part of OBC development, and to ensure supplementary measures employed to deliver sites and evaluation framework for procurement process, thereby supporting delivery of BPEO			PD	4	2	8	Ongoing	Feb-11		
Sites																
S1	Site conditions are not as anticipated	Delay in project programme, excessive LAS costs, excessive Capex prices, possible threat to affordability	3	3	9	Technical advisors have been tasked to review site constraints	PD		PD	3	2	6	Ongoing	Feb-11		
S2	Single site not available for residual facility	Re-define the project, delayed, cost,.etc	5	3	15	Initial reference solution site already identified. Further site identification work to be carried out prior to and including early stages of procurement process			PD	5	2	10	Ongoing	Feb-11		
S3	One or more of the sites not available for some residual facilities	Re-define the project, delayed, cost,.etc	4	3	12	A number of potential sites already identified.	PD	Additional assessment and potential acquisition work required.	PD	4	2	8	Ongoing	Feb-11		
S4	One or more of sites not available for some WTS facilities	Disproportionate costs on some partner authorities	4	3	12	A number of potential sites already identified.	PD	Additional assessment and potential acquisition work required.	PD	4	2	8	Ongoing	Feb-11		
Wastes																
W1	A Council fail to reach recycling targets by not delivering enhanced "front end" recycling and composting services	Potential excessive project costs due to excess residual waste, threat to affordability, possible excessive LAS penalties if facilities under-sized and fines applied by WAG to authorities for underperforming against recycling targets.	3	4	12	Initial discussions already held on key payment mechanism and inter authority principles to describe risk and how costs will be assigned amongst the partner authorities for under/ over provision of waste tonnages as a result of under/over recycling/ composting performance against agreed waste profiles.	PD	Ongoing engagement and communication with partner authorities to understand proposed waste recycling and composting services so that tonnage profiles can be finalised prior to ISDS stage of the procurement process. Partner authorities to develop plans for meeting enhanced recycling and composting services.	PD	3	3	9	Ongoing	Feb-11		Councils may reach targets but not all plans in place

W2	Waste flow model is inaccurate due to incorrect assumptions	Possible re-bidding resulting in increased project costs, delays to project, possibly excessive LAS compliance costs and increased landfill costs (If waste more than predicted), possible "put or pay" liabilities (if waste less than predicted).	3	4	12	A number of sensitivities are being carried out to that the impact of differing assumptions used can be understood.	PD	Ensure that the waste flows can be modified through early stages of procurement (up to ISDS). A range of sensitivities to be modelled and used as a basis for dialogue with bidders.	PD	3	3	9	Ongoing	Feb-11		Standard contract has substitute waste provisions so that contractor has duty to seek additional 3rd party waste if Partnership under deliver.
W3	Composition of waste is different from that anticipated (poor data, policy changes, changes in collection practices)	Performance is below required level, excessive LAS compliance costs	3	5	15			Waste composition to be monitored during procurement and data shared at Competitive Dialogue to inform solution. All Wales Waste composition analysis has been carried out by WAG through WRAP providing a good data set. Performance of technology solution will be tested and understood as part of the procurement process to identify the ability of each solution to process wastes with changed composition.	PD	3	4	12	Ongoing	Feb-11		
W4	Potential changes in the legal definition of (currently) non-Municipal Solid Wastes such that they become the responsibility of the partnership authorities	Additional wastes may have to be accommodated in solution	3	2	6	Project team to continue monitoring WAG and UK Government Policy	PD		PD	3	2	6	Ongoing	Feb-11		
Performance																
PE1	Market/outlet is not available for outputs from the facility(s)	Increased project operational costs, increase in demand for landfill void	4	4	16	Ensure market deliverability demonstrated as part of procurement evaluation process.			PD	4	3	12	Ongoing	Feb-11		
PE2	The selected technology fails to perform to required level (unreliable or poor performance)	Excessive LAS compliance costs, Environment Agency close facility, contractor defaults, need to modify the solution resulting in increased Capex	3	3	9	Ensure technical track record proven, adequate test of contractor operations experience and that contractor proposals are explored in detail and well understood.			PD	3	2	6	Ongoing	Feb-11		
Contractor																

C1	Contractor default	Re-procurement and additional costs	5	3	15		Ensure track record of contractor, deliverability of proposal (as at reasonable commercial return to the contractor) understood. Those contractor proposals viewed as potential high risk of non-delivery will be marked accordingly in line with the evaluation framework	PD	5	2	10	Ongoing	Feb-11		
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Key

PD

Project Director

PM

Project Manager

BD

Barry Davies (FCC Monitoring Officer)



NWRWTP

North Wales Residual Waste Treatment Project

AGENDA ITEM NO: 7

REPORT TO: NWRWTP JOINT COMMITTEE

DATE: 25 MARCH 2011

REPORT BY: PROJECT MANAGER

SUBJECT: COMMUNICATIONS UPDATE

1. PURPOSE OF REPORT

- 1.1. To update the North Wales Residual Waste Joint Committee on communication matters concerning the North Wales Residual Waste Treatment Project (NWRWTP).

2. BACKGROUND

- 2.1. The Joint Committee has requested regular updates on communication matters relating to the NWRWTP. This report provides an update on progress to date.

3. CONSIDERATIONS

COMMUNICATIONS UPDATE

3.1. ISDS Shortlist Press Release

A Press release is currently being drafted on the outcome of the ISOS evaluation. It is planned to name the participants going through to the ISDS stage only, with no naming of potential sites or technology. This is thought the most appropriate level of information at this stage, as there are many elements that may change during the ISDS stage.

It is intended to issue the press release as soon as is practicable after the Joint Committee (ideally before the end of March). At the time of writing this report, the final version of the release has not been finalised, however this will be tabled at the Joint Committee itself.

3.2. Communication and Engagement activities for 2010/2011

The Project Manager has met with John Twitchen of Sauce consultancy and Entec (both technical and planning advisors) discussed what activities need to take place during 2010/2011. The result of these discussions is revised Communication Action Plan for 2010/2011. The main thrust of this is outlined below:-

- A proactive approach is adopted to ensure that the project dictates the pace of the debate and that there is no “vacuum” left. This will involve more regular communication and engagement activities.



NWRWTP

North Wales Residual Waste Treatment Project

- A consultation process to be undertaken during May and June 2011. As has been noted in previous Joint Committee meetings, in order to reduce planning risk, the project must go through a consultation process. This process will concentrate on partner authority Members, statutory consultees and “interested parties”, and will concentrate on the issues that are still flexible and that can be influenced, such as :-
 - Rail (do they support rail, even if at a cost premium?)
 - Should any facility(ies) be able to treat a certain amount of non municipal waste (e.g. commercial and industrial waste)?
 - Design principles
 - Community benefit
 - Socio-economic factors (jobs, training, heat, investment, local business opportunities)
 - Education and outreach (visitor facilities, education/schools support)
 - Preferences for ongoing engagement
- A wider consultation on the above issues with the wider public from July - September. This will address the same issues as the above, but will be aimed at the wider public and will be designed to inform as well as collect their views.
- Further site engagement (“drop in” sessions) at Deeside and to the same level if a second site is secured.

It is intended to bring the detail of the consultation process (questions etc) to the Project Board in April for approval, therefore a more detailed discussion will be held at that time. It is intended that the results of the consultation will be available to help the project on key issues such as rail.

A draft summary timetable is included in Appendix 1 below.

4. RECOMMENDATIONS

- 4.1. To note the content of this update report.
- 4.2. That the Joint Committee agree, in principle, to the timetable for communication and engagement activities as outlined in this report.
- 4.3. That the Joint Committee agree in particular to a two stage consultation process as noted in this report.

5. FINANCIAL IMPLICATIONS

- 5.1. Not applicable.

6. ANTI-POVERTY IMPACT

- 6.1. Not applicable.

7. ENVIRONMENTAL IMPACT

- 7.1. Not applicable.



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8. EQUALITIES IMPACT

8.1. Not applicable .

9. PERSONNEL IMPLICATIONS

9.1. Not applicable.

10. CONSULTATION REQUIRED

10.1. See above.

11. CONSULTATION UNDERTAKEN

11.1. Not applicable.

LOCAL GOVERNMENT ACCESS TO INFORMATION ACT 1985

Background Documents:

None

Contact Officer: Steffan Owen NWRWTP

Appendix 1 – Summary Communication and Engagement Timeline 2010-11

Areas shaded in light green denote time periods of expected increased workload and therefore increased support requirement due to increased media / stakeholder interest.

Timeline	Mar 2011	Apr 2011	May 2011	Jun 2011	Jul 2011
Key dates	<ul style="list-style-type: none"> Joint committee meeting (25) -ISDS shortlist approved Assembly powers referendum Flintshire fortnightly collection? 	<ul style="list-style-type: none"> Run up to WAG Elections Second site scoping request 	<ul style="list-style-type: none"> WAG elections (5) BPEO consultation - 5 weeks 	<ul style="list-style-type: none"> Waste strategy finalised? 	
Activities	<ul style="list-style-type: none"> Revise FAQs Prepare standard quotes/ press responses Review correspondence/ FOIs Cllrs “pocket guide” Identify county “key dates” 	<ul style="list-style-type: none"> Draft materials for drop-ins Info campaign preparation 	<ul style="list-style-type: none"> PR to announce ISDS shortlist BPEO consultation (9) Info campaign launch Second site PR? Second site drop-in Deeside update drop-in PR on landfill/transport cost? Cllr consultation – <ul style="list-style-type: none"> Update Your views Autumn programme 	<ul style="list-style-type: none"> BPEO consultation end (12) Info campaign continues Outreach stakeholder meetings Attend county fairs/shows PR on socio-economic opportunities or transport Consultation roadshow – 4Rs messages Launch of public consultation PR on “we want your views” 	<ul style="list-style-type: none"> Info campaign continues Outreach continues Attend county fairs/shows PR on autumn programme PR on second site/feedback Consultation roadshow cont’d Establish Community Liason Groups (CLG’s) at both sites? Continue outreach to local groups PR on recycling rates, plans
Partner Authority Comms Support Required	<ul style="list-style-type: none"> Support required to prepare for response / reaction to ISDS de-selection PR 	<ul style="list-style-type: none"> Support in writing the newsletters and PR on ISOS de-selection 	<ul style="list-style-type: none"> Support with consultation process Issuing ISOS de-selection PR to local media (names of bidders to be named - no “beauty parade”). Project Team to issue to specialist media (waste industry websites) Possible support required if a lot of media interest to release. 	<ul style="list-style-type: none"> Support with public consultation process 	<ul style="list-style-type: none"> Support with public consultation process



NWRWTP

North Wales Residual Waste Treatment Project

Timeline	Aug 2011	Sept 2011	Oct 2011	Nov 2011	Dec 2011
Key dates	<ul style="list-style-type: none"> Holidays... 	<ul style="list-style-type: none"> Initial ISDS submissions 		<ul style="list-style-type: none"> Joint Committee (CFT shortlist approved) 	
Activities	<ul style="list-style-type: none"> Anglesey Show? Continue outreach Continue CLG's 	<ul style="list-style-type: none"> County waste reduction campaigns? Close public consultation 	<ul style="list-style-type: none"> PR on consultation views PR on economic benefit Continue outreach Prepare PR on CFT shortlist 	<ul style="list-style-type: none"> PR on CFT shortlist 	
Partner Authority Comms Support Required	<ul style="list-style-type: none"> Support with public consultation process 	<ul style="list-style-type: none"> Support with public consultation process 	<ul style="list-style-type: none"> Discussion on content of CFT shortlist PR, and support in writing the newsletters and PR Support in writing PR on CFT shortlist Support in preparing response / reaction to CFT PR 	<ul style="list-style-type: none"> Support with consultation process Issuing CFT shortlist PR to local media. Project Team to issue to specialist media (waste industry websites) Possible support required if a lot of media interest to release. 	

FLINTSHIRE COUNTY COUNCIL - EXEMPT INFORMATION SHEET

COMMITTEE: NORTH WALES RESIDUAL WASTE JOINT COMMITTEE

DATE: 25 MARCH 2011

AGENDA ITEM NO: 8

REPORT OF: STEPHEN PENNY

SUBJECT: OUTCOME OF THE ISOS EVALUATION AND
RECOMMENDATIONS TO PROCEED TO THE NEXT STAGES
AND THE PROCUREMENT PROCESS

The Report on this item is NOT FOR PUBLICATION because of exempt information in accordance with the following section(s) or paragraph(s) of Schedule 12A of the Local Government Act 1972:

	<u>Para</u>	
Information relating to a particular individual *	12	[]
Information likely to reveal the identity of an individual *	13	[]
Information relating to financial/business affairs of a particular person * See Note 1	14	[<input checked="" type="checkbox"/>]
Information relating to consultations/negotiations on labour relations matter *	15	[]
Legal professional privilege	16	[]
Information revealing the authority proposes to:		
(a) give a statutory notice or		
(b) make a statutory order/direction *	17	[]
Information on prevention/investigation/prosecution of crime *	18	[]
<u>For Standards Committee meetings only:</u>	<u>Sec</u>	
Information subject to obligations of confidentiality	18A	[]
Information relating to national security	18B	[]
The deliberations of a Standards Committee in reaching a finding	18C	[]
Confidential information which the Council is not permitted to disclose	100A	[]
	(3)	

PLEASE TICK APPROPRIATE BOX

* Means exempt only if the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Note 1: Information is not exempt under paragraph 14 if such information is required to be registered under Companies Act 1985, the Friendly Societies Acts of 1974 and 1992, the Industrial and Provident Societies Act 1965 to 1978, the Building Societies Act 1986 or the Charities Act 1993.

**SCHEDULE 12A LOCAL GOVERNMENT ACT 1972
EXEMPTION FROM DISCLOSURE OF DOCUMENTS**

REPORT: OUTCOME OF THE ISOS EVALUATION AND
RECOMMENDATIONS TO PROCEED TO THE
NEXT STAGES AND THE PROCUREMENT
PROCESS

AUTHOR: STEPHEN PENNY

**MEETING AND
DATE OF MEETING:** NORTH WALES RESIDUAL WASTE JOINT
COMMITTEE – 25 MARCH 2011

I have considered grounds for exemption of information contained in the report referred to above and make the following recommendation to the Proper Officer:-

Exemptions applying to the report:

Paragraph 14.

Factors in favour of disclosure:

Transparency.

Prejudice which would result if the information were disclosed:

Disclosure of the sensitive and commercially privileged information contained in the report could result in breaches of confidentiality and potentially undermine the procurement process.

My view on the public interest test is as follows:

The public interest test favours non-disclosure at this stage.

Recommended decision on exemption from disclosure:

That the report be exempt and the public and press excluded during the consideration of the item.

Date: 18 March 2011

Signed:



Post: Head of Legal and Democratic Services

I accept the recommendation made above.



Proper Officer

Date: 18 March 2011

FLINTSHIRE COUNTY COUNCIL - EXEMPT INFORMATION SHEET

COMMITTEE: NORTH WALES RESIDUAL WASTE JOINT COMMITTEE

DATE: 25 MARCH 2011

AGENDA ITEM NO: 9

REPORT OF: STEPHEN PENNY

SUBJECT: INVITATION TO CONTINUE DIALOGUE/INVITATION TO
SUBMIT DETAILED SOLUTIONS

The Report on this item is NOT FOR PUBLICATION because of exempt information in accordance with the following section(s) or paragraph(s) of Schedule 12A of the Local Government Act 1972:

	<u>Para</u>	
Information relating to a particular individual *	12	[]
Information likely to reveal the identity of an individual *	13	[]
Information relating to financial/business affairs of a particular person * See Note 1	14	[<input checked="" type="checkbox"/>]
Information relating to consultations/negotiations on labour relations matter *	15	[]
Legal professional privilege	16	[]
Information revealing the authority proposes to:		
(a) give a statutory notice or		
(b) make a statutory order/direction *	17	[]
Information on prevention/investigation/prosecution of crime *	18	[]
<u>For Standards Committee meetings only:</u>	<u>Sec</u>	
Information subject to obligations of confidentiality	18A	[]
Information relating to national security	18B	[]
The deliberations of a Standards Committee in reaching a finding	18C	[]
Confidential information which the Council is not permitted to disclose	100A (3)	[]

PLEASE TICK APPROPRIATE BOX

* Means exempt only if the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Note 1: Information is not exempt under paragraph 14 if such information is required to be registered under Companies Act 1985, the Friendly Societies Acts of 1974 and 1992, the Industrial and Provident Societies Act 1965 to 1978, the Building Societies Act 1986 or the Charities Act 1993.

**SCHEDULE 12A LOCAL GOVERNMENT ACT 1972
EXEMPTION FROM DISCLOSURE OF DOCUMENTS**

REPORT: INVITATION TO CONTINUE DIALOGUE /
INVITATION TO SUBMIT DETAILED
SOLUTIONS

AUTHOR: STEPHEN PENNY

**MEETING AND
DATE OF MEETING:** NORTH WALES RESIDUAL WASTE JOINT
COMMITTEE – 25 MARCH 2011

I have considered grounds for exemption of information contained in the report referred to above and make the following recommendation to the Proper Officer:-

Exemptions applying to the report:

Paragraph 14.

Factors in favour of disclosure:

Transparency.

Prejudice which would result if the information were disclosed:

Disclosure of the sensitive and commercially privileged information contained in the report could result in breaches of confidentiality and potentially undermine the procurement process.

My view on the public interest test is as follows:

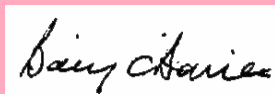
The public interest test favours non-disclosure at this stage.

Recommended decision on exemption from disclosure:

That the report be exempt and the public and press excluded during the consideration of the item.

Date: 18 March 2011

Signed:



Post: Head of Legal and Democratic Services

I accept the recommendation made above.



Proper Officer

Date: 18 March 2011