

## **ARC21 JOINT COMMITTEE**

### **Virtual Meeting No 70**

### **MINUTES**

**Thursday 26 May 2022**

#### **Members Present:**

Councillor M Goodman ( <i>Deputy Chair</i> )	Antrim & Newtownabbey Borough Council
Councillor A Bennington	Antrim & Newtownabbey Borough Council
Councillor R Kinnear	Antrim & Newtownabbey Borough Council
Alderman A Carson	Ards & North Down Borough Council
Alderman A McDowell	Ards & North Down Borough Council
Alderman D Drysdale ( <i>Chair</i> )	Lisburn & Castlereagh City Council
Councillor S Lee	Lisburn & Castlereagh City Council
Councillor M Gregg	Lisburn & Castlereagh City Council
Councillor D Reid	Mid & East Antrim Borough Council
Councillor R Burgess	Newry, Mourne & Down District Council

#### **Members' Apologies:**

Alderman R Gibson	Ards & North Down Borough Council
Councillor F Ferguson	Belfast City Council
Councillor JJ Magee	Belfast City Council
Alderman R Cherry	Mid & East Antrim Borough Council
Councillor I Friary	Mid & East Antrim Borough Council
Councillor D Murphy	Newry, Mourne & Down District Council
Councillor K Owen	Newry, Mourne & Down District Council

#### **Officers Present:**

T Walker	arc21
K Boal	arc21
H Campbell	arc21
J Green	arc21
M Lavery	Antrim & Newtownabbey Borough Council
D Lindsay	Ards & North Down Borough Council
N Martin	Ards & North Down Borough Council
C Matthews	Belfast City Council
J McConnell	Belfast City Council
B Murray	Belfast City Council
H Moore	Lisburn & Castlereagh Borough Council
S Holgate	Mid & East Antrim Borough Council
J McBride	Newry, Mourne & Down District Council

#### **Officers' Apologies:**

G Craig	arc21
G Girvan	Antrim & Newtownabbey Borough Council
P Thompson	Mid & East Antrim Borough Council

#### **Legal advisors in attendance:**

Colin Campbell, Belfast City Council  
William Curry, Arthur Cox Solicitors

### **Item 1 - Conflicts of Interest Statement**

The Chair read out the Conflicts of Interest Statement. .

**Action: Noted**

### **Item 2 - Apologies**

Apologies were noted.

**Action: Noted**

### **Item 3 - Minutes of Joint Committee Meeting 068 held on 28 April 2022**

Following discussion, the Joint Committee approved the minutes of the Joint Committee meeting 068 held on 28 April 2022.

**Action: Agreed**

### **Item 4 - Matters Arising**

There were no matters arising.

**Action: Noted**

### **Item 5 - Contracts & Operations Briefing Report**

#### **Service Status**

Ms Boal advised that all contractors are continuing to work within their COVID-19 protocols.

In terms of industrial action she reported that a piece of work was being done in relation to the displacement of tonnages. Following discussions with Bryson, she noted that arc21 has ruled out any extra costs for lost revenue and to date have identified around circa £15k that is considered realistic to deal with the displaced tonnages and extra shifts. Officers are currently going through the detail of that with the relevant councils.

She also advised that we have also reviewed the contract clauses and there are certain arguments which could be made in terms of *force majeure* regarding additional costs. Officers are likewise stepping through these with the councils and, following these discussions, this may result in a position being taken which could, lead to a dispute with the contractor.

She reported that the second round of industrial action had less impact on the Bryson contract, as Belfast City Council were the council most affected and officers are analysing the results from this action.

#### **Performance - April 2022**

Ms Boal discussed the performance tables and highlighted the issues with the haulage contract and delays of receiving information due to covid issues, but as things are moving back to pre-covid operations, officers are working to resolve this. She also advised that no service credits had been applied to contractors on the number of vehicles exceeding contract turnaround due to mitigating circumstances.

She advised that there were some bottle banks sites which did not have 20% capacity available (1 X MEABC, 1 X L&CCC and 1 X BCC) and the contractors had been notified of these incidences and sites were serviced accordingly.

Health and Safety was also discussed and Ms Boal noted that there had been 3 reported health and safety incidents all relating to raised hoppers. She noted that this had been discussed at the Steering Group meeting, and officers were asked to liaise with their Health & Safety officers and operational managers including those of external contractors on this critical issue to ensure drivers are appropriately trained and understand their obligations to follow site rules.

She also noted that since writing the report there had been a near miss incident at Bryson which could have been very serious and she was following this up as she was not happy with the investigation.

### **Rejected Loads**

Ms Boal reported that there had been 3 rejected loads, two into the organic's delivery sites and one at Bryson. She advised that councils have been requested to continue to review their protocols to ensure that systems are in place to ensure that vehicles are fully emptied before collecting another material stream.

She noted that overall this was still very good as it was due to vehicle misuse rather than the public, so could be easily avoided.

### **arc21 Contract Tonnages**

Ms Boal reported that tonnages were generally down compared to April 2021 even with some additional tonnages coming into the MRF.

She noted that this was welcome in regard to the residual waste and advised that at current levels there would be capacity at Cottonmount to accommodate our waste until October.

### **NWP**

Ms Boal included in the report a number of links to video clips in relation to NWP's communications activities for Members' information.

Compost week was discussed and she noted that all councils had taken bagged compost in during compost week.

She also advised that NWP had taken a stand at the Antrim Garden Show to promote the compost produced from the food and garden waste and some photos were included in the report.

### **Supplies**

Ms Boal reported that the orders being placed were starting to increase and although there were no issues with deliveries, there were issues with contractors holding prices through the ESPO contract which had resulted in having to cancel some orders and moving on to other suppliers.

Following discussion the Joint Committee noted the report.

**Action: Noted**

### **Item 6 - Waste Tonnage Trends**

Ms Boal presented a report showing the tonnage comparisons for material processed through arc21 contracts over the last three financial years.

She noted that there appears to have been a closer alignment in many contracts in the last couple of months with trends that were seen in the 2019/20 year, but it was too early to see if that will be maintained.

In terms of recycling, she noted that increased recycling rates had stalled so the aim was to minimise the amount of residual and increase recycling rates. She noted that this is something that the Department are looking at in terms of next steps and discussing with councils looking at the new targets to be met including the statutory target of 65% and diversion from landfill of 10%. She advised that we are starting to focus our reports on some of these targets and hope to reflect over the next few months to the Joint Committee along with the challenges etc.

Following discussion the Joint Committee noted the report.

**Action: Noted**

## **IN COMMITTEE**

The Chair recommended that the meeting would now move “in committee” which was agreed.

Matters of a confidential and commercially sensitive nature were discussed under these agenda items.

Following discussion on the commercially sensitive matters, the Chair recommended that the meeting would now return to the main agenda, which was approved, but whilst “*in committee*” during this section of the meeting, there were seven matters discussed.

<b>Item 7 - Minutes of Joint Committee Meeting 068 held on 28 April 2022 ‘in committee’</b>	<b>Action: Agreed</b>
<b>Item 8 - Matters Arising</b>	<b>Action: Noted</b>
<b>Item 9 - Minutes of Special Joint Committee Meeting 069 held on 18 May 2022 ‘in committee’</b>	<b>Action: Agreed</b>
<b>Item 9.5 - Matters Arising</b>	<b>Action: Noted</b>
<b>Item 10 - Residual Waste Treatment Project</b>	<b>Action: Agreed</b>
<b>Item 11 - Commercially Sensitive Contract and Procurement Issues</b>	<b>Action: Agreed</b>
<b>Item 11.5 - Update on Sub-Group &amp; HR Support Services Tender</b>	<b>Action: Agreed</b>

## **OUT OF COMMITTEE**

### **Item 12 - Consultation Response - Waste Electrical and Electronic Equipment (WEEE) Regulations - Producer Compliance Scheme (PCS) Balancing System Review 2022**

Ms Boal presented a report with a proposed response to the consultation to the Waste Electrical and Electronic Equipment (WEEE) Regulations - Producer Compliance Scheme (PCS) Balancing System Review, 2022.

She advised that the consultation was not particularly directed at local authorities but there were a small number of questions posed in the consultation relating to aspects where there is an interface with contract/service delivery.

She advised that the proposed response was to reinforce the proposals that are practically beneficial for councils along the lines as follows:

- Supporting that there is some interaction between the local body who organises and manages the contracts to give notice when an extension period is coming to an end;
- Giving endorsement for information packs for when new incumbents are coming onto an unfamiliar site giving advance notice of layout to enable a smoother transition;
- Giving support for producers to be able to submit cost per tonne of each WEEE category based upon winning all categories on offer. While the cost per tonne is not a consideration for Local Authorities there are wider benefits that have been pointed out in the consultation document especially from reducing the carbon footprint of collections;
- arc21 is supporting the introduction of a price review mechanism which can be triggered following significant legislative or treatment requirement change. This doesn't affect the councils *per se*, but for service continuity and having this on the ground seems to be pragmatic particularly in the current market conditions;
- In terms of seeking to extend contracts, basing them on a voluntarily basis in a fixed term is a pragmatic way of doing it. From a Local Authority perspective, this appears to be a good idea as anything that streamlines the process is beneficial to both sides; and
- arc21 supports the transition period between contracts, when the skips need to be changed over being extended to a maximum of 15 days. The current timeframes of 5 days have been problematic where there is a change in provider. This coupled with the availability of a site information pack is likely to be beneficial in those circumstances. The only aspect are the practicalities where the incumbent PCS does not agree which mean that problems that have been experienced in the past may re occur.

Following discussion the Joint Committee agreed to approve the response to the consultation for submission by the closing date 2 June 2022.

**Action: Agreed**

### **Item 13 - Reforms to the Packaging Waste Recycling Note (PRN) and Packaging Waste Export Recycling Note (PERN) System and Operator Approval Consultation Document**

Mr Walker presented a report to present the arc21 response to the consultation in relation to the Reforms to the Packaging Waste Recycling Note (PRN) and Packaging Waste Export Recycling Note (PERN) System and Operator Approval.

He reported that Defra were seeking views on several technical and administrative amendments to the way in which the PRN/PERN system and compliance schemes operate to address the issues of price volatility, lack of transparency and potential for fraudulent issuing of PRNs/PERNs.

He also noted that they were asking for additional views and evidence on other proposed changes to the PRN/PERN system, and while this consultation does not have a direct bearing on councils as they are not in receipt of PRNs/PERNs, the proposals around increased monitoring and reporting, particularly around revenue, are to be welcome, especially if there is to be greater transparency and accountability arising from the need to manage the resources within supply chains better to deliver a Circular Economy. The lack of transparency around this area has previously been one of the main criticisms of the PRN scheme.

He also noted that it was recommended that any new system of monitoring incorporates the recommendations arising from the recently completed “*Introduction of Mandatory Digital Waste Tracking*”, which concluded in April.

He advised that there were three options proposed for how the PRN scheme would fit in the new landscape as follows:

*Option 1: Find a means to prevent PRNs/PERNs being issued on DRS material collected alongside EPR materials*

*Option 2: Place a recycling obligation on DRS producers for packaging waste that is in scope of the DRS, but not collected by the Deposit Management Organisations (DMOs)*

*Option 3: Increase EPR producer recycling obligations to include DRS packaging not collected through DRS routes*

He reported that arc21 should support Option 2 as this will place the responsibility on DRS obligated producers to account for the DRS packaging which has been generated and which is not collected through the DRS scheme. This would avoid the sampling and compositional analysis required under Option 1 and restricts the obligation to fewer producers than Option 3 would.

It effectively means that this would become a balancing exercise for DRS obligated producers to account for shortfalls in the DRS collection system and, when combined with the new more detailed reporting system, it should provide greater clarity of the volume of DRS material recovered through councils’ kerbside and other collection systems.

He reported that a response had been submitted by the deadline of 21 May and asked for retrospective approval by the Joint Committee.

Following discussion the Joint Committee agreed to endorse the response.

**Action: Agreed**

#### **Item 14 - Customer Survey 2022**

Ms Boal advised that the annual customer survey had been sent out electronically to Members and Officers and asked if they would kindly complete and return it by the closing date of 10 June, following which a report would be brought to the next Joint Committee meeting.

She encouraged all to respond as she noted that there had been a poor response last year and noted that it would be helpful to receive as many responses as possible.

**Action: Noted**

**Item 15 - AOB**

Mr Walker advised the Committee that he had been successful in his bid to become Junior Vice President of CIWM leading to President in two years. He advised that he would be inaugurated at the end of June.

He also advised that he had featured in the ENDS magazine Power List 2022 of the top 100 environmental professionals who were seen to have made the greatest impact over the past two years, as nominated by their colleagues, clients and competitors.

The Chair and the Committee offered him their congratulations.

**Action: Noted**

**Item 16 - Next Virtual Meeting Thursday 30 June 2022**

The Chair thanked everyone for attending and advised that the next Joint Committee meeting would be held as scheduled on Thursday 30 June 2022 commencing at 10.30am.

Mr Walker advised that we would be considering the possibility of hybrid meetings in the future and contacting the councils to see if this could be accommodated, but in the meantime there was still legislation in place to hold virtual meetings until September.

Attendance of Members to Joint Committee meetings was raised again and the Chair suggested that he may consider writing again to Councils and potentially party group leaders to raise this issue.

**Action: Noted**

**Date:** \_\_\_\_\_

**Chairman:** \_\_\_\_\_