

ARC21 JOINT COMMITTEE
Virtual Meeting No 73
MINUTES
Thursday 29 September 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 McDowell	Ards & North Down Borough Council
Alderman D Drysdale (<i>Chair</i>)	Lisburn & Castlereagh City Council
Councillor S Lee	Lisburn & Castlereagh City Council
Councillor D Reid	Mid & East Antrim Borough Council
Councillor K Owen	Newry, Mourne & Down District Council
Councillor J Brennan	Newry, Mourne & Down District Council

Members' Apologies:

Alderman R Gibson	Ards & North Down Borough Council
Alderman A Carson	Ards & North Down Borough Council
Councillor R McMullan	Belfast City Council
Councillor F Ferguson	Belfast City Council
Councillor JJ Magee	Belfast City Council
Councillor M Gregg	Lisburn & Castlereagh City Council
Councillor I Friary	Mid & East Antrim Borough Council
Alderman R Cherry	Mid & East Antrim Borough Council
Councillor R Burgess	Newry, Mourne & Down District Council

Officers Present:

T Walker	arc21
H Campbell	arc21
J Green	arc21
K Boal	arc21
M Lavery	Antrim & Newtownabbey Borough Council
W Muldrew	Lisburn & Castlereagh Borough Council
M Smith	Mid & East Antrim Borough Council

Officers' Apologies:

G Craig	arc21
D Lindsay	Ards & North Down Borough Council
C Matthews	Belfast City Council
H Moore	Lisburn & Castlereagh Borough Council
A Cassells	Newry, Mourne & Down District Council

The Chair extended his condolences to Councillor Goodman and his family on their recent bereavement.

He also welcomed Councillor Brennan, from Newry, Mourne & Down District Council, to his first meeting.

Item 1 - AGM

Procedures

Mr Walker read out the procedures for the position of electing a Chair and Deputy Chair for the forthcoming year.

(Councillor Goodman in the Chair)

Election of Chair

Nominations were sought for the position of Chair to serve the Joint Committee for the forthcoming year.

Nominated: Alderman David Drysdale

Proposed by: Councillor Alison Bennington

Seconded by: Councillor Michael Goodman

It was resolved that Alderman Drysdale be re-elected as Chair of the Joint Committee for the incoming year.

(Alderman Drysdale in the Chair)

Alderman Drysdale thanked everyone for their confidence in him and for his re-nomination. He thanked Councillors Bennington and Goodman for proposing and seconding him, the subcommittee and all the Joint Committee members in meeting the challenges during a difficult year.

Election of Deputy Chair

Nominations were then invited for the position of Deputy Chair of the Joint Committee.

Nominated: Councillor Michael Goodman

Proposed by: Councillor Alison Bennington

Seconded by: Councillor Rosie Kinnear

It was resolved that Councillor Goodman be re-elected as Deputy Chair of the Joint Committee for the incoming year.

The Chair congratulated Councillor Goodman on his re-appointment.

Councillor Goodman thanked Members for nominating him as Deputy Chair. He advised that it had been a rollercoaster of a year and there was a lot still to be done. He noted that there had been a great deal of co-operation and hard work from the Joint Committee and staff at arc21 from the ACEx down and thanked everyone and advised that he looked forward to it continuing for the year ahead.

Item 2 - Conflicts of Interest Statement

The Chair read out the Conflicts of Interest Statement.

Action: Noted

Item 3 - Apologies

Apologies were noted.

Action: Noted

Item 4 - Minutes of Joint Committee Meeting 072 held on 25 August 2022

Following discussion, the Joint Committee approved the minutes of the Joint Committee meeting 072 held on 25 August 2022.

Action: Agreed

Item 5 - Matters Arising

All matters arising were discussed under the main agenda.

Action: Noted

Item 6 - Contracts & Operations Briefing Report

Service Status

Ms Boal reported that all services had been operational during the month of August and no contractors required to put in place any of their contingency measures.

She advised that contractors are now reducing their COVID protocol restrictions and in terms of operations it was intended that arc21 officers would reintroduce site visits with a focus on picking up on some of the newer contracts, such as the new haulage contract and the new facility at Carrickfergus and prioritising these in terms of the Health & Safety audits.

Performance - August 2022

Ms Boal reported that turnaround times had been reviewed and, in most cases where there was mitigation, service credits were not applied. However, service credits were applied to Biffa and NWP this month for failing to meet their contract turnaround times.

She advised that there was still a number of overweight vehicles relating to the haulage contract which continue to be monitored and arc21 are liaising with the contractor in this regard. She noted that we are also doing some assessment on the weight discrepancies between the weights on the weighbridges where vehicles are leaving the site and the ones going into sites.

In terms of contingency arrangements, she advised that there were none needing to be used in August.

Some bottle banks sites did not have the specified 20% capacity available (two in Mid & East Antrim Borough Council which is mainly down to coastal area peak season) and the contractors were notified of these incidences and sites were serviced accordingly.

Health & Safety

Ms Boal reported that there were a number of Health & Safety incidents reported to arc21 by contractors and councils which related to the Biffa landfill site; two incidences relate to the same vehicle in regard to the trailer popping open and that issue has now been fixed.

She noted that council officers have been requested to check with their operational managers that all vehicles delivering to these sites are in proper working condition, as if they are not, they run the risk of being turned away.

Council officers have also been asked to liaise with their H&S officers and operational managers including those of external contractors to check vehicle loads that may include hazardous items which may cause fire and to ensure that all drivers are appropriately trained and understand their obligations to follow site rules.

Rejected Loads

Ms Boal reported that there was one rejected load delivered to the organics delivery sites, and no rejected loads were delivered to Bryson in August 2022 which was positive.

Council officers have again been requested to continue to review their protocols to ensure that systems are in place so that vehicles are fully emptied before collecting another material stream.

arc21 Contract Tonnages

Ms Boal reported that across all of the arc21 contracts, the tonnage received in August was circa 1,500 tonnes more than the previous month.

She noted the following in comparison to August 2021:

- A decrease of 5.3% for MDR material delivered into Bryson which may have been affected by some of the industrial action
- for MRF Lot 2, there was a 4.3% increase
- for the Organics Contract, there was an increase of 3.7% for Type 1 and for the Type 2 material, there was a small increase of 0.38%
- the Residual Landfill Waste Contracts, saw a 0.4% decrease

She reported that in terms of the 60,000 capacity secured at Cottonmount landfill site, 6,429.72 tonnes were used in August 2022, the total used in February to August 2022 was 41,983.56 tonnes, meaning a monthly average of 5,997.65 tonnes. She noted that the capacity should run us through to end of November and as previously agreed plans are in place to the end March 2023 in terms of landfill capacity.

Persistent Organic Pollutants (POPs)

Ms Boal reported on developments with POPs and discussed recent correspondence from the Environment Agency [England] who has issued correspondence to all local authorities [England] asking them to confirm that they have reviewed their procedures to ensure they will be compliant with the requirements regarding handling and disposing of POPs contaminated wastes (i.e. soft furnishings) from the beginning of 2023 and, if not, to take the necessary steps to ensure compliance.

Furthermore, councils have specifically been asked to confirm with the Environment Agency that their waste management activities (collection and disposal) for all soft furnishings will ensure that the items will be managed separately and will be being sent for incineration, by no later than 31 December 2022.

She advised that arc21 has been trying to determine if something similar would apply to the councils in NI and that we had been liaising with the Department accordingly.

She reported that it was likely that NIEA will follow that of the Environment Agency approach and, whilst the tonnage of this material is not known because it has never been collected as a separate stream, it is likely there will be widespread logistical and cost implications for councils if the English guidance for separate collection, transport and disposal via

incineration is followed. It is probable that this would require export to facilities outside of NI as the guidance requires that the only form of disposal for POPs contaminated material is by incineration or an appropriately equipped cement kiln.

In terms of a cement kiln or incinerator facility, Ms Boal advised that NI is not in the same position as in England where there are a greater range of options. She highlighted to the Committee that this issue had been discussed at the last Steering Group meeting where it was agreed that Mr Walker would raise this with the Strategic Waste Partnership, the interface between NI councils and DAERA, as an issue which required urgent clarification.

Mr Walker advised that there had been considerable debate within English councils when they received the Environment Agency Guidance in September due to potential contractual issues, as well as likely ramifications regarding retrofitting requirements for the facilities treating these [POPs] materials. He noted that the industry and councils are enquiring if there can be a deferral in enacting this guidance in order for the sector to deal with the new requirements.

In terms of locally, he advised that there have been discussions with the Department but that the person who would previously have dealt with this matter had retired and a new officer had yet to be appointed. He said that he would be writing to the Chair of the Strategic Waste Partnership.

Councillor Goodman referred to the note in the report in relation to the amendments to the regulations, the most recent of which was in 2020, and enquired why Members were only hearing about it now.

Ms Boal said that officers and Members had previously been advised of the potential for POPs guidance, but that determining the categories of materials which would fall within its scope had not been completed until recently. In this regard, the Environment Agency had only finished their testing regime and had prioritised seating (e.g. soft furnishings), and had issued their Guidance focusing upon this particular waste stream. However, she noted that this is likely to be expanded and include other waste streams as time passes. She noted that the obligation already exists, and landfill is not a permissible disposal option for these items.

Members enquired about locally available cement kilns in NI and Mr Walker noted that the closest was in Cookstown, but that there may be a need for facilities to be appropriately modified to deal with these materials.

He noted that England continues to export residual waste to Europe as there is insufficient incineration capacity to deal with all the materials arising. He highlighted that managing POPs is likely to raise disposal issues for every jurisdiction.

Councillor Goodman enquired if officers or councils had spoken to the cement kiln operators on their position regarding this.

Mr Walker advised that the NI guidance has not been issued yet. Any discussion at this stage would be speculative, especially as councils do not have any direct relationships with these contractors; he recognized however that it may be prudent to open up discussions at this stage, even at a high level to help inform councils' next steps.

Ms Boal advised that there had been discussion at the recent Steering Group meeting, but it may be difficult to progress matters as there was an issue regarding the value of any potential contract, and premature contact could complicate future procurement exercises.

She also advised that a body of work remained to be done to determine the tonnages and, with no guidance from NIEA on what is required, arc21 is trying to escalate that with the Department to determine what the next steps are likely to be along with a prospective timeline. She highlighted that the Steering Group is intending to have a strategic review meeting in the coming weeks and this would be included as a topic at this time.

Ms Boal proposed that arc21 could conduct a market engagement exercise similar to that undertaken for the interim residual, and that councils would need to consider their existing contractual commitments, particularly on the wastes arising from their Household Recycling Centres, to determine what scope they have to progress this matter. It was intended that the strategic review meeting will consider a number of issues and get direction from councils.

Mr Walker advised that it was highly unlikely that the Department would issue guidance similar to England requiring councils to put anything in place by December 2023 but, for the avoidance of doubt, this was why he was raising POPs as an issue to watch.

Councillor Goodman noted his concerns at waiting on guidance from the Department as he believed this may lead to a crisis management scenario and arc21 needed to be in a position to advise councils on how to address this.

The Chair noted that there seemed to be two strands to this, one putting pressure on the Department and secondly working with the constituent councils on what actions arc21 could take.

Mr Walker advised that he would send a letter to the Strategic Waste Partnership, talk to the directors and councils, and consider initiating conversations with the cement kiln operators.

Action: Mr Walker

Supplies

In terms of supplies, Ms Boal noted that there had been one non-compliance in relation to one load which was not delivered on the scheduled day.

Following discussion the Joint Committee noted the report.

Action: Noted

Item 7 - Waste Tonnage Trends

Ms Boal presented an overview of the tonnages processed through the arc21 contracts over the last three years and an analysis of the current performance, using information from Waste Data Flow (unvalidated), against future landfill and recycling targets.

She reported on the various graphs presented in the report as follows:

- Landfill - the August tonnage is following a similar trajectory to previous years, and councils are looking to reduce the amount of waste in that stream;
- Organics Type 1 - still below 19/20 year but seems to be consistent with 2020/21 and 2021/22 and is influenced by the weather, but that had not been a peak as in similar years and unsure of where the volume has gone;
- Organics Type 2 - consistent with 2021/22 year from June, councils will be trying to enhance promotion particularly food waste, still room to increase amount of material going in;
- MRF lot 1 - tonnages in June, July and August below the 2021/22 year, but in a similar position to Sept;

- MRF Lot 2 - Newry Mourne & Down District Council - the tonnages are fairly steady and similar to the 2021/22 year;
- Combined annual tonnage for Lot 1 and Lot 2 - the tonnages are running below the 2021/22 year and focus now is on contamination levels as well as increasing the tonnages. The markets have been very buoyant in terms of revenue share and a report will be brought to next month's meeting; and
- Street Sweepings - with the impact of COVID this was not always being operated as a frontline service and has fallen well below the 2019/20 year and it is likely to take a while to see consistency.

The Bring Bank Contracts tonnages were presented for information but in tonnage terms, she noted that these were fairly small.

She reported that the second sets of graphs in the report showed the analysis against future landfill and recycling targets. She noted that in terms of the gap that needs to be done there is still a significant amount of material to be taken out of landfill to meet the targets set.

Ms Boal advised that arc21 hope to see a difference of the amount of material taken to landfill once some of the DPS contracts have been awarded, and arc21 should then see some difference in the graphs.

Councillor Goodman enquired about the differential between the councils in the graphs and Ms Boal noted that the councils were all operating differently, with some having different social demographics issues, collection systems in different areas, etc. She highlighted there was no single item or rationale that could be tackled.

Councillor Goodman also enquired if there was sharing of information amongst the councils and Ms Boal advised of the key work in the background which is the work across and between councils, WRAP and the DAERA considering future collections requirements, which is focusing upon consistency and potential funding. Arising from this work, other models and likely outcomes are being looked at by WRAP and DAERA. In terms of service delivery, it was ultimately up to the councils to develop and manage their own approaches. She noted that arc21 have been asked to produce the graphs for the councils to be able to track performance against targets, and that pressure on DAERA in relation to funding support needs to be sustained.

Mr Walker advised that council officers are consistently exploring options for improvement and that Extended Producer Responsibility (EPR) is likely to provide a new revenue stream from the packaging providers which could assist in the collection and recovery of certain packaging streams. He went on to highlight however that some of the more well-known recyclables may be taken out of the domestic waste stream by householders once the Deposit Return Scheme (DRS) is introduced in due course.

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.

Item 8 - Minutes of Joint Committee Meeting 072 held on 25 August 2022 ‘in committee’ - Agreed

Item 9 - Matters Arising - Noted

Item 10 - Residual Waste Treatment Project - Noted

Item 11 - Commercially Sensitive Contract and Procurement Issues - Agreed

Item 12 - Tender Award - Provision of Health and Safety Consultancy Services- Agreed

Item 13 - Financial Reserves Position Overview - Noted

Item 14 - Governance Specification - Noted

OUT OF COMMITTEE

Item 15 - AOB

Audit Committee Membership

Mr Walker advised that there had been low Member attendance at the recent Audit Committee meeting and the Chair of the Committee had asked him to raise this with the Joint Committee in order to seek further nominations or volunteers to this Committee.

He advised that the Sub-Group was still meeting with a limited remit around governance issues.

Councillor Lee suggested that it may be prudent to try and coordinate meetings at a day or time more suitable for those Members to be able to attend.

The Chair suggested that Mr Walker send out an email to Members looking for volunteers.

Action: Mr Walker

CEX Recruitment

Councillor Bennington advised that she was working with the Local Government Staff Commission on the recruitment of the CEX post and will keep all informed on its progression.

Action: Councillor Bennington

Item 16 - Next Meeting Thursday 27 October 2022

The Chair thanked everyone for attending and advised that the next Joint Committee meeting would be held virtually as scheduled on Thursday 27 October 2022 commencing at 10.30am.

Action: Noted



Date: 27 October 2022

Chairman: