

ARC21 JOINT COMMITTEE
Virtual Meeting No 76
MINUTES
Thursday 26 January 2023

Members Present:

Councillor A Bennington
Councillor R Kinnear
Alderman R Gibson
Alderman A McDowell
Alderman A Carson
Councillor R McMullan
Alderman D Drysdale (*Chair*)
Councillor S Lee
Councillor M Gregg
Councillor R Burgess
Councillor C Bowsie

Antrim & Newtownabbey Borough Council
Antrim & Newtownabbey Borough Council
Ards & North Down Borough Council
Ards & North Down Borough Council
Ards & North Down Borough Council
Belfast City Council
Lisburn & Castlereagh City Council
Lisburn & Castlereagh City Council
Lisburn & Castlereagh City Council
Newry, Mourne & Down District Council
Newry, Mourne & Down District Council

Members' Apologies:

Councillor M Goodman (*Deputy Chair*)
Councillor F Ferguson
Councillor JJ Magee
Councillor D Reid
Councillor I Friary
Alderman R Cherry
Councillor J Brennan

Antrim & Newtownabbey Borough Council
Belfast City Council
Belfast City Council
Mid & East Antrim Borough Council
Mid & East Antrim Borough Council
Mid & East Antrim Borough Council
Newry, Mourne & Down District Council

Officers Present:

T Walker
H Campbell
J Green
K Boal
B McKeown
M Lavery
N Martin
C Matthews
B Murray
J McConnell
W Muldrew
S Holgate

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Antrim & Newtownabbey Borough Council
Ards & North Down Borough Council
Belfast City Council
Belfast City Council
Belfast City Council
Lisburn & Castlereagh Borough Council
Mid & East Antrim Borough Council

Officers' Apologies:

G Craig
D Lindsay
H Moore
P Thompson
A Cassells

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Ards & North Down Borough Council
Lisburn & Castlereagh Borough Council
Mid & East Antrim Borough Council
Newry, Mourne & Down District Council

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

The Chair welcomed Councillor Callum Bowsie, the new representative from Newry, Mourne & Down District Council, to his first meeting.

He also advised Members that Councillor David Reid, from Mid & East Antrim Borough Council, was undergoing hospital treatment and advised that he would be sending a letter on behalf of the Committee to wish him best wishes for a speedy recovery.

Item 3 - Minutes of Joint Committee Meeting 075 held on 6 December 2022

Following discussion, the Joint Committee approved the minutes of the Joint Committee meeting 075 held on 6 December 2022.

Action: Agreed

Item 4 - Matters Arising

There were no matters arising.

Action: Noted

Item 5 - Contracts & Operations Briefing Report

Service Status

Ms Boal reported that all services were operational during the months of November and December, and no contractors needed to put in place any of their contingency measures.

She noted that Biffa had continued to use a temporary weighbridge throughout December and that a new weighbridge should be installed before the end of January 2023. Irish Waste were also working on replacing their main weighbridge and this also was expected to be completed by the end of January.

She reported that there was some contingencies put in place in December for Bryson to help manage turnaround times and that material had been fed back in over the last few weeks.

She discussed the Persistent Organic Pollutants (POPs) situation and noted that coming up to Christmas the operator had advised that they were no longer going to take the materials through landfill. She noted that this was an ongoing issue and some councils were able to divert material through other contracts. She advised that we had been pressing the Department to give assurance to the landfill operator in writing that they [the NIEA] would not be seeking compliance, but to date this has yet to be issued. It was stated at a recent Government Waste Working Group meeting that it was hoped to issue guidance, but she noted that arc21 understand that this has to go to the Permanent Secretary for consideration and it was unclear how long this could take. She advised that some material was going in and Biffa had not rejected any loads to date.

Performance

The contractor performance for November and December was discussed.

Ms Boal reported that turnaround times had been reviewed for November and in all cases the contractors provided adequate reasons for these and therefore service credits were not applied for that month. However, after reviewing the turnaround times in December, service credits were applied to Biffa for failing to meet their contract service levels.

She noted that overweight vehicles relating to the haulage contracts continued to be monitored and arc21 are liaising with the contractor in this regard. She advised that the December performance table had changed slightly with the Alpha Landfill contract finishing, and arc21 has now included details from the new L&CCC Haulage contract that commenced in December.

She reported that ReGen had submitted their report after the due date, and Heatricks had issues in providing accurate data to arc21. After discussions and review by arc21, these issues had now been resolved.

She noted that in November there were no reports of any banks not having the specified 20% capacity available, and in December there were 3 x bottle banks that did not have the specified capacity available. The contractor was notified, and these banks were serviced the next day and no Service Credits were applied.

Health & Safety

The report on the recent Health & Safety incidences reported to arc21 by contractors and councils was discussed. Of major concern was two incidences of near misses at the Bryson facility. She advised that arc21's H&S consultant was carrying out a full review and that we are awaiting their report to identify if any additional steps need to be taken.

There were also incidents of raised hoppers, speeding and smouldering waste and council officers were again asked to liaise with their H&S officers and operational managers including those of external contractors to check that all drivers understand their obligations to follow site rules, in particular around driving while hopper is raised and speeding. Officers were also asked to liaise with their operational managers to look out for any hazardous waste which may cause fires.

Rejected Loads

Ms Boal reported on the rejected loads delivered into the organics delivery sites in November and December and noted that officers had 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. She noted that there were no rejected loads delivered into the MRFs during this period.

arc21 Contract Tonnages

The contract tonnages for November and December were presented and the increases and decreases discussed.

Supplies

A summary of the relevant aspects pertinent to the supplies contract was presented and councils were reminded to ensure that stock levels are monitored and order requests made well in advance of requirements.

The Joint Committee noted the report.

Action: Noted

Item 6 - Update on Deposit Return Scheme and Extended Producer Responsibility

Deposit Return Scheme (DRS)

Ms Boal reported on the Deposit Return Scheme (DRS) for items such as plastic bottles, steel and aluminium cans following the published response to the second consultation on introducing a DRS for drinks containers in England, Wales and Northern Ireland (NI) and provided some clarity on when it will be implemented and what it will mean in NI.

The key aspects were noted as follows:

- *The DRS will be introduced from October 2025;*
- *Single-use drinks containers from 50ml to 3 litre containers will be in scope of the DRS;*
- *Polyethylene terephthalate (PET) bottles, steel cans and aluminium cans will be included for England, Northern Ireland, and Wales;*
- *Glass bottles will be included for Wales only;*
- *A Deposit Management Organisation (DMO) will be appointed to manage overall operation of the DRS;*
- *Retailers selling in scope containers in store will be required to host a return point, where consumers can return the empty container and be given their deposit refund, subject to some specific exemptions that retailers can apply for. Where containers are sold online, we intend to require large grocery retailers to offer consumers a takeback service for those containers.*

She advised that this now gives us some clarity when going out for our bring bank contracts in terms of the tonnage change in cans and also the potential reduction in tonnages coming into the MRFs. She noted that the next steps have been identified as:

- *Development of the DRS regulations to reflect the policy outcomes set out in the consultation response. The Governments will take secondary legislation through the UK Parliament and the Senedd in Wales.*
- *DMO appointment: Government intends to shortly begin engagement with prospective consortia interested in being the DMO. Later, the UK Government along with the Welsh Government and the Department of Agriculture, Environment & Rural Affairs will formally invite applications as part of a fair and open process.*

Extended Producer Responsibility (EPR)

Ms Boal advised that a Forum had now been established by DEFRA to enable enhanced engagement through regular monthly briefings and at the first meeting the key changes were highlighted for local authorities. She noted that a number of issues had been raised by officers including how we determine the income from material sales.

She noted that there were many discussions, but not much movement in terms of understanding what it really means for councils. It was hoped that there would be better clarity over the coming months.

She advised that each year, arc21 participate in the WRAP gate fee survey and this will be used as part of the consideration on pay-back mechanisms. As the portal into which the information is submitted is limited in terms of the data input, she noted that arc21 had agreed to send more detailed information in addition to that requested through the portal and it was anticipated that DEFRA would take this into consideration when looking at the cost mechanisms. She stated she would be discussing this further with them.

Ms Boal advised that there will be statutory guidance in relation to Technically, Environmentally and Economically Practical (TEEP) assessments which councils will be required to do.

Issues such as the netting-off income (where it is not to be received by a council) was still under consideration, deducting where trade waste is co-collected, compositional analysis, maintaining confidential information, developing a digital platform were all under consideration.

A Member enquired why glass hadn't been included. Ms Boal advised that it was her understanding that it was to do with the reprocessing of glass and arguments that the kerbside systems in place were the best placed in terms of achieving closed loop recycling, this argument had been clearly articulated by the reprocessors which had been accepted during the consultation process: in terms of Wales, a different view had prevailed.

Mr Walker advised that this was rather unusual as different schemes were emerging in the devolved administrations and there would probably be further refinements and developments as the Scheme progresses.

Legislation was discussed and Mr Walker advised that it was likely to be enacted as a central piece of legislation in Westminster.

The Joint Committee noted the report.

Action: Noted.

Item 7 - Waste Tonnage Trends

Ms Boal presented the tonnage comparisons for material processed through arc21 contracts, as well as a series of graphs showing the analysis against future landfill and recycling targets using information from Waste Data Flow (unvalidated).

She advised that over the last few months tonnages were starting to move back and running fairly consistently lower than the 2020/21 and 2021/22 and, if that continues, it is likely that there will be similar landfill tonnages to 2019/20.

She noted that the organics type 1, which was the material collected through the civic amenity sites, had traditionally been rising and above what was predicted when going out to contract. However, over the last couple of years the tonnages were consistently below 2019/20 and, in Nov and Dec, the figures were merging again with the previous years.

In terms of the organics type 2, which is the material collected from the bins, the tonnages were running lower than the previous 2 years, and Ms Boal noted that there appears to be less of a trend as this is primarily weather dependent. She advised that the contract year ends at the end of Nov. At that stage, arc21, will assess the year's tonnages and any revenue share due.

In terms of MRF Lot 1, which excludes Newry Mourne & Down District Council tonnage, Ms Boal noted that tonnages are lower than the previous 2 years and arc21 will be looking at the type of material and how this has changed and report back to the councils.

For the Lot 2 for Newry Mourne & Down District Council, which includes glass she noted that the tonnage was slightly below the last two years and slightly above where it was in 2019/20.

Ms Boal also presented a series of graphs showing the current performance of each council against future landfill and recycling targets for information.

She noted that as arc21 start awarding call off competitions under the Dynamic Purchasing System (DPS), it is to be expected that the tonnages will fall in relation to diversion to landfill but that relying on these to deliver the 10% target by 2035 may prove elusive. In terms of the direction of travel, the interim contract will reduce in steps as contracts commence. Ms Boal stressed that the residual project provided the prospect that the landfill diversion target would be achieved as well as making a contribution to each of the constituent councils regarding delivery of their increasing recycling rates.

She advised that as councils move into the new contracts, the councils will see the percentages change on what goes to landfill.

In terms of achieving the 70% recycling figure by 2030, the tables presented highlighted how the councils performed against this benchmark figure, as well as highlighting the gap.

The Joint Committee noted the report.

Action: Noted

Item 8 - Annual Review of Waste Statistics 2021/22

Ms Boal presented a report which provided an overview of the annual key waste statistics for 2021/22.

The graphs presented included the annual waste arisings (municipal and household), annual household waste per household, annual recycling rates, annual waste to landfill; and a summary on how the councils performed against the other regions.

The key indicators show that, overall, municipal waste arisings were starting to level off in 2021/22 - tonnes per household falling, recycling rates remaining similar to levels achieved in 2020/21, and landfill tonnages increasing.

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 four matters discussed.

Item 9 - Minutes of Joint Committee Meeting 075 held on 6 December 2022 'in committee' - *approved*

Item 10 - Matters Arising - *noted*

Item 11 - Residual Waste Treatment Project - *noted*

Item 12 - Commercially Sensitive Contract & Procurement Issues – *approved*

OUT OF COMMITTEE

Item 13 - Audit Committee Meeting 9 January 2023 Report

Mr Walker provided the Joint Committee with the issues presented to the Audit Committee at the meeting held on 9 January 2023 along with a copy of the minutes from the meeting.

The number of Committee Members attending was discussed and Councillor Bennington advised that, in line with good practice, it would be prudent to have more Members and asked for volunteers to give a cross section of political party and gender to provide adequate governance controls.

Alderman Carson advised that he was retiring, but was planning to attend the final meeting of this term before the forthcoming council elections.

The Joint Committee noted the report.

Action: Noted

Item 14 - AOB

There was no further business discussed.

Action: Noted

Item 15 - Next Meeting Thursday 23 February 2023

The Chair thanked everyone for attending and advised that the next Joint Committee meeting would be held virtually as scheduled on Thursday 23 February 2023 commencing at 10.30am.

Action: Noted

Officers were asked to leave the meeting and Ms Campbell was asked to remain for note taking purposes.

IN COMMITTEE

The Chair recommended that the meeting would now move "*in committee*" which was agreed.

There were two confidential matters discussed during this section of the meeting.

Item 16 - Sub-Group report - *approved*

Item 17 - Sub-Group report - *approved*

OUT OF COMMITTEE



Date: 23 February 2023

Chairman: