

ARC21 JOINT COMMITTEE
Virtual Meeting No 80
MINUTES
Thursday 31 August 2023

Members Present:

Councillor M Goodman (<i>Chair</i>)	Antrim & Newtownabbey Borough Council
Councillor E McLaughlin	Antrim & Newtownabbey Borough Council
Councillor A Cathcart	Ards & North Down Borough Council
Councillor J Cochrane	Ards & North Down Borough Council
Councillor T Kelly	Belfast City Council
Councillor E McDonough-Brown	Belfast City Council
Councillor P Kennedy	Lisburn & Castlereagh City Council
Councillor R Quigley	Mid & East Antrim Borough Council
Councillor G McKeen (<i>Deputy Chair</i>)	Mid & East Antrim Borough Council
Councillor C Enright	Newry, Mourne & Down District Council
Councillor K Murphy	Newry, Mourne & Down District Council

Members' Apologies:

Alderman P Michael	Antrim & Newtownabbey Borough Council
Councillor C Blaney	Ards & North Down Borough Council
Councillor B Smyth	Belfast City Council
Councillor A Givan	Lisburn & Castlereagh City Council
Alderman S Skillen	Lisburn & Castlereagh City Council
Alderman A Wilson	Mid & East Antrim Borough Council
Councillor T Andrews	Newry, Mourne & Down District Council

Officers Present:

T Walker	arc21
H Campbell	arc21
J Green	arc21
K Boal	arc21
B McKeown	arc21
P Feeney	arc21
M Lavery	Antrim & Newtownabbey Borough Council
N Martin	Ards & North Down Borough Council
C Matthews	Belfast City Council
R Harvey	Lisburn & Castlereagh City Council
N O'Malley	Lisburn & Castlereagh City Council
D Carey	Mid & East Antrim Borough Council
A Cassells	Newry, Mourne & Down District Council

Officers' Apologies:

D Lindsay	Ards & North Down Borough Council
P Thompson	Mid & East Antrim Borough Council

Mr Walker apologised for the late release of some of the papers and advised that for future meetings it was intended to release them as one bundle. He also advised that previously arc12 had released the correspondence received or sent in relation to the residual waste project on a monthly basis, but as there was a large amount of papers already released for this meeting, he had held back on this occasion. He asked Members to consider this following the AGM.

Item 1 - AGM

Procedures

Mr Walker referred to the procedures for the position of electing a Chair and Deputy Chair for the forthcoming year.

Election of Chair

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

Nominated: Councillor Michael Goodman
Seconded by: Councillor Eamonn McLaughlin

It was resolved that Councillor Goodman be elected as Chair of the Joint Committee for the incoming year [2023/24].

(Councillor Goodman in the Chair)

Councillor Goodman thanked everyone for their acceptance of him as Chair and noted that he looked forward to working with Members throughout the year, along with the arc21 staff, as there were a lot of important issues to be dealt with over the coming 12 months.

Election of Deputy Chair

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

Nominated: Councillor Gregg McKeen
Seconded by: Councillor James Cochrane

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

The Chair congratulated Councillor McKeen on his appointment.

Councillor McKeen thanked Members for appointing him as Deputy Chair.

Item 2 - Conflicts of Interest Statement

The Chair read out the Conflicts of Interest Statement, and none were noted.

Action: Noted

Item 3 - Apologies

Apologies were noted.

Action: Noted

Item 4 - Minutes of Joint Committee Meeting 079 held on 29 June 2023

The Joint Committee approved the minutes. Proposed by Councillor Enright and seconded by Councillor Kennedy and agreed by all.

Action: Agreed

Item 5 - Matters Arising

There were no matters arising.

Action: Noted

IN COMMITTEE

The Chair recommended that the meeting would now move “*in committee*” which was agreed. Proposed by Councillor Kennedy and seconded by Councillor Enright.

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 6 - Minutes of Joint Committee Meeting 079 held on 29 June 2023 “*In Committee*” - approved

Item 7 - Matters Arising - noted

Item 8 - Residual Waste Treatment Project - noted

Item 9 - Commercially Sensitive Contract & Procurement Issues - noted

OUT OF COMMITTEE

Proposed by Councillor Kennedy and seconded by Councillor Murphy.

Item 10 - Contracts & Operations Briefing Report

Ms Boal provided a report on the high-level performance statistics for June and July.

Service Status

She reported that all services were operational during the months of June and July 2023 and no contractors required to put in place any of their contingency measures.

Performance

The contractor performance for June and July was presented which included details on the number of loads in each of the contracts, site visits, overweight vehicles, use of contingency arrangements, turnaround, availability, maintenance of records and reporting.

Ms Boal advised that in terms of the spread of information, issues were highlighted in yellow in the tables which were managed by arc21 staff and dealt with.

She noted that turnaround times had been reviewed for June 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 July, service credits were applied to NWP for failing to meet their contract service levels.

She reported that overweight vehicles relating to the Haulage contracts continued to be monitored and arc21 was starting to see some positive results in recent months. Council officers have been requested to continue to liaise with their Operational Managers to seek to reduce the overweight vehicles going to the Landfill and Organics sites as these numbers were still high. In June and July, most reports were submitted on time and there were only minor issues with Biffa and Heatrick's reporting that required revision due to incorrect data. In both months however, arc21 have had some problems with Bryson not being able to send through the required reports by their due date because of an IT problem. As a result, arc21 issued service credits in June and then have applied service credits throughout most of July. These issues were subsequently fixed and arc21 started receiving the required reports at the end of July.

The bring service contracts data was also presented and she noted that in June there were 2 x Bottle Bank sites and 1 x Textile bank site, and in July there was only 1 x Bottle Bank site that did not have the specified capacity available. The contractors had been notified, and these banks were serviced accordingly. There were no Service Credits applied this month.

Health & Safety

Ms Boal referred to the table presented in the report highlighting the incidents in June and July and the actions taken. She noted that the management and reporting of this was primary to us.

She advised that council officers had been asked to liaise with their H&S officers and operational managers, including those of external contractors, to ensure that all drivers understand their Health & Safety obligations on site and that they abide by the site rules of each site.

She noted that an issue over requirements to access the site at Keady was being discussed after it was raised by NMDDC.

Health & Safety Audits

Ms Boal advised that arc21 has an external Health & Safety consultancy who visits, periodically, all the sites during the year at least once and continues to undertake health and safety audits. She noted that all of the contractors welcome this external consultancy and usually there is little coming out of the reports. She advised that arc21 maintains a running matrix on any issues identified and do a follow up to ensure that, where possible, these have been cleared up as quickly as possible.

She noted that in June, an audit was conducted at the NWP Transfer Station in Drumanakelly. No issues were found during this audit and it was concluded by arc21's consultant in his report that *"the company maintains a high level of health and safety compliance on site"*.

In July, an audit was conducted at Irish Waste's site in Duncrue. There were a number of Health & Safety issues identified during this audit and arc21 is working closely with the contractor to resolve these as quickly as possible.

Rejected Loads

The rejected loads for June and July were noted as follows:

Organic Waste Treatment Contract - no rejected loads into organics delivery sites in June and July 2023.

Materials Recovery Facilities - one rejected load into Bryson in June 2023, and two loads in July 2023. One of these rejected loads in July was not reported to arc21 before being sent for disposal and not charged as rejected.

She advised that officers have 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

A list of the contract tonnages for June and July 2023, compared to the same period last year, was presented and was summarised as follows:

- MRF Lot 1 MDR material delivered to Bryson - June 2023 an increase of 1.7%, and July 2023 an increase of 3.2%;
- MRF Lot 2 MDR material delivered to ReGen.- June a 2.1% increase, and July a 12.3% decrease;
- Organics Contract Type 1 - June 2023 an increase of 7.2%, and July a decrease of 3.6%;
- Organics Contract Type 2 - June a decrease of 10.5% , July a decrease of 8.4%; and
- Landfill Residual Waste Contract - June a 14.3% decrease, July a 21.4% decrease. No residual waste was sent direct to landfill by Belfast CC in July 2023.

Supplies

The number of orders placed and delivered in June and July was presented and the delivery non compliances were noted.

The Joint Committee noted the report. Proposed by Councillor McDonough-Brown and seconded by Councillor Murphy and noted by all.

Action: Noted

Item 11 - Waste Tonnage Trends

Ms Boal presented a report showing the waste tonnage trends for materials delivered into the arc21 contracts.

She talked to each of the graphs and reported that it highlighted the trends, pictorially, over a four-year period and tracked the tonnages. She noted the following:

- Landfill - a sharp decline as the BCC material had come out which was in or around circa 3k tonnes per month. If added back into the chart we would be in a similar position to the 21/22 year looking at it as a trend, which may continue. As other contracts hopefully go through the DPS and are awarded, the amount of tonnage should be less and will be a good sign.
- Organics - Type 1 (garden waste from civic amenity sites) similar trajectory to 21/22 year. Type 2 – (food and garden waste through kerbside collection schemes) the peak happened in May and in a slow decline since then as it is weather dependent but we are aware from studies that there is still a lot of food waste which could be taken out of the residual bin and there are incentives in terms of reduced gate fees when we get above a certain threshold to take advantage off and councils are looking at this.
- MRF - Lot 1 and 2 tonnages combined - a similar trend to the 22/23 year.
- Street Sweepings - a bit higher this year as councils move out of covid.

The other smaller contracts were also presented for information.

The Joint Committee noted the report. Proposed by Councillor McDonough-Brown and seconded by Councillor McLaughlin and noted by all.

Action: Noted

Item 12 - Consultations Responses

Mr Walker presented a report with a series of consultation responses as follows:

1. *Department for the Economy Place10X – A Sub-Regional Economic Approach - Call for Evidence*

10X Vision1 is the Department's plan to create a pathway to transform the entire economy innovatively, inclusively, and sustainably at a regional level. This is a long-term plan where NI will become one of the top performing small, advanced economies in the world.

The arc21 response was submitted by the deadline of 9 July 2023 and was appended.

2. *Cabinet Office - Part 1 Consultation on draft regulations to implement the Procurement Bill*

A consultation on the secondary legislation required to implement the new public procurement regime established by the Procurement Bill split into two parts. Part 1 refers predominantly to areas of the Bill which require lists, calculations or further definitions to be used in practice.

The arc21 response was submitted by the deadline of 28 July 2023 and was appended.

3. *Cabinet Office - Part 2 Consultation on draft regulations to implement the Procurement Bill*

Part 2 focuses on the transparency provisions and notices that will be used by contracting authorities to fulfil their legal requirements under the Bill. It also includes information on the proposed approach to transitional arrangements for procurements already underway at the time that the new regime enters into force and the position on other legislation that will need to be amended in order for the full provisions of the Bill to take effect.

The arc21 response was submitted by the deadline of 25 August 2023 and was appended.

4. *Consultation on the McCloud Remedy in the Local Government Pension Scheme (Northern Ireland) – Supplementary Issues & Draft Regulations*

A consultation on the McCloud remedy in the Local Government Pension Scheme (NI) (LGPS (NI)). This consultation seeks views on proposed changes to the (LGPS (NI)).

The proposed arc21 response was presented, for submission by 1 September, and was appended for consideration.

Mr Walker noted that arc21 was also considering or actively working on responses to the following consultations which are currently live:

- *Consultation on the draft Producer Responsibility Obligations (Packaging & Packaging Waste) Regulations 2024 (responses to be submitted by 9 October);*
- *Plastic Packaging Tax – Chemical Recycling & Adoption of a Mass Balance Approach Consultation (responses to be submitted by 10 October); and*
- *Consultation on NI's 2030 & 2040 Emissions Reduction Targets & First Three Carbon Budgets & Seeking views on Climate Change Committee (CCC) Advice Report: The path to a Net Zero Northern Ireland (responses to be submitted by 11 October).*

The Chair suggested that in future it would be preferable for the Joint Committee to be given sight of the proposed responses before submitting and Mr Walker agreed with this approach.

The Joint Committee agreed to retrospectively approve the three consultation responses already submitted (**no's 1-3 above**), approve the fourth consultation response to be submitted by the deadline of 1 September (**no 4 above**), and noted that there are a further three consultation exercises currently underway.

Proposed by Councillor Enright and seconded by Councillor McDonough-Brown and agreed by all.

Action: Agreed

Item 13 - Annual Report

Mr Walker presented the Joint Committee with the arc21 Annual Report for the year to March 2023 reflecting the progress made in the third year of our Corporate Plan 2020-2024.

The Chair proposed that Members are given time to review the content and raise any issues before signing off and it was suggested that Members revert to Mr Walker before the next Joint Committee accordingly, and it is put onto the September meeting agenda.

The Joint Committee agreed with this approach. Proposed by Councillor Murphy and seconded by Councillor Kennedy and agreed by all.

Action: Agreed

Item 14 - Governance & HR Matters

1. Roles & Responsibilities for Joint Committee Members

Mr Walker noted that a was in the final stages of preparation to clarify these duties and it is anticipated that it will be finalised and ready for the next Joint Committee meeting.

2. Audit Committee

Elected Members were sought for the arc21 Audit Committee which meets once per quarter. Mr Walker advised that the previous Audit Committee was served by 5 elected Members and 1 independent member. The Local Government Auditor and arc21's internal audit service provider (Belfast City Council's Audit, Governance & Risk Services) also attend these Committee meetings, and it is supported by arc21 officers.

He noted that the first meeting, scheduled for September, the Audit Committee Members must elect a Chair. At this meeting, it is proposed to approve the draft Statement of Accounts following the external audit currently being conducted by the Local Government Auditor.

Councillor Enright noted that he had other commitments for the next 6 months but could consider taking part in the Audit Committee after this.

As no nominations were forthcoming at the meeting, the Chair proposed that he would discuss with Mr Walker after the meeting to consider making contact with Members directly should no volunteers be forthcoming.

Action: Chair/Mr Walker

3. Remote Meetings Legislation

Mr Walker advised that the legislation to hold lawful meetings to allow for virtual/hybrid meetings to take place was expected to be extended post September to allow for online meetings to continue. However, as Members had discussed the wish to hold hybrid or in person meeting it was recommended that the next meeting is arranged as a hybrid and it was suggested that this is hosted by the arc21 constituent councils on a rotational basis, starting with Antrim and Newtownabbey Borough Council.

Councillor Kelly and Councillor McDonough-Brown noted that they were content for hybrid meetings to take place, but would have difficulty in attending due to work commitments and would attend where possible.

The Chair advised that arc21 would progress with a hybrid meeting in September and then revisit the issue again.

The Joint Committee agreed with this approach. Proposed by Councillor Kelly and seconded by Councillor McDonough-Brown and agreed by all.

Action: Agreed

Human Resource Matters

Mr Walker discussed several Human Resource matters which had occurred or were continuing since the Joint Committee meeting in March.

4. Recruitment of Chief Executive

Mr Walker reported that the recruitment exercise, undertaken by the Joint Committee to recruit a permanent Chief Executive earlier in the year was concluded in April, and no appointment had been made. This recruitment exercise cost circa £24,000 with ancillary costs around advertising, &c. which was paid for from General Reserves.

He noted that should Members wish to re-advertise the post for a permanent Chief Executive, a new procurement exercise would have to be undertaken.

The Chair advised Members that Mr Walker, as the Acting Chief Executive, was on secondment from BCC for circa 4 years and suggested that there was a need to regularise the situation and proposed that the recruitment exercise should be run again. He also noted that some of the CEXs had raised the issue of the SIB paper and whether the outcome of this should be resolved first, however it was thought that this was some time off.

Councillor Cathcart noted his concerns at recruiting a permanent position when it is unclear what the outcome of the potential waste body for NI might be and asked what the consequences were if a CEX was recruited and then arc21 is wound down in a couple of years.

The Chair advised that there was previous advice on this which could be shared with Members for further consideration.

Action: Mr Walker

The Chair recommended that arc21 register that the original recruitment exercise concluded unsuccessfully and that the Committee would defer consideration on next steps to a future meeting.

The Joint Committee agreed with this approach. Proposed by Councillor Cathcart and seconded by Councillor Murphy and agreed by all.

Action: Agreed

5. Development of a Human Resources Strategy

Mr Walker advised that the Corporate Plan 2020/24, approved by the Joint Committee in 2020, set out the strategic direction for arc21 from April 2020 to March 2024 and one of the corporate strategic objectives of the Plan was to develop a HR Strategy for arc21.

A template for a HR Strategy going forward was presented and it was recommended that the Joint Committee note the finalisation of this strategy.

6. Draft Policies

In March 2021, the Joint Committee noted the bundle of HR policies which arc21 applies in the provision of its services. At this time, it was highlighted that these were being kept under review and any additional policies, or material changes to any of the approved policies, would be presented to the Joint Committee for consideration. Consequently, arc21 officers had been developing / revising two additional policies. With regard to whistleblowing, the Northern Ireland Audit Office revised its approach to this issue and recommended that local government bodies refresh their policy and reframe it under "*Raising Concerns*". Mr Walker reported that this had been completed and a revised policy was now in place within arc21 and Members are asked to note this development.

He also advised that arc21's "*Acting Up*" policy had almost been finalised to reflect both current and future practice and an update would be presented to Members shortly.

It was recommended that the Joint Committee note the completion of the revised "*Raising Concerns*" policy.

The Chair noted his concerns at not viewing the policies and being responsible for sign off and suggested that Members should be provided with these documents.

Mr Walker advised that there will be refresh of the suite of policies and that he would be happy to provide these to Members in due course.

Councillor McDonough-Brown noted that he felt it was burdensome to sign off each individual policy and would be happy to take as a bundle at a later stage, but on this occasion would leave to the executive team.

Mr Walker suggested that when the refresh is done he would liaise with the Chair to see how arc21 could complete as one piece.

Councillor Enright noted that as a board, Members are responsible for policy and implementation of policy and agreed with the Chair's comments.

The Chair noted that his concerns were not a reflection of the CEX or staff on their capabilities but only where the responsibility lies with Members signing off policies, especially in light of recent HR issues.

The recommendations for 5 and 6 were taken together for noting. The Chair added that the recommendation to note the Raising Concerns Policy is proposed without sight and noted his concerns on signing these off without viewing.

The Joint Committee agreed to the recommendations. Proposed by Councillor Enright and seconded by Councillor Murphy and agreed by all.

Action: Agreed

7. Corporate Services Director

Mr Walker advised that the former Corporate Services Director retired with immediate effect on 11 August, 2023 and that a separate paper (Item 17) has been prepared and would be presented at the end of the meeting.

He noted that in terms of the cheque signatories, the bank had advised that they need 3 x signatories and with Mr Craig now retired, he recommended that it be Mr Walker, Mr McKeown and Ms Boal.

The Joint Committee agreed to the recommendation. Proposed by Councillor McKeen and seconded by Councillor Enright and agreed by all.

Action: Agreed

8. Payments

Mr Walker reported that under the national 2022/23 pay award, staff below chief officer grade were awarded an extra day's leave. In line with good practice and equitable treatment, many councils extended this arrangement to chief officers as a local agreement and, as a result, Members are asked to consider agreeing a similar arrangement for the relevant officers within arc21.

Further, last year the Acting Chief Executive determined that an honorarium payment was merited to the Principal Accountant arising for the discharge additional duties which were discharged arising from the long-term sickness absence of the Corporate Services Director.

This exercise determined the honorarium to be PO11 and this was paid from February 2022 to June 2023, with a break of nine weeks last summer when the Corporate Services Director returned. The Corporate Services Director returned to work again on a phased basis and resumed full-time from July this year until his retirement in August. At this time, the honorarium was reinstated for the Principal Accountant and will remain in place until such times as it is determined how the Corporate Services post will be filled.

It was recommended that the Joint Committee approve the local agreement to extend the 2022/23 pay award to arc21's chief officers and grant them an additional day's leave. Members are also asked to note the honorarium granted to the Principal Accountant during a period of sickness absence and following the retirement of the Corporate Services Director earlier this month.

The Joint Committee agreed to the recommendations. Proposed by Councillor McLaughlin and seconded by Councillor Kennedy and agreed by all.

Action: Agreed

9. Research

Mr Walker reported that Queens University, Belfast had approached arc21 to enquire if it would be willing to support their [QUB] application to develop a [Centre for Doctoral Training](#). In terms of support, he advised that it was not anticipated that this would be unduly burdensome in terms of time and may provide a resource for arc21 mid to longer-term regarding access to research.

He also reported that building upon earlier research, arc21 had been approached by University College, London regarding supporting a project concerning absorbent hygiene products (AHP). As a result, arc21 was asked if it would consider supporting this further project into AHP in order to secure funding which would not require much input from arc21.

The Chair noted his concerns at the potential extra workload for the CEX and inquired if this extra commitment could interfere with his arc21 responsibilities.

Mr Walker advised that the time input was probably minimal and felt that it was useful for arc21 to be involved in these projects which kept the organisation at the forefront of many areas of work which are of relevance to councils but also shows the practicality of what arc21 does beyond councils' operations and has a relevance into academia in terms of grounding their research.

The Chair inquired as to other areas the CEX was committed to and Mr Walker advised that he was the current Senior Vice President of CIWM and committed to the Advisory Committee on Packaging, which had been extended for a further year until 2025.

He also reported on the Association of Cities & regions for Recycling (ACR+) which he noted was an international network of cities and regions sharing the aim of promoting a sustainable resource management and accelerating the transition towards a Circular Economy in their regions and beyond. He advised that ACR+ was open to key players in the field of material resource management, such as local government, NGOs, academic institutions, consultancy and private organisations from across Europe and beyond. Having spoken with the administrator, given arc21's a contracting authority on behalf of its constituent councils and has not the full functionality of a council, it was suggested that it would be appropriate for arc21 to pay €500 to join ACR+ for the remainder of this year.

This is a preferential rate and the Acting Chief Executive would propose to Members that this be accepted.

It was recommended that Members support both the QUB and UCL applications and to approve joining ACR+ for the remainder of the year.

Councillor Enright suggested that it would be beneficial to hear how we are taking packaging out of the waste stream and the Chair suggested that this is deferred to the next meeting as a separate item in order to prepare a proper response.

Mr Walker recommended that as this was such a broad topic that perhaps a special meeting/seminar be convened and invite other players to give an update on where the packaging is evolving to and what is happening with the packaging chain.

The Joint Committee agreed to the recommendations. Proposed by Councillor McKeen and seconded by Councillor Enright and agreed by all. **Action: Agreed**

Item 15 – Letsrecycle – EfW to be included in emissions trading scheme from 2028

Mr Walker provided a verbal report on the recent outworking's of one of the consultations on the Emissions Trading Scheme and noted that Government had confirmed that they are going to include EfW and incineration plants to be part of the UK Emissions Trading Scheme from 2028 onwards. He advised that this would have a significant impact on EfW operators and could cost the sector many millions of pounds. He advised that various aspects of the tax were to be determined and finalised but there was a strong probability of pass-through tax/charge to councils using such facilities. Therefore, in future similar to the landfill tax, any gate fees for such facilities, are likely to incorporate this incineration tax.

He noted that this is of real relevance for the residual waste project and will be considered in due course as part of the finalisation of any financial appraisal undertake to complete the procurement programme.

The Joint Committee noted the report.

Action: Noted

Item 16 - AOB

There were no other matters raised.

Officers were asked to leave the meeting and Members remained. Ms Feeney, HR Advisor from arc21, and Mr Walker remained to present the reports.

IN COMMITTEE

Item 17 - Previous Minutes & Confidential HR Report

The In Confidence Minutes of the previous meeting on 29 June were agreed. The recommendations had consisted of a series of steps including appointing additional HR support and convening a meeting amongst Members.

Action: Agreed

Regarding Item 17, this report highlighted that Mr Craig, Corporate Services Director has resigned with immediate effect on 11 August and details were provided of the retirement arrangements. Members noted the contents.

Action: Noted

A copy of the minute will be circulated to Members of the Joint Committee only, due to the sensitive nature of the report.

Item 18 - Next Meeting 28 September 2023

Date: 28 September 2023

Chairman:

