

ARC21 JOINT COMMITTEE
Virtual Meeting No 81
MINUTES
Thursday 28 September 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 P Kennedy	Lisburn & Castlereagh City Council
Councillor A Givan	Lisburn & Castlereagh City Council
Alderman S Skillen	Lisburn & Castlereagh City Council
Councillor G McKeen (<i>Deputy Chair</i>)	Mid & East Antrim Borough Council
Councillor C Enright	Newry, Mourne & Down District Council
Councillor T Andrews	Newry, Mourne & Down District Council

Members' Apologies:

Alderman P Michael	Antrim & Newtownabbey Borough Council
Councillor C Blaney	Ards & North Down Borough Council
Councillor T Kelly	Belfast City Council
Councillor E McDonough-Brown	Belfast City Council
Councillor B Smyth	Belfast City Council
Councillor R Quigley	Mid & East Antrim Borough Council
Councillor A Wilson	Mid & East Antrim Borough Council
Councillor K Murphy	Newry, Mourne & Down District Council

Officers Present:

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

Officers' Apologies:

C Matthews	Belfast City Council
R Harvey	Lisburn & Castlereagh City Council

Item 1 - Conflicts of Interest Statement

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

The Chair reported that there were still a number of outstanding Declaration of Interests forms, and reminded Members to complete and return to Ms Campbell as a matter of urgency. This was also discussed later in the meeting.

Action: JC Members

Item 2 - Apologies

Apologies were noted.

Action: Noted

Item 3 - Minutes of Joint Committee Meeting 080 held on 31 August 2023

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

Action: Agreed

Item 4 - Matters Arising

There were no specific matters arising and updates on relevant issues were provided during the meeting.

Action: Noted

IN COMMITTEE

The Chair recommended that the meeting would now move "*in committee*" which was agreed. Proposed by Councillor Givan and seconded by Councillor McLaughlin.

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 5 - Minutes of Joint Committee Meeting 080 held on 31 August 2023 "*In Committee*" - approved.

Item 6 - Matters Arising - noted.

Item 7 - Residual Waste Treatment Project - noted.

Item 8 - Commercially Sensitive Contract & Procurement Issues - noted.

OUT OF COMMITTEE

Proposed by Councillor Givan and seconded by Councillor Kennedy.

Item 9 - Contracts & Operations Briefing Report

Ms Boal provided a report on the high-level performance statistics for August.

Service Status

She reported that all services were operational during the month of August 2023. She noted that Natural World Products Ltd (NWP) put contingency measures in place for a half day as they were tarmacking the access road to the Antrim Transfer Station, but advance notice was received and alternative arrangements advised.

Performance

She reported that there were some reporting issues from one contract which arc21 staff were working with the contractors to address.

She advised that a lot of work was being done in regard to the overweight vehicles relating to the haulage contracts, and council officers have been asked to review the data provided to them and to seek to reduce the numbers.

In terms of the bring bank sites, she reported that there were only a couple which did not have the specified capacity available. The contractors were notified and these banks were subsequently serviced as soon as possible. There were no Service Credits applied this month.

Odour Complaints

Cottonmount Landfill

Ms Boal provided an update on the odour complaints allegedly related to the landfill site at Cottonmount and advised that arc21 officers had held various meetings with Biffa to review the situation.

She included some of the comments on the daily inspections carried out by Biffa for information and the work they were doing to manage operations, including frequent installation of gas capture infrastructure and temporary capping to assist with the management of landfill gas.

She reported that Biffa had confirmed they had not detected odours off-site in the majority of the locations that the NIEA had reported receiving complaints from. She noted that NIEA had been conducting visits to the site but had advised arc21 that they had not detected an issue.

She advised that this was a live issue and that Biffa intend to write to Antrim & Newtownabbey Borough Council (ANBC) offering Members a site visit.

It was also proposed that should Members wish to visit the landfill site, arc21 were happy to arrange and they should contact Ms Campbell to register their interest.

Action: JC Members

Warren Point Harbour – RDF Storage Point

Ms Boal also reported on the recent media reports in relation to a smell purportedly coming from the RDF bales stored at Warrenpoint Harbour. She reported that this site is used in the recently awarded ReGen residual waste treatment contract for Belfast City Council (BCC). The contractor treats residual waste and prepares it for export via this port.

She advised that no mal-odours were recognised when NIEA visited the site on 5 September but arc21 officers are actively monitoring the situation with ReGen and undertaking frequent site visits.

It was also proposed that should Members wish to visit the site, arc21 were happy to arrange a site visit and they should contact Ms Campbell to register their interest.

Action: Noted

In relation to the landfill site, the Chair inquired if Biffa were disputing the odour complaints. Ms Boal advised that they weren't, but that some of the complaints had been difficult to investigate due to the time delay from receipt of the complaints and their investigation, but that they [Biffa] openly acknowledged them and they were looking into all the complaints. She noted, however, that when they are doing capping work or fitting new gas valves etc this may temporarily cause smells, and they want to address the complaints more promptly and would like to liaise more closely with ANBC. As above, they are happy for Members to visit the site.

The Chair said that his understanding was that it was not localised to one small area and that odours were arising from several potential locations and were causing ongoing concern in the area. Councillor McLaughlin said that these were being noticed as far as the Hightown Road and seemed to be being experienced several times a week.

Ms Boal advised that they [Biffa] were seeking to be proactive and intended to issue an invitation to visit the site to all the ANBC Councillors.

The Chair commented that this had been an ongoing for a number of years and had been a significant cause for concern.

Ms Boal advised that the facility is an operational landfill site and, as it is disposing of waste, there is a risk that it will never be completely odour free. This was amongst the reasons why arc21 are seeking to move up the hierarchy by developing new infrastructure. In relation to this site, she advised that the NIEA intend to be more proactive in terms of giving Biffa the information as quickly as possible in order for them to consider how best to address.

Mr Walker reiterated the offer to Members to visit the facilities to get an understanding of the scale and scope of what arc21 is dealing with, and requested that anyone wishing to visit the sites should advise arc21 accordingly.

Action: JC Members

Health and Safety

Incidents

Ms Boal reported that during August 2023, there was 1 x Health & Safety matter reported to arc21 by contractors and councils regarding an operative smoking in a non-designated area. The relevant council had been informed.

Council officers were asked to liaise with their H&S officers and operational managers, including those of external contractors, to ensure that operational teams understand their Health & Safety obligations and abide by the relevant site rules at each site.

Audits

She reported that the external Health & Safety consultants continue to undertake Health and Safety audits and in August, an audit was conducted at the BCC Transfer Station at Dargan Road. No issues were reported during this audit. Also, during this month, an audit was conducted of the Enva NI Ltd site and during a Bring Bank collection. Minor Health & Safety issues were identified during this audit and arc21 is working with the contractor to resolve these as quickly as possible.

Rejected Loads

Ms Boal reported that in August the organics delivery sites rejected 2 x loads due to contamination while Bryson rejected 1 x load for the same reason.

Officers were 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

The contract tonnages for August 2023 were presented and Ms Boal highlighted the following in comparison to the same period the previous year:

- a decrease of 0.4% for MDR material delivered to Bryson;
- a 10.6% increase for MRF Lot 2 for MDR material delivered to ReGen;
- an increase of 32.3%, for Type 1 material for the Organics Contract;
- an increase of 22.5% for type 2 material for the Organics Contract; and
- a 21.3% decrease for the Landfill Residual Waste Contract. No residual waste was sent direct to landfill by BCC in August 2023.

Supplies

Ms Boal provided a summary of the aspects pertinent to the supplies contract and advised of 1 x non-compliance with one delivery not booked in advance.

Persistent Organic Pollutants In Domestic Soft Seating

Ms Boal reported that SEPA are progressing with the advancement of advice on persistent organic pollutants (POPs) and will shortly issue their regulatory position statement (RPS) for dealing with this waste stream, an initial guidance document already being in place. It is understood that a similar approach to what occurred in England with the issue of letters to landfill operators will occur in September 2023 and SEPA have made it clear that landfill is not an option as a contingency arrangement.

She reported that DAERA have advised that there is to be discussion at the next Waste Forum meeting, with a view to establishing a working group that would meet in October 2023.

Members were asked to inform arc21 should they wish to avail of the site visits to be organised to the landfill site at Cottonmount and/or the RDF bale storage area at Warrenpoint, and to note the remainder of the report.

Following discussion, the Joint Committee noted the report. Proposed by Councillor Enright and seconded by Councillor Kennedy and noted by all.

Action: Noted

Item 10 - Waste Tonnage Trends

Ms Boal presented a report showing the waste tonnage trends for materials delivered into the arc21 contracts and noted the following:

- Landfill – shows a dip as the BCC material has now come out in the new contract and it was likely that no more than 10% will be landfilled;
- Organics – Type 1 (garden waste from civic amenity sites) shows the highest tonnage ever and for Type 2 – (food and garden waste through kerbside collection schemes) not the best year and again when we get the end of contract year in Nov there will be an assessment to see if there is any gate fee rebate; and
- MRF – Lot 1 and 2 tonnages combined – a similar trend to the 2022/23 year.

The other smaller contracts were also presented in graph form for information.

She noted that the second part of the report provided an overview of statistics in relation to percentage landfill and recycling against potential future targets for each council and performance and gaps were shown in the graphs.

She advised that work remained to be done to take food waste out of the residual bins and some councils will also be looking at removing glass from the system.

Following discussion, the Joint Committee noted the report. Proposed by Councillor Enright and seconded by Councillor Given and noted by all.

Action: Noted

Item 11 - Statement of Accounts 2022/23

Mr McKeown presented the Statement of Accounts for the year to March 2023, following the outcome of the annual statutory audit carried out by the Local Government Auditor.

He advised that this was a slight variation to previous years as this would normally have gone through the Audit Committee, but as an Audit Committee had still not been formed, and following discussions with both internal and external audit functions, it was agreed to change the process and present directly to the Joint Committee. He also noted that there had been a slight delay in the audit itself with the audit office delayed for 3 x weeks in starting the process due to resource issues.

He reported that the audit had been completed and the audit office had released "*The Report To Those Charged With Governance*" which had been circulated to Members. He reported that they were giving an unqualified audit without modification with only one recommendation noted in it and that related to the outstanding Members' Declaration of Interests forms.

He noted that the "*Statement Of Accounts*" will not be published until after the deadline of 30 September 2023, which is a consequence of resource issues within NIAO. The DfC have already been informed of this issue and they are content with the situation.

He also noted that the "*Statement of Accounts*" had been prepared on the basis of the following reports:

- Updated Code of Governance;
- Annual Governance Statement, including the significant governance issues declared;
- Head of Audit, Governance and Risk Services' Annual Assurance Statement; and
- Self-assessment against the Public Sector Internal Audit Standards.

and, due to their volume, these were available for Members review on request.

Role of the Audit Committee

Mr McKeown reported that the variation to the year-end process had been driven by the delay of NIAO being able to begin the audit process, together with an Audit Committee not being re-established following the local government elections in May and, although nominations had been sought, only one Member had volunteered to date.

He advised that it would be greatly appreciated if Members could revisit their availability to sit on this Committee as it provides sufficient assurance over governance, risk and control helping to ensure there are adequate arrangements in place for both internal challenge and public accountability.

Financial Position

The financial highlights for the year were presented and Mr McKeown highlighted the following:

- Total Income is up overall on the previous year by 5.2% - £35.6m compared to £33.8m;
- The Usable Reserves decreased by £393k from £1,378k to £986k, largely due to the agreed return of £315k of reserves and the in-year cost of the Judicial Review of £109k;
- The cash balances at 31 March 2023 increased to £4.2m compared to prior year balance of £3.7m. This is a timing difference related to the improved collection of debtors. Working capital remains healthy and sufficient to meet the contractual obligations of arc21, which average out at around £3.5m per month; and
- The deficit on the Pension Scheme improved by £723k to an asset of £78k, compared to a liability of £(645)k as at 31 March 2022.

Mr McKeown noted that, from a financial point of view, the outcome had been satisfactory for the Joint Committee, with strong cashflow management throughout the year, although there were pressures on general reserves which needed to be addressed in the current year.

The Chair also encouraged members to consider volunteering for the Audit Committee as the commitment was only 4 x meetings a year and provided a key role in the governance, risk and control arrangements for the organisation.

It was recommended that the Joint Committee approve the Statement of Accounts 2022/23.

The Joint Committee agreed to approve the recommendation. Proposed by Councillor Enright and seconded by the Chair and noted by all.

Action: Agreed

Item 12 - Consultation Responses

Mr Walker presented the Joint Committee with the arc21 proposed responses to three recent consultations including:

1. Consultation on the draft Producer Responsibility Obligations (Packaging & Packaging Waste) Regulations 2024

This consultation was based on the draft regulations which will introduce the measures to make those producing packaging to be responsible for the final costs of disposal and are due to come into effect in October 2025.

2. Plastic Packaging Tax – Chemical Recycling & Adoption of a Mass Balance Approach Consultation

This consultation explores the case for allowing a mass balance approach, the different mass balance models, and the use of certification schemes to track recycled content through the plastics value chain.

3. 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

This Consultation was on the carbon budget and the recommendations arising from the Climate Change Committee (CCC) and their advice report recommending some serious actions in a variety of different sectors including the waste sector.

The Chair suggested that should any Member wish to raise any questions with Mr Walker to do so by close of business Friday 29 September, following which Mr Walker would be submitting the responses and circulating to the councils for information.

Mr Walker also discussed the concerns raised at the previous meeting for Members to be permitted to review the consultation responses in advance of their submission. He noted that over the current Corporate Plan timescale, arc21 had responded to 40 x papers, with the average timescale for response being 12-14 weeks. As anything less than this would make it difficult to prepare a response and take through governance, he proposed that arc21 would not respond to consultation responses 8 x weeks or less due to the governance timeframe.

In terms of this proposal the Chair suggested that arc21 consider how a process could be developed to allow arc21 to respond while presenting an opportunity for Members and councils to review, as they are being submitted on behalf of the Joint Committee and accepted as the considered view of the councils.

The Chair agreed that he felt that 8 weeks or less was not adequate to be able to respond to a consultation.

It was therefore recommended that the Joint Committee approve the three proposed arc21 consultation responses with any final comments to be submitted to Mr Walker by Friday 29 September:

1. **Consultation on the draft Producer Responsibility Obligations (Packaging & Packaging Waste) Regulations 2024;**
2. **Plastic Packaging Tax – Chemical Recycling & Adoption of a Mass Balance Approach Consultation (responses to be submitted by 10 October); and**
3. **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**

The Chair also recommended that arc21 does not respond to any consultations of 8 weeks or less and develop an appropriate process, in liaison with Mr Walker, which would allow time to share with Members for approval.

Councillor Enright proposed that arc21 should inform those Departments issuing consultation exercises of 8 weeks or less of this decision.

Mr Walker suggested that there is a proviso, however, if there is an instance where he felt he needed to respond as there were areas of work when arc21 is asked for a response in a short timescale (e.g. pension, HMRC etc). In such instances, he would consult with the Chair and bring the response back to the Joint Committee for ratification.

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

Action: Agreed

Item13 - Governance & HR Matters

Mr Walker provided a report on a number of governance and human resources matters.

(1) Roles & Responsibilities for Joint Committee Members

Mr Walker reported that Members from the last Joint Committee had raised issues concerning the roles and responsibilities which fell to Members in discharging their arc21 duties and following HR and legal discussions, the roles and responsibilities of the Joint Committee Members had been prepared and were presented.

(2) Declaration of Interests

Mr Walker advised that the auditors had requested that arc21 secure Members' Declarations of Interest as a matter of urgency and as such a further form was included in the papers. He thanked all those who had responded to date and encouraged those outstanding to return their forms to Ms Campbell by return.

(3) Audit Committee

Mr Walker referred to the earlier discussion in relation to seeking members for the Audit Committee. He advised that the previous Audit Committee was served by five Members.

He noted that the role of the Audit Committee was to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements and to ensure there is sufficient assurance over governance, risk and control gives greater confidence to all those charged with governance that those arrangements are effective. It is a cornerstone of good governance, and it is important that it is established as soon as possible.

Members were again asked to revisit their availability to sit on this Committee.

(4) Recruitment of Chief Executive

The Chair advised that he felt that there was a conflict of interest with Mr Walker being in attendance and noted his concerns over any further discussion at this stage. He suggested that he and Mr Walker would have the discussion on how the Joint Committee can get the appropriate HR advice to progress.

Mr Walker noted that the current temporary HR advisor to arc21 would be leaving at end of the week, and he would discuss further with the Chair offline.

Councillor Enright advised that he had read the Solace report referred to in the paper and noted a number of issues associated with it including the assumption that all 11 councils would seek to collaborate. If so, the councils would need to consider how their waste streams could be processed, how the tension regarding some extant arc21 proposals could be addressed, how personnel would be recruited, etc.

It was recommended that the Members:

- (i) approve the Roles & Responsibilities outlined in the appendix to the report;
- (ii) complete the Declaration of Interest forms and return these to arc21 offices as a matter of priority;
- (iii) consider volunteering to sit on the Audit Committee; and
- (iv) the CEX recruitment should be taken out of the report and the Chair would progress offline with Mr Walker and then bring a report back.

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

Action: Agreed

Item 14 - Annual Report for the Year to March 2023

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. He noted that since the last meeting no comments had been received and it was proposed that the Joint Committee adopt the Annual Report for the year to March 2023 for uploading onto the website.

The Joint Committee noted the Annual report to March 2023. Proposed by Councillor Andrews and seconded by Councillor Given and agreed by all.

Action: Agreed

Item 15 - AOB

ISO9001

Mr Walker provided a verbal update of arc21's recent success in being re-accredited for ISO9001 for a further three years with no observations being made at the recent exercise.

The Chair commended the organisation on this achievement.

Action: Noted

Future meetings

The Chair reported that, following discussions at the August Committee meeting, it was hoped to hold the September meeting in a hybrid format allowing in person attendance, and ANBC had offered to host the meeting. However, due to a small number of Members being able to attend, it had been considered appropriate to hold the meeting online. He therefore inquired whether Members wished to continue with virtual or hybrid type meetings, and if arc21 should continue to organise accordingly.

Councillor Andrews noted that where possible he was keen to attend meetings in person. Councillor Cathcart advised that although he was happy for hybrid, he would be unable to attend in person due to work commitments – Councillor McLaughlin agreed with this position.

The Chair suggested that he would discuss further with Mr Walker to discuss the potential for hybrid meetings in order to facilitate accommodating those wishing to attend in person. Mr Walker noted that to hold an in-person meeting, arc21 would need an early declaration from Members on their intention to attend, otherwise the presumption would be to use the MS Teams option only but would discuss further with the Chair.

Action: Chair & Mr Walker

Antrim & Newtownabbey Borough Council (ANBC) correspondence

The Chair raised a matter of outstanding correspondence with ANBC and Mr Walker advised that responses would be provided in the near future.

Action: arc21

Item 16 - Next Meeting 26 October 2023

Mr Walker asked Members to stay on to discuss one final administrative matter and officers left the meeting.

Date: 26 October 2023

Deputy Chair:

A handwritten signature in black ink, appearing to read 'Gregg', with a long horizontal flourish extending to the right.