

**ARC21 JOINT COMMITTEE**  
**Meeting No 89**  
**MINUTES**  
**Thursday 29 August 2024**  
**Hosted by Mid and East Antrim Borough Council**

**Members Present:**

Councillor M Goodman ( <i>Chair</i> )	Antrim & Newtownabbey Borough Council
Councillor R Lynch	Antrim & Newtownabbey Borough Council
Councillor H Cushinan	Antrim & Newtownabbey Borough Council
Councillor E Thompson	Ards & North Down Borough Council
Councillor A Givan	Lisburn & Castlereagh City Council
Councillor P Kennedy	Lisburn & Castlereagh City Council
Councillor G McKeen ( <i>Deputy Chair</i> )	Mid & East Antrim Borough Council
Alderman M Morrow	Mid & East Antrim Borough Council
Councillor R Quigley	Mid & East Antrim Borough Council
Councillor K Murphy	Newry, Mourne & Down District Council
Councillor C Enright	Newry, Mourne & Down District Council
Councillor T Andrews	Newry, Mourne & Down District Council

**Members' Apologies:**

Councillor C Blaney	Ards & North Down Borough Council
Councillor J Cochrane	Ards & North Down Borough Council
Councillor B Smyth	Belfast City Council
Councillor M Collins	Belfast City Council
Councillor E McDonough-Brown	Belfast City Council
Alderman S Skillen	Lisburn & Castlereagh City Council

**Officers Present:**

T Walker	arc21
H Campbell ( <i>Secretary</i> )	arc21
K Boal	arc21
J Green	arc21
B McKeown	arc21
M Laverty	Antrim & Newtownabbey Borough Council
B Murray	Belfast City Council
W Muldrew	Lisburn & Castlereagh City Council
D Carey	Mid & East Antrim Borough Council
S Murphy	Newry, Mourne & Down District Council

**Officers' Apologies:**

D Lindsay	Ards & North Down Borough Council
S Leonard	Belfast City Council
R Harvey	Lisburn & Castlereagh City Council
S Morley	Mid & East Antrim Borough Council

**In attendance:**

Claire O'Prey & John Martin - Audit, Governance and Risk Services (AGRS)  
Conor Hill - Northern Ireland Audit Office (NIAO)

The Chair welcomed the auditors to the meeting.

## **Item 1 - Conflicts of Interest, Gifts and Hospitality Statement**

The Chair read out the Conflicts of Interest, Gifts and Hospitality Statement, and none were noted. **Action: Noted**

## **Item 2 - Apologies**

Apologies were noted. **Action: Noted**

## **Item 3 - Minutes of Joint Committee Meeting 088 held on 23 July 2024**

The Joint Committee approved the minutes. Proposed by Councillor Andrews, seconded by Councillor Kennedy. **Action: Agreed**

## **Item 4 - Matters Arising**

**UK Emissions Trading Scheme (UK ETS)** - *the Chair suggested that a specific briefing session on this topic would be beneficial later in the year to consider the implications for councils and, as this was an issue for councils across Northern Ireland, it was proposed that, working with NILGA, Mr Walker would organise a workshop for Members on this topic later in the year* - Mr Walker advised that he had spoken to NILGA and was working on a joint event towards Jan/Feb 2025, to include all councillors in NI, as it will affect all councils. **Action: Noted**

**Consultation - UK Emissions Trading Scheme (UK ETS) - Scope Expansion to Include Waste** - the final response, submitted on behalf of arc21, was presented in the main meeting for noting. **Action: Noted**

**Call for Evidence - Developing Biomethane Production in Northern Ireland** the final response, submitted on behalf of arc21, was presented in the main meeting for noting. **Action: Noted**

**Organisational Cultural Audit** - *The Chair requested that last year's report on organisational cultural undertaken by AGRS could be issued to Members for their information* - Mr Walker advised that this had been circulated. **Action: Noted**

**DAERA Minister meeting 27 Aug 24** - Mr Walker reported that he and the Chair had met with the Minister, Mr Andrew Muir, primarily to introduce arc21 to him [the Minister] and also to discuss a number of issues including the content of the forthcoming Waste Strategy consultation, arc21's WMP consultation which was underway, and to pose several questions. These focussed on: (i) proposed policies and how they could be woven together along with how Northern Ireland could mirror the progress being made in the other administrations; (ii) lack of general infrastructure for many waste types in NI and that, despite recommendations from the Climate Change Commission, through a lack of planning and investment a reliance on export was emerging; and (iii) the current level of litigation in Northern Ireland which risked confounding securing alternative waste treatment solutions and, in the advent of this situation prevailing, whether the Department would be prepared to work with arc21 in terms of contingency. The Minister responded that he was eager to progress the development of a circular economy in Northern Ireland and was unafraid of making difficult decisions, he concluded by stating that he would not comment on hypotheticals at this time. Mr Walker highlighted that the meeting appeared to have been positive with a receptive audience.

The Chair noted that the Minister had been fairly non-committal but receptive to hearing what arc21 had to say and that arc21 would need to revert at some stage to reinforce its position, but a good start.

**Action: Noted**

**Audit Committee membership** - discussed later in the meeting.

**Action: Noted**

**Online/hybrid meetings** - discussed later in the meeting.

**Action: Noted**

## **IN COMMITTEE**

The Chair recommended that the meeting would now move "*in committee*" which was agreed. Proposed by Alderman Morrow, 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 ten matters discussed.

<b>Item 5</b>	<b>Minutes of Joint Committee Meeting 088 held on 23 July 2024 'in committee' - approved</b>
<b>Item 6</b>	<b>Matters Arising - noted</b>
<b>Item 7</b>	<b>Commercially Sensitive Contract &amp; Procurement Issues - approved</b>
<b>Item 8</b>	<b>Residual Waste Treatment Project - noted</b>
<b>Item 9</b>	<b>Head of AGRS' Annual Assurance Statement 2023/24 - noted</b>
<b>Item 10</b>	<b>Code of Governance Annual Review - approved</b>
<b>Item 11</b>	<b>Draft Report To Those Charged With Governance 2023/24 - noted</b>
<b>Item 12</b>	<b>Statement of Accounts 2023/24 - approved</b>
<b>Item 13</b>	<b>Audit, Governance &amp; Risk Services Progress Report - noted</b>
<b>Item 14</b>	<b>Risk Management Update – noted</b>

## **OUT OF COMMITTEE**

Proposed by Councillor Enright, seconded by Councillor Murphy.

The Chair thanked all those who had contributed to the papers in the in committee section.

## **Item 15 - Contracts & Operations Briefing Report**

### Service Status

Ms Boal reported that all services were operational during the months of June and July 2024, and there were no requests from contractors to put any contingency arrangements in place.

### Performance

She reported that turnaround times had been reviewed for June and July, and in most cases the contractors provided adequate reasons and therefore no service credits were applied to them. However, service credits were applied to Bryson (June and July) and NWP (June) for failing to meet their contractual turnaround times.

She noted that the overweight vehicles continue to be monitored and officers were liaising with councils and contractors in a bid to reduce these.

In June and July, she advised that most reports were submitted on time and there were only minor issues in June with ReGen (MRF Lot 2), NWP and Heatricks reports that required revision due to incorrect data.

In June, there were 13 x requests for bring site rectifications (they did not have the specified capacity) across all contracts. These were communicated with the contractors, and in most cases, they confirmed that they had been emptied within the required 48 hours. In July, there were 16 x rectification requests, the majority of these were completed on time except for one bottle site that was serviced a day after the required 48 hours. Service Credits were applied to ENVA as a result.

### Health & Safety

#### (i) Incidents

She reported that during June and July 2024, there was one Health & Safety incident reported to arc21 by its contractors and the council was informed and took appropriate action.

#### (ii) Audits

She reported that the external Health & Safety consultants continued to undertake health and safety audits and in June there were audits conducted with NWP at their Glenside sites for Organics and Transfer Station. In July, there were also audits at NWP's Keady and Drumanakelly sites. Some minor recommendations and actions were identified and these reports have been shared with NWP. She noted that arc21 is working with them to address these as soon as possible.

She noted that there had been discussion at the Steering Group meeting around material caught in hoppers and how to remove this, and officers were proactively looking at including equipment handling within updated risk assessments.

### Rejected Loads

Ms Boal reported that there was one rejected load delivered into MRF facilities in June, and one rejected load delivered into the Organics delivery sites in July 2024.

## Compost Week

She reported that International Compost Week took place on 5 – 11 May 2024. arc21 councils ordered 237 x pallets of compost, which was delivered to 24 x different delivery locations. Some examples of how this was promoted by the councils was presented in the report.

## Single Use Vapes

A report on the position of vapes was presented at the meeting, this included the outcome of the consultation on the draft regulations, an overview of the draft legislation in England and the situation in the other jurisdictions.

Ms Boal noted that the Scottish Government has proposed comparable draft regulations to England with an entry into force date of 1 April 2025; the Welsh Government was also working towards this date; while in May 2024, the Minister [Mr Muir] announced his intention to introduce a ban on the sale and supply of single use vapes in Northern Ireland, in parallel with the rest of GB. In his statement, he confirmed that a single use vapes working group has been formed between Northern Ireland, England, Scotland and Wales. Under current plans, each nation will progress its own legislation and have agreed to work towards a joint commencement date of 1 April 2025.

The disposal options in the arc21 area were discussed, and she reported that containers for the collection of vapes had been put in place across the network of Household Recycling Centres but it was too early yet to determine the uptake from the public.

She noted that Bryson had reported significant numbers of vapes and were to remove these and arrange with Veolia, the service provider, for their disposal. Ms Boal reported that these arrangements should be in place within the next few weeks.

## Odour Complaints Cottonmount Landfill

A summary of the complaints received in the last two months were presented at the meeting.

Ms Boal reported that staff from Biffa and the Environmental Health Officers from the Antrim & Newtownabbey Borough Council continue to work closely to monitor any complaints raised at the site and have investigated some of those jointly.

In cases where the complaint was actioned in real time, she advised that Biffa had attended some locations only to confirm there was no evidence of odour and where this has not been possible, they have mapped the location and the wind direction, and this has not aligned with the source of the odour complaint.

She noted that no issues of flies or litter have been reported.

She also noted that Biffa are being proactive in capping the material on site and putting in pin wells to extract gas.

## Warrenpoint Harbour

Ms Boal advised that there was an active media presence, and a peaceful protest was held on Thursday 15 August 2024. She advised that it was arc21's understanding that complaints had been directed towards the Minister and are now extending beyond odour and into potential human health issues from the spray being used, along with claims of leachate leaking into the lough etc.

She noted that arc21 continues with its programme of monthly monitoring of the RDF storage area at Warrenpoint, and no odours had been recorded on the site during those visits. Copies of the NIEA inspection reports for the site have been received which indicate compliance across a range of aspects, including odour.

In addition, she advised that arc21 has been liaising with NIEA which it is understood is in close contact with ReGen and the Newry, Mourne & Down District Council's Environmental Health Officers. There has been an increase in site visits over the last couple of months and each of these have shown that the site has been operating in compliance with its permit. These visits have been undertaken in a variety of weather conditions.

A further site visit took place on 6 August 2024 and no issues were identified.

She reported that NIEA had confirmed that they have received 11 x complaints directly so far this year, from 1 January to 2 July and confirmed that at least two of these were attributed to other activities.

ReGen have recently confirmed that they have not received any complaints directly in relation to their operations on site, and that they are operating well within the maximum residency timeframes permitted. She noted that this replicates what arc21 has seen when it is carrying out site inspections.

Furthermore, she advised that ReGen continue to utilise a private company to monitor odours at the site as well as in the surrounding areas which has not yielded any issues.

At the request of the Minister, a multi-agency meeting was to be organised on the site and arc21 is awaiting an update from NIEA.

She noted that the material at Warrenpoint is moving regularly and the operator has gone to great lengths to get drone footage of operations over the site.

She advised that unfortunately many complaints are not going directly to ReGen meaning they are unable to investigate the source of the complaint in real time. She advised that if any Member receives complaints, it would be beneficial if the complainant could be encouraged to contact the NIEA and the operator as well.

She noted that arc21 is not seeing anything out of the environmental inspection reports in terms of non-compliance. arc21 continues to monitor the situation to ensure the waste materials move as planned, and has not been detecting any odours on site during these visits.

Councillor Enright noted that he had received a number of complaints and from his observation, the rotation of the number of bales had improved over the last couple of years. However, he suggested that the process by which residents can register a complaint needs to improve so that they only have to raise the matter with one person rather than being asked to contact 2 or 3 organisations. Ms Boal advised that NIEA was the regulator but that she would ask the Group (NIEA, Operator and Environmental Health Officers) to consider if there is a way arc21 could assist in promulgating who is the best person to raise complaints to.

**Action: Ms Boal**

Councillor Murphy advised that she and her colleagues, specifically the female ones, were being verbally abused on the streets in terms of how they were managing the complaints.

## arc21 Contract Tonnages

A list of the contract tonnages for June and July 2024 was presented and are replicated as follows:

- *MRF Lot 1 in June 2024, there was a decrease of 15% in comparison to June 2023, and in July 2024 there was an 8.9% increase in comparison to July 2023. For MRF Lot 2, in June 2024 there was a 4.7% decrease from June 2023 for MDR material delivered to ReGen, and a 38.4% increase in July 2024 in comparison to July 2023;*
- *Organics Contract, in June 2024 there was a 4.8% decrease for Type 1 material in comparison to June 2023, in July 2024 there was a 14.3% increase in comparison to July 2023;*
- *type 2 material, there was a decrease of 4% in June 2024 in comparison to May 2023, and in July 2024 there was an increase of 18.7% in comparison to July 2023;*
- *Landfill Residual Waste Contract, there was a 25.7% decrease in June 2024 in comparison to June 2023, and a 14% increase July 2024 in comparison to July 2023.*

## Supplies

The summary of the aspects pertinent to the supplies contract was presented and no issues were noted.

Following discussion, the Joint Committee noted the report. Proposed by Councillor Andrews, seconded by Councillor Murphy.

**Action: Noted**

## **Item 16 - Waste Tonnage Trends**

Ms Boal presented the monthly waste tonnage trends, presented in graph format, for materials delivered into the arc21 contracts in July for information.

She highlighted the following:

- Landfill - upturn in the amount of tonnage received in July and may be to do with the bin collections
- Organics Type 1 - reasonably high tonnage
- Organics Type 2 - above last three years

She noted that whilst the market for textiles was not good in terms of income, the amount of material being brought to the HWRCs remained strong, while the tonnage had increased.

She noted that the report also included an overview of the performance in 2023/24, in graph format, against future notional landfill and recycling targets using information from Waste Data Flow (2023/24 unvalidated) for information.

Following discussion, the Joint Committee noted the report. Proposed by Councillor Quigley, seconded by Alderman Morrow.

**Action: Noted**

## **Item 17 - Consultation responses submitted in August: UK Emissions Trading Scheme (UK ETS) - Scope Expansion to Include Waste; and Call for Evidence - Developing Biomethane Production in Northern Ireland**

Mr Green presented the responses submitted by arc21 to the Consultation on “*UK Emissions Trading Scheme (UK ETS) – Proposed Scope Expansion to Include Waste*” and Call for Evidence on Developing Biomethane Production in Northern Ireland for noting.

He highlighted the following:

- UK ETS - still has not been confirmed yet but, as part of the emissions trading, it is probable that any facility built in Northern Ireland which generates electricity is unlikely to be in the EU ETS; debate on this is ongoing between the officials in DAERA, Defra etc.
- Biomethane - in discussions with the Steering Group, arc21 identified that a salient point for councils in relation to policy development in this area relates to the distribution of monies and any obligations that emerge for councils to incur additional costs, particularly around separate food waste collections, while other actors in the value chain generate revenue. This point was emphasised.

In terms of UK ETS, Councillor Enright raised concerns regarding potential additional costs to be borne by ratepayers and whether any such tax would be better placed upon producers.

The Chair advised that at the July meeting, it was recognised the potential costs on councils and subsequently ratepayers was something Members needed to develop a better understanding of.

Mr Green advised that arc21 had highlighted the possibly of prematurity regarding the implementation of the ETS as it was proceeding in parallel with or in advance of the introduction of the EPR scheme, flexible plastics and DRS schemes. He highlighted that these points have been made. He noted that one of the characteristics that separates the EU from the UK scheme is that the EU Scheme was revenue neutral, while revenue raised from the UK Scheme would be received by the Treasury. He said that it was still unclear which scheme would apply in Northern Ireland.

The Chair advised that every council would need to consider how it addressed this matter, depending on which scheme is finally adopted here.

Alderman Morrow discussed the animal production of biomethane and research in Scotland which is seeking to recover methane from animal houses which could then be used as energy. How this could be undertaken in urban areas was likely to prove more complex but she believed that if there was a way this could be developed for waste from HWRCs, this could alleviate costs to the ratepayer.

Mr Walker advised that arc21 is due to organise a joint seminar with NILGA specifically on this issue in the coming months with a number of key speakers being invited.

Councillor Enright advised that he had visited biomethane facilities in the ROI with farmers from County Down, and that there was an extensive grant aided scheme in place to encourage farmers [in ROI] to progress with biomethane production projects for the purposes of electricity generation.

Following discussion, the Joint Committee noted the report. Proposed by Alderman Morrow, seconded by Councillor Enright.

**Action: Noted**

## **Item 18 - Governance Report**

Mr Walker provided a report with a number of governance areas as follows:



## Extension of Delegated Authority to Directors

Mr Walker reported that through the Scheme of Delegation, the Acting Chief Executive (ACX) is responsible for discharging a number of responsibilities.

It was proposed that in the absence of the ACX, the arc21 Directors can continue with the delivery of their daily operations automatically without the need for separate extension of delegated authority by email, as was issued previously.

In particular, the specific powers that are to be extended are as listed below (replicated from the report):

- 2.14 *Granting small scale hospitality and other reasonable hospitality required in relation to the activities of the organisation*
- 2.15 *Procuring goods and services where the contract is in relation to matters of a routine or recurring nature and is not of an unusual or controversial nature.*
- 2.16 *Procuring goods and services or works in accordance with Appendix 1, including where the Joint Committee has approved the invitation of tenders and the award is in accordance with the predetermined award criteria.*
- 2.17 *Taking action to ensure contract compliance and negotiating claims and issuing contract variations.*
- 2.18 *Approving the changing of sureties by Contractors provided the interests of the Joint Committee remain fully protected.*
- 2.19 *Conducting tasks of a routine and recurring nature including minor purchases of office equipment and authorisation of works and general maintenance.*

## Recommendation

**It was recommended that Members grant the use of delegated authority by the relevant directors when the ACX is absent.**

## Remote/Hybrid Working Update

Mr Walker reported that “*The Local Government (Remote Meetings) Regulations (NI) 2024*” were now made which extends the ability for Members to “*attend or participate in a meeting by electronic means, including by telephone conference, video conference, live webcasts, and live interactive streaming*”.

Article 2 (5) of the legislation states that “*a council*” “*must make standing orders governing remote attendance at meetings of that council*”.

He advised that in order to ensure that the Joint Committee continued to function during the COVID pandemic, in May 2021 Clause 17 of arc21’s Standing Orders was amended as follows:

*17. Remote Meetings: The Local Government Act (NI) 2014 makes references to “members present and voting on the decision”. In the case of the Joint Committee, and any Sub Committee established by the Joint Committee, this includes a Member being present through remote attendance.*

As the amendment to arc21’s Standing Orders above was sufficient to permit arc21 to return to online meetings, it was recommended by arc21’s legal advisor to re-affirm this alteration to its Standing Orders with Members at the Joint Committee meeting.

He noted that arc21's quorum remains unchanged (i.e. six Members from four Councils are needed at a meeting for decisions taken to be valid).

He noted that it was also suggested that during the course of a year, at least one meeting is held in person in order that Members can meet with each other and raise matters directly with officers. In this regard, it may be appropriate for the Annual General Meeting (AGM) to be this annual in-person meeting.

Concerns were noted on the proposal to hold meetings online only and Councillor Andrews noted his opposition to this and suggested hybrid as an option. Councillor McKeen noted that there had been difficulty in achieving a quorum when meetings had returned to in person only and recommended that holding hybrid meetings quarterly may be a way forward to allow members an opportunity to attend some meetings in person. Following a discussion, this approach was proposed by Members.

### **Recommendation**

**It was recommended that hybrid meetings are held quarterly with the remainder of the meetings to be held online. It was also noted that it would be preferable for Members to attend the AGM in person.**

### **Service Level Agreement with the LGSC**

Mr Walker advised that he had engaged with the LGSC and proposed a service level agreement (SLA) which would permit arc21 to access their services.

Initial discussion of this was had earlier this month and the paper has been forwarded for consideration at the next meeting of the LGSC Audit Committee in September.

### **Recommendation**

**Members were asked to note this progress.**

### **Letter of Support for RESCUE**

Mr Walker advised that arc21 had been asked to support a collaborative research project, led by Dr Velenturf from the University of Leeds. This project, called title "*Regulations to Ensure Sustainable Circular Use at End-of-life for wind (RESCUE)*" involves the Offshore Renewable Energy Catapult, the University of Leeds, EMR, and Ionic Technologies. The partnership had approached arc21 as it is reaching out to improve its understanding of the local barriers so that it can develop appropriate solutions to manage wind turbines at the end of life.

arc21 has been requested to provide a letter of support with no actual attendance required.

### **Recommendation**

**Members are asked to consider and approve this engagement.**

### **Advance Notice of the Intention to Re-establish the Audit Committee**

Mr Walker discussed the intention to establish the Audit Committee to ensure good practice and provide appropriate assurance regarding arc21's performance to both the Joint Committee and councils.

He advised that AGRS had recommended that this approach be revisited with the objective being to separate the Audit Committee and its papers from those of the Joint Committee.

He noted that during the previous term of the Corporate Plan, three Members met online as the Audit Committee on a quarterly basis for two hours (approx.) to discuss risk and audit matters from which reports were then summarised for consideration and approval by the full Joint Committee.

Discussion ensued at the meeting and the following recommendation was proposed.

### **Recommendation**

**It was recommended that the Audit Committee be re-established, and hold quarterly meetings online.**

Discussion ensued and the following four members volunteered to sit on the Audit Committee: **Councillor Enright; Councillor McKeen; Councillor Murphy; and Alderman Morrow**

The officers from AGRS advised that they were happy meet with any new Members to provide a briefing in advance and provide support as necessary.

Members agreed to approve the recommendations highlighted above. Proposed by Councillor McKeen, seconded by Councillor Quigley.

**Action: Agreed**

### **Item 19 - AOB**

**New Member online briefing 21 August 2024** - Mr Walker advised that he intended to circulate the slides from the recent Member online briefing to all Members for information and if there was anything Members would like to discuss further with him they are welcome to contact him accordingly.

**Action: Mr Walker**

**NIAO report on waste management arrangements** - Mr Walker advised that he intended to include a review on this in the next Governance update report.

**Action: Mr Walker**

**Item 20 - Next Meeting & AGM on Thursday 26 September 2024 at 10.30am to be hosted by Newry, Mourne and Down District Council in the Council Chamber, Downshire Civic Centre, Ardglass Road, Downpatrick BT30 6GQ**

**Action: Noted**

**Date: 26 September 2024**

**Chairman:**

