

THE STRATEGIC WASTE BOARD

Wednesday 24 October 2007

9.30 am Omagh Enterprise Company

MINUTES

Present:

Arlene Foster MLA	Minister of the Environment (Chair)
Paul Simpson	Department of the Environment Deputy Secretary Local Government and Environmental Policy
Wesley Shannon	Department of the Environment Director Climate Change and Waste Management Division
Anthony McKay	Planning Service
John McMillen	OFMDFM Director Resources, Regeneration, International Relations and RPA Implementation
Anne Tohill	Department of Enterprise, Trade and Investment
Dr Roy Ramsay	Director, Environmental Protection, Environment & Heritage Service
Graham Byrne	Operational Director, Southern Waste Management Partnership (SWaMP)
John Briggs	Acting Chief Executive Armagh City and District Council. (SWaMP)
Councillor Francie Molloy	Chairman, SWaMP, Dungannon and South Tyrone Borough Council
John Quinn	Chief Executive, arc21
Alderman Hubert Nicholl	Chairman, arc21 Joint Committee, Ballymena Borough Council
Councillor Winston Fulton	Deputy Chairman, arc21 Joint Committee, Larne Borough Council
Eamon Molloy	Development Officer, North West Region Waste Management Group
Councillor Robert McPherson	Coleraine Borough Council

The Minister agreed 'any other business' could be raised at the end of the meeting and AOB would be placed on future SWB agendas.

AOB to be tabled on future SWB agendas.

4. Matters Arising

(4.1) Independent Board Members – Paper SWB 1 (3/2007)

In discussion, the following points were made:

- (i) In response to local government elected members' concern regarding delays in the appointment of independent board members, it was noted that the process of appointing independent members has been time consuming as the Department has followed the OCPA process to ensure transparency and fairness.
- (ii) The job criteria for independent members should be altered to include 'Climate Change' in the 'skills and experience' section.
- (iii) The outlined requirement for a specialist professional qualification could unnecessarily limit the number of potential applicants, as individuals with the experience needed to contribute to the work of the SWB may not be professionally qualified.

It was agreed that:

- (i) The 'Skills and Experience' section should be amended to include 'Climate Change'
 - (ii) The essential criteria should be re-examined to ensure candidates with relevant experience are not excluded from applying for the posts.
- Secretariat to amend 'skills and experience' and 'essential criteria' for job application forms.

(4.2) Strategy Delivery Programme – Paper SWB 2 (3/2007)

In discussion, the following points were made:

- (i) The new proposals for strategy delivery governance were outlined to members.
- (ii) It is important that board members are afforded the opportunity to consider the proposed changes to the strategy delivery programme and all members should be provided with a copy of the final Deloitte report prior to making a decision on the proposals.
- (iii) The proposals presented differed from those made by Gillian Mayhew at the previous SWB meeting and also from the board structure outlined in *Towards Resource Management*. The terminology and frequency of meetings is different and more frequent meetings may be required.
- (iv) Local government is keen for the SWB to meet as necessary to ensure delivery of the strategy is progressed as quickly as possible.
- (v) Local government elected members should be included on the proposed Waste Programme Steering Group.

It was agreed that:

- (i) It is vital to keep local government involved and informed at each stage of the process.
- (ii) Timely communication with elected members will enhance decision-making.
- (iii) A special meeting should be arranged in December to enable members to fully consider the governance proposals.
- (iv) Board members will be provided with a copy of the final Deloitte report prior to making a decision on the proposals.

Secretariat to keep local government involved and informed at each stage of the process.

Secretariat to ensure timely communication with elected members.

Meeting scheduled for 11.30 am on Wednesday 5th December.

Secretariat to circulate copies of final Deloitte report to SWB members following November meeting of PDSU SG.

(4.3) PPP/PFI Vires – Paper SWB 3 (3/2007)

In discussion, the following points were made:

- (i) Clarification was sought on the timetable for the required legislation given that WMGs will be going to the market early next year.
- (ii) The timely introduction of this legislation may be impeded by the legislative review on related issues in England.
- (iii) The Department of the Environment should consult with local government solicitors and waste group representatives to scope out the breadth of legislation required to overcome the vires issue.
- (iv) Elected members should lobby colleagues to impress the urgency of this legislation and avoid unnecessary delay at Committee stages.

It was agreed that:

- (i) The introduction of necessary primary powers in Northern Ireland would not be delayed by legislative review in England.
- (ii) The legislation will be brought forward as soon as possible during the 08/09 session.
- (iii) Timetables for the processing of legislation should be presented at the SWB meeting following the special meeting scheduled for December.
- (iv) Department of Environment will consult with local government to scope out breadth of legislation required.

Minister to present best and worst case scenario timetables for PPP/PFI legislation to be prepared for the spring '08 SWB meeting

DOE to consult with Local Government solicitors and waste group representatives to identify legislative gaps preventing councils entering into PPP/PFI agreements.

5. Report from Programme Delivery Support Unit Steering Group - Paper SWB 4 (3/2007)

In discussion, the following points were made:

- (i) A new PDSU Director should be taking up post in January 2008.
- (ii) The issue of EC regulations in relation to state aid is still being evaluated by DOE/DETI officials and advisors.
- (iii) Waste Management planning applications will not be impeded by slow processing at divisional planning offices. It was confirmed that all planning applications are dealt with centrally, and that a number of these will be Article 31 applications.
- (iv) There is Local Government concern over potential time delays arising as a consequence of planning enquiries and there is a need to deal with this issue at

- a strategic level.
- (v) It was noted that the previous Minister for the Environment had suggested proposals for a single consenting regime for processes with energy recovery.
 - (vi) The Service Level Agreement between the PDSU and the three Waste Management Groups will allow for flexibility in PDSU governance arrangements.

The Minister:

- (i) Noted the value of a single consenting regime for processes with energy recovery
 - (ii) Advised members of her intention to make an announcement on Planning Reform by the end of the year.
- Minister to make an announcement on Planning Reform by the end of the year.

6. Waste Infrastructure Funding – Paper SWB 5 (3/2007)

The Minister noted the draft budget would be presented by the Finance Minister to the Northern Ireland Assembly on the following day, and thanked the WMGs for their input to the development of the Department's Strategic Business Case.

No additional points were raised concerning the proposals in the paper.

7. Communications – Paper SWB 6 (3/2007)

In discussion, the following points were made:

- (i) The Minister acknowledged her department has not progressed as quickly as she would like the work of the Learning and Communications Forum.
- (ii) Local Government elected members require further briefing on technical waste management solutions and processes, and further communication is needed with elected members and the public.
- (iii) NILGA should provide information to elected members to keep them abreast of developing waste management issues.
- (iv) Central government should assist or cover costs accrued by local government in running communication campaigns.
- (v) The need for a partnership approach between local and central government was emphasised.

It was agreed that:

- (i) Both Central and Local Government involvement is needed in engaging the public on waste issues.
- (ii) An update on the Department's progress to be given at next meeting.
- (iii) Resourcing of commitments will be dealt with as a priority further to the publication of the Deloitte communications report.

NILGA and waste groups to develop Local Government understanding of waste issues.

An update of the Department's progress on producing a communications strategy to be presented at meeting scheduled for 5th December.

Minister to examine resourcing of local government communications programmes following finalisation of Deloitte communications report.

8. Review of Environmental Governance – update report - Paper SWB 7 (3/2007)

In discussion, the following points were made:

- (i) There is no opportunity for Stakeholders to comment on the recommendations of the Review of Environmental Governance report.
- (ii) Built heritage is afforded insufficient focus. Report concentrates primarily on Environmental Protection.
- (iii) The question was raised as to whether or not responsibility for built heritage would be transferred to local government under the RPA.
- (iv) A query was raised by a Local Government member of the board regarding a number of the recommendations made in the Review of Environmental Governance report.

In response the following points were made:

- (i) The Minister acknowledged the lack of attention paid to built heritage and other matters in the Review of Environmental Governance report.
- (ii) While remaining open minded about the recommendations made in the report, the Minister

will not make any decisions without detailed costings, which should be available before the end of 2007.

(iii) The Minister welcomed input from stakeholders regarding the recommendations of the Review.

9. Date and venue for next meeting

The Minister reaffirmed the need for an early meeting to consider the Strategy Delivery Programme. It was agreed that the next meeting would be held in Clarence Court on Wednesday 5th December, with the following meeting hosted by Arc21.

Secretariat to circulate arrangements.

AOB

In discussion a query was raised as to whether or not funding for implementation of the Deloitte report and Review of Environmental Governance report had been accounted for in the Departmental budget.

The Minister noted:

- (i) Funding for the Deloitte Report had been accounted for in her Department's budget. This point did not arise in relation to the Review of Environmental Governance since she had not yet taken any decisions on its recommendations.
- (ii) All members should contact Department of Finance and Personnel with comments on the forthcoming draft CSR budget.