

**North West Region Waste Management Group Joint Committee  
Wednesday 4<sup>th</sup> January 2012  
Moyle District Council Offices**

**Present:**

**Ballymoney Borough Council**

Councillor Evelyne Robinson (Chair)  
Alderman Cecil Cousley  
John Michael

**Coleraine Borough Council**

Councillor William King  
Kieran Doherty

**Derry City Council**

Councillor Shaun Gallagher

**Limavady Borough Council**

Alderman Jack Rankin  
Alderman Michael Coyle  
Noel Crawford

**Magherafelt District Council**

Councillor Sean McPeake  
Andrew Cassells

**Moyle District Council**

Councillor Robert McIlroy  
Aidan McPeake

**Strabane District Council**

Councillor Kieran McGuire  
Malcolm Scott

**NWRWMG**

Eamon Molloy  
Jonathan Gray  
Keith Swerdlick  
Joanne Curran

**Item 1 - Apologies**

The following apologies were recorded:

Councillor Jay McCauley  
Councillor Michael Cooper  
Councillor Kate Lagan  
Councillor William McCandless  
Sharon O'Connor  
Liam Flanigan  
Roger Wilson

Richard Lewis  
John Dempsey  
Danny McSorley  
John McLaughlin  
John Kelpie  
Alan McVicker  
Oonagh Warke

NWRWMG Joint Committee

## **Item 2 - Minutes**

The Chair reviewed the previous minutes with the Committee on a page-by-page basis.

The minutes of the meeting of the 7<sup>th</sup> December 2011 were:

**PROPOSED** by Councillor W King and **SECONDED** by Councillor C Cousley

## **Item 3 - Matter Arising**

There being no matters arising the Chair moved to the next item of business.

## **Item 4 - Project Update Report**

The Development Officer reported that progress had been delayed due to the timetable for the NIROCs consultation issued by DETI. He informed the meeting that the response from the NWRWMG was currently being worked up and added that this would be done in consultation with DOE who had indicated support for the NW position. The Chair stated that she was still trying to arrange a meeting with the DETI Minister on this matter and she would keep the members updated.

Mr Michael asked if any further progress had been made on the NILAS issue. The Development Officer stated that he had again discussed the matter at the December meeting of the WIPB and had been assured that the Department would respond as a matter of urgency. Mr Michael thanked the Development Officer and asked that a formal letter is sent to the Department to safeguard Councils' position as the competent authorities. This was **PROPOSED** by Councillor S Gallagher and **SECONDED** by Councillor J Rankin.

## **Item 5 - Landfill Allowance Scheme Year 2010 / 2011 Final Reconciliation**

The Development Officer advised members that the letter was for members information and confirmation that targets 2011 have been met and that we are awaiting confirmation for the Department not to initiate any sanctions under the NILAS regime in 2013 because of the delays for the DETI consultation.

Mr Michael asked if the Department had taken any decision on the proposed EU ban on landfill of BMW by 2025. The Project Manager replied that the Department was in the

process of reviewing the Northern Ireland Waste Management Strategy and that landfill bans were under consideration as part of those deliberations. He informed Members that a BMW landfill ban by 2020 was now in law in Scotland and that given the direction of travel it appeared to be a matter of timing as to when rather than if a landfill ban would be introduced in Northern Ireland.

#### **Item 6 - Update on the award of the Mixed Dry Recyclables Contract**

The Development Officer stated that on the 22<sup>nd</sup> December 2011 the Group was issued with a writ from Regen, one of the unsuccessful bidders in the competition, regarding the award of the Mixed Dry Recyclables Contract to ReCyco. The writ sought to prevent the award of the contract on the basis that the winning bid was "abnormally low".

The Development Officer stated that this was immediately passed to the City Solicitor and said that no decisions could be made on how to proceed in this matter until legal advice had been sought. Upon receipt of this advice a recommendation would be brought back to the Committee for consideration, this would then be recommended to the member Councils.

On a procedural matter he stated that the first action was to register an appearance by the given date and that this initial step would be taken by solicitors acting for the Group. On a further point he added that the Group is not a legal entity and that the writ would need to be amended by the plaintiff to reflect that the member Councils are in fact the legal entities.

At this point the Development Officer advised the Committee that there would be cost involved in this matter dependent upon how the action proceeds. He further advised that cost would be shared on the basis of the agreed split contained in the Memorandum of Understanding.

A detailed discussion ensued and it was **PROPOSED** by Councillor S Gallagher and **SECONDED** by Councillor W King that the Committee agree to proceed on the basis outlined and that costs would be covered on the basis of the agreed split

The Development Officer also informed members that the group's solicitor Mr Damien McMahon, City Secretary and Solicitor is to take up a new post as a Judge of the 1<sup>st</sup> tier Tribunal on the 9<sup>th</sup> January 2012. Until Derry City Council has decided on how to replace this function in Council, it has as an interim measure retained the services of Belfast City Council Legal Services section. He advised that as Derry city Council was

providing this service to the Committee it would be appropriate to continue with the provision put in place by Derry City Council as an interim measure. When Derry City Council has formalised the position within its own council the Group can review this and take a decision as to who should be solicitor to the Committee.

Councillor M Coyle **PROPOSED** and Councillor K McGuire **SECONDED** that the Committee should continue with the provision for legal services put in place by Derry City Council as an interim measure.

Councillor S Gallagher asked the chair to write to thank Damien Mc Mahon on behalf of the committee and to wish him well in his new post.

#### **Item 7 - AOB**

The Development Officer reminded the members of the invitation to give evidence to the Committee of the Environment of the NI Assembly on the 19<sup>th</sup> January 2012. He reported that he had taken legal advice and that he had confirmed attendance on behalf of the Group.

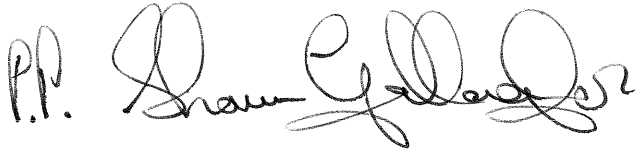
Members asked as to the make up of the delegation and if members who were interested could attend. The Development Officer stated that the information on the notice of invitation was scant, however if any member wished to attend, if they could let him know he would inform the Clerk to the Committee to seek spaces at "the table" and in the public gallery if necessary.

Alderman M Coyle enquired if the presentation could be distributed to those members attending in advance of the meeting.

Councillor McPeake asked if the response to the NIROCs consultation could be distributed to members in advance of the close of the consultation. The Development Officer assured members that the response would be circulated and it was agreed that any changes would be taken by written procedure and incorporated before the document is sent in response.

There being no further business the Chair thanked members for their attendance and closed the meeting.

**The meeting terminated at 2.40pm**

A handwritten signature in black ink, appearing to read "P.P. Evelyne Robinson". The signature is written in a cursive style with large, looped letters.

Signed:

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Cllr Evelyne Robinson  
Chair