

NWRWMG Joint Committee March 2014

Item 2 – Minutes of the Meeting of the 19th March 2014

North West Region Waste Management Group Joint Committee
Wednesday 19th March 2014@ 12.00 noon
Limavady Borough Council

Present:

Ballymoney Borough Council

Councillor Evelyne Robinson (Chair)
John Dempsey
Nigel McKeown

Coleraine Borough Council

Councillor George Duddy
Councillor William King
Kieran Doherty
Aidan Mullan

Derry City Council

Councillor Sean Carr
Councillor Bridget Meehan
John Kelpie
Conor Canning

Limavady Borough Council

Alderman Michael Coyle
Councillor Jack Rankin
Liam Flanigan
Noel Crawford
Martin McNicholl

Magherafelt District Council

Councillor Martin Kearney
Andrew Cassells

Moyle District Council

Councillor Robert McIlroy
Aidan McPeake

DoE

Wesley Shannon
Oonagh Warke

Addleshaw Goddard

Paul Dight

PWC

David Clements

Stakeholder Communications

Jonathan King

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RPS

Donal Doyle

NWRWMG

Eamon Molloy

Jonathan Gray

Philip Kingston (DCC, Solicitor to the
NWRWMG)

Keith Swerdlick

Joanne Curran

Members were issued with a confidential report on the Waste Infrastructure Project and the Chair suggested that she would delay the start of the meeting for fifteen minutes to give members time to read the report.

This was agreed by the meeting

Item 1 - Apologies

The following apologies were recorded:

Councillor Jay McCauley

Councillor Sean McPeake

Alderman Cecil Cousley

Roger Wilson

Sharon O'Connor

Danny McSorley

John Michael

Malcolm Scott

Item 2 - Minutes 22nd January 2014

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

The minutes of the meeting of the 22nd January 2014:

PROPOSED by Councillor Duddy and **SECONDED** by Councillor Rankin

Item 3- Matter Arising

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

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Item 4- Waste Infrastructure Project - Confidential

The Chair requested that the meeting go into Committee. This was **PROPOSED** by Councillor King and **SECONDED** by Councillor McIlroy

The Development Officer then took members, in detail, through the confidential report that had been circulated at the beginning of the meeting.

The Development Officer addressed each section of the report and concluded with the recommendation contained therein. He also referred to the correspondence list that had been circulated and stated that although some progress had been made it was insufficient at this stage of the process to mitigate the risk and provide clarity to ensure that the project could be successfully delivered in accordance with the submitted final tender and the appointment business case.

The Chair invited comments and questions.

Various members contributed and the Development Officer clarified amongst other matters: -

- Legal issues including the possibility of challenge
- The process going forward
- The need to move from short term interim contracts to medium term options
- The lessons learned from the process
- The amount spent on the process
- Communicating the decision to other stakeholders

The Chair invited the clientside advisers to comment

Mr Clements commented that throughout the competitive dialogue process the project had been subject to rigorous assessment to ensure that the project delivers precisely what is intended. He added that the process to award stage should have been one whereby the bidder confirmed that everything is in place to deliver the project with no material change. Unfortunately at this stage in the process, due to the unavailability of information we essentially have no project to assess, we can't manage time nor can we examine affordability and VFM. Had these circumstances been known earlier the Joint Committee would have been unable to appoint Preferred Bidder. The preferred bidder has not been able to deliver the tabled financial/ banking support to progress the project

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and against current gaps and open variables in the proposal it will not be possible to do so.

Mr Dight referred to the detail provided by the Development Office and commented on some specific legal issues. He informed the meeting that with regards to deliverability SBS had not been able to provide Councils with the degree of certainty that is required at this stage. He further commented on the ROCs issue specifically that although a replacement scheme had been agreed in GB, including a grace period; timing issues meant that even if the same scheme was available in NI, the project would not be eligible.

He added that Leading Counsel is satisfied that the Councils are well within their rights to abandon the process and that a coherent and rational approach has been taken as is demonstrated by the report presently before members.

The Chair thanked the team and member for their contributions and asked members to consider the recommendation.

It was **PROPOSED** by Councillor Duddy and **SECONDED** by Councillor Meehan that the recommendation to abandon the procurement be approved. The Chair asked that all those in agreement raise their hand. The recommendation was carried unanimously.

Councillor Duddy left the meeting.

Item 5 - Contract Management

The Development Officer referred to the report presented with the agenda.

Councillor Meehan asked if the resource would be used in existing or future contracts. She expressed concern that this should not be seen as a limiting factor.

Mr Kelpie advised that the proposed resource was aimed at providing additional assurance.

It was **PROPOSED** by Alderman Coyle and **SECONDED** by Councillor Carr that the Group secure the necessary resource to put the contract management framework in place subject to agreement on an appropriate operational partnership agreement.

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Item 6 - Extension of Extant Contracts

The Development Officer referred to the summary document attached with the meeting papers and informed members that this was for information. Member councils, having been satisfied with the level of service provided agreed to extend the said contracts for a twelve month period in line with contract provisions.

Item 7 - A.O.B.

The Chair informed members that since Councillor Gallagher was no longer a member of Council this had created a vacancy on the Joint Committee's Audit and Risk Committee. In addition the Group also had two seats on the Waste Programme Board and as Councillor Coyle was now the NILGA representative on this Board the Group would also need to consider who should fill this vacancy.

It was agreed that this should be put on the agenda of the next meeting.

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

The meeting terminated at 2.05pm

Signed:

A handwritten signature in black ink that reads "Evelyne L. Robinson".

Clr Evelyne Robinson
Chair