



NORTH WALES RESIDUAL WASTE JOINT COMMITTEE

Thursday 21st June 2018 at 2.00pm
Bodlondeb, Bangor Road, Conwy

PRESENT:

Councillor Richard Dew	Isle of Anglesey County Council
Councillor Brian Jones	Denbighshire County Council
Councillor Don Milne	Conwy County Borough Council
Councillor Bob Parry	Isle of Anglesey County Council
Councillor Aaron Shotton	Flintshire County Council
Councillor Gareth Wyn Griffith	Gwynedd County Council

ALSO PRESENT:

Flintshire County Council

Colin Everett (Lead Chief Executive), Lisa Brownbill (Head of Internal Audit) and Dave Ledsham (Environment Finance Manager)

Denbighshire County Council

Tony Ward (Head of Highways and Environmental Services) and Alan Roberts (Waste Officer)

Conwy County Borough Council

Andrew Wilkinson (Head of Neighbourhood Services)

Gwynedd Council

Medwyn Williams (Senior Manager – Waste Treatment)

Isle of Anglesey County Council

Dewi Williams (Head of Highways & Waste Management)

North Wales Residual Waste Treatment Project

Steffan Owen (Regional Contract Manager)

Local Partnerships UK

Hywel Jones (Advisor)

Mark Turner (Advisor)

Invited External Attendees

Steve Benson (Unite Representative)

Stephen Butterworth (GMB Representative)

Paul Burton (GMB Member)

Julian Harrison and Apostolos Sarandidis (Wheelabrator Technologies Representatives)

Becky Bell and Julien Trystram (CNIM Representatives)

1. APOLOGIES

Apologies for absence were received from Councillor Dafydd Meurig (Gwynedd County Council), Councillor Carolyn Thomas (Flintshire County Council), Councillor Julian Thompson-Hill (Denbighshire County Council),



Meirion Edwards (Isle of Anglesey County Council) and Dave Keville (Engineering Construction Industry Association Representative)

2. **DECLARATIONS OF INTEREST**

No declarations of interest were made.

3. **ELECTION OF CHAIRMAN AND VICE CHAIRMAN TO THE JOINT COMMITTEE**

Councillor Carolyn Thomas (Flintshire County Council) was elected Chair, with Councillor Julian Thompson-Hill elected Vice Chair

4. **APPROVAL OF PREVIOUS MINUTES**

The minutes of the meeting of the North Wales Residual Waste Joint Committee held on the 27th March 2018 were submitted for approval.

RESOLVED: *That the minutes of the meeting of the North Wales Residual Waste Joint Committee held on 27 March 2018 be approved as a correct record.*

5. **MATTERS ARISING FROM PREVIOUS MINUTES**

There were no matters arising.

6. **ANNUAL ACCOUNTS**

Dave Ledsham introduced the Annual Return Year Ended 31st March 2018 report for the North Wales Residual Waste Partnership (NWRWP) for approval. The Annual Return had been signed by the Responsible Finance Officer and must be approved by the Joint Committee before the deadline of 30th June. The audit must be completed and the Annual Return published by no later than 30th September.

Dave Ledsham explained that the Annual Return includes Flintshire County Council (FCC) Internal Recharge costs for Finance, Legal, Audit, Chief Executive and Democratic Services. It should be noted that the detailed breakdown of the FCC internal recharge was not able to be finalised in time for the main invoice to partner authorities therefore will be issued to authorities as a separate item. A breakdown of the costs were detailed within the report.

Colin Everett (Lead Chief Executive) explained that the Annual Return was a routine return and the figures showed less dependency on consultancy costs which was reflective of how the project had progressed. He explained that the internal recharge costs for FCC had been included to ensure that the services were proportionately re-charged across all Local Authorities.

RESOLVED: *That the Annual Return for the year end 31st March 2018 be approved.*



7. PROJECT PROGRESS

Steffan Owen explained that a report on progress on site would be provided later in the meeting. He provided an update on areas not covered under other agenda items, including the next stages of the Community Benefit Fund and contract management training.

RESOLVED: *That the progress report update be noted.*

8. CONSTRUCTION UPDATE (A) AND DISCUSSION WITH UNIONS (B)

Colin Everett welcomed the external attendees to the meeting. He advised that the Unite and GMB representatives had been invited to address the Joint Committee and that Wheelabrator Technologies (WTI) and CNIM representatives were in attendance to respond to queries/concerns raised.

Prior to the external attendees addressing the Joint Committee, Steffan Owen introduced an update on progress on the construction of the Parc Adfer facility. He provided a detailed overview on key areas of progress, as outlined within the report, and highlighted that there had been no Health and Safety reportable incidents since the start of construction since January 2017, which meant that the site was over 400,000 work hours without a reportable incident. A complaint had been received relating to a near miss between a cyclist utilising the public road and a vehicle entering the site. Remedial actions were undertaken within 48 hours which included informing all construction staff of the cyclist risk and repainting the road markings on the 'T' junction outside the site. The Health and Safety Executive (HSE) was invited to site and no recommendations or improvements were advised.

The Chairman invited Steve Benson (Unite), Stephen Butterworth (GMB) and Paul Burton (GMB) to address the Joint Committee.

Steve Benson (Unite) outlined the following concerns from Unite:-

- Why have the 5 Local Authorities not sought for the build of Parc Adfer to be carried out under the National Agreement for the Engineering Construction Industry (NAECI);
- There were no opportunities for school leavers, through an apprenticeship scheme, at Parc Adfer;
- There is a high number of agency employees working on the project, with hours of work not being fixed;
- The lack of local labour on the project; and
- Concerns that during the jobs fair, it was alleged that individuals were being asked if they belonged to a trade union. Mr Benson stated that this matter had been taken up with ACAS as "not one individual who had belonged to a trade union was offered employment".

Steve Benson also referred to an e-mail he had sent to Steffan Owen regarding the NAECI and its use at a recent Bio-mass Project. Through the use of NAECI this project had been delivered ahead of time and on budget.



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Stephen Butterworth (GMB) outlined similar concerns as those raised by Steve Benson. He reported that he had recently attended a meeting with colleagues with a company in Warsaw, Poland to outline the positive advantages of NAECI. He said that he had, on a number of occasions, asked for information on how many UK workers were employed through CNIM but not had been unable to obtain this information and noted that the representatives of the Polish company had outlined the problems they were facing of skilled workers in Poland due to the opportunities being given to Polish workers in the UK. Mr Benson also said that he had asked for rates of pay for employees but again had not received this information. He provided evidence of projects where contracts had been amended to introduce NAECI and explained that not one day had been lost because of the agreement.

Paul Burton (GMB) introduced himself as a member of GMB and a Flintshire resident. He explained that he had been sending his CV to the e-mail address provided on the Parc Adfer website but had received no correspondence in response and could not find a contact number to speak to anyone in person. He had attended the last jobs fair and stated that he had been asked if he was a member of a trade union. He noted that he had enough experience to be employed at Parc Adfer but that there were no opportunities for local people.

Colin Everett reported that he had attended two meetings with Steffan Owen and representatives of WTI, CNIM and the Unions to discuss the Union concerns. During the meetings the Unions had asked why NAECI had not been adopted and it had been explained to the Unions that the Project contract was awarded to WTI in December 2016, therefore the Partnership was not in a contractual position to impose NAECI on either WTI or its sub-contractors after the fact.

Becky Bell (CNIM) responded to the questions raised. She explained that CNIM had set up a website to assist in providing employment opportunities but advised that CNIM did not employ many people directly on the project. She advised that responses had been provided to Paul Burton's requests and that a report on every contact made and response given was regularly produced and kept. She accepted that employment opportunities were limited due to sub-contractors bringing their own core team when required but said that all individuals seeking employment would be given equal consideration. She advised that Union members were on site and that there were no issues with employees being members of a trade union. In relation to the concerns around apprenticeships, she said that she was happy to work with Unions on site to discuss this further and also confirmed that CNIM do use agency staff but there were no zero hour contracts. She concluded that all EU residents had a right to access work and that an external audit of local labour numbers had been carried out.

Colin Everett asked if CNIM were aware of people being asked if they were a member of a trade union during the jobs fair. Becky Bell advised that nobody should have been asked this question and would look into the matter following the meeting. Steve Benson reiterated his comments that no work opportunities were given to any person who had said during the jobs fair that they were a member of a trade union.



In response to the comments around the external audit of local labour numbers, Lisa Brownbill (Head of Internal Audit at Flintshire County Council) reported that an audit had been carried out on the local labour numbers as defined within a 30 mile radius of the site. CNIM provided Internal Audit at Flintshire County Council with all information requested and the system they currently use to record data was sophisticated and stored postcodes of employees. The information on employees was gathered on 1st May, 2018 which totalled 238 individuals. Some employee information was excluded but out of the remaining employees it was found that 30% were local labour. Feedback had been provided to CNIM around ensuring local labour figures were published to show transparency, and all of the advice/recommendation given have been taken on board.

Councillor Aaron Shotton thanked the Lead Chief Executive and Contract Manager for facilitating all parties attending the meeting. He explained that the Joint Committee was made up of representatives of 5 Local Authorities and felt that it had been unfair that some of the trade union demonstrations had fallen on the door of Flintshire County Council. He said that the issues were around ensuring socially/ethically responsible contractors in the construction sector and the ability to protect services through the NAECI agreement. He explained that as Members of the Joint Committee, the advice of Officers and WG had been taken at all times and outlined the difficulties in the possibility of the Joint Committee in imposing NAECI. He said that as a Member of the Joint Committee he wanted reassurance that everyone was being given an equal access to employment opportunities and wanted to ensure there were benefits for local people. He said that he was concerned around the comments of individuals being asked if they were a member of a trade union at the jobs fair and hoped this matter would be looked into.

Steve Benson said that it was the client's responsibility to seek NAECI and in this case the clients were the 5 Local Authorities. He asked the Joint Committee the following questions:-

- There was only 1 local person employed on site, were the 5 Local Authorities happy with this;
- There were no apprenticeship/trainee opportunities on site, were the 5 Local Authorities happy with this; and
- Why did the 5 Local Authorities not insist on local labour/companies being used in the construction of Parc Adfer?

Steve Benson also referred to a recent site visit which saw Unions being allowed to visit the site and speak to workers directly. He raised concerns that the break time had been changed to ensure employees did not meet with the Union representatives. Steffan Owen responded that he had been present during the site visit and said that leaflets were shared by the Union representatives and advised that no attempt had been made to stop employees from going to speak to Union representatives. Colin Everett said that the site visit had been arranged through mutually agreed terms with Union representatives and said that more site visits could be arranged.



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Julian Harrison (WTI) explained that because the build of Parc Adfer was not being carried out under NAECI this did not mean that the build was being carried out to a low standard. He said that WTI were proud of the project and the achievements which had been met in terms of health and safety on site and in the engagement with the local community. Engagement with the community would continue and a recent jobs fair had been held at Connah's Quay Town Council offices where over 200 local people had expressed an interest in the operational jobs which would be available following completion of the construction phase of Parc Adfer. Current statistics show that between 30% - 50% of the employees are local (dependent on when it measured) and this statistic had been audited with no challenge.

In response to a question from Councillor Aaron Shotton on how many of the current employees were members of a Trade Union, Becky Bell responded that this information was not available as the employees were not asked this question.

Paul Burton explained that his concerns had related to the mechanical phase of the build which was the area he had necessary experience but he had sent 3 CV's without receiving any correspondence back. He also reiterated his comments around students at Deeside College not being given the opportunity to gain training experience on site. Stephen Butterworth said that European employees should be used as a supplement to local employees and not as a substitute.

Hywel Jones (Advisor) said that, speaking on behalf of Welsh Government (WG), signing up to NAECI was not an obligation and that no requirement was placed on the Partnership from WG to specify NAECI during the procurement process. Since the procurement process ended, WG have brought in a code on employment and they are currently looking at how Parc Adfer measures up to that code and any lessons that can be learnt. There are currently eight similar projects across Wales and none of them have signed up to NAECI. WG would be meeting with WTI next week and one of the areas currently being considered is a review of performance against WG community benefits provisions within the contract.

Colin Everett said that continued dialogue between the project team and Union Representatives would continue and that the option remained for a further site visit and for Union Representatives to address future Joint Committee meetings. He commented on the costs of managing protests for North Wales Police and Flintshire County Council's Highway Services which were currently calculated at just under £82,000 to date. This level of protest was not sustainable. Colin Everett noted reiterated to the Unions that if they have any specific areas of concern relating to employment practices or contracting practices they should raise them with WTI, CNIM or the Partnership and they will be looked into immediately.

Councillor Aaron Shotton asked that, in view of the comments made by Union Representatives, a response be provided to the Joint Committee on whether NAECI could be introduced at this stage and whether there would be any implications.



Colin Everett said that in view of the comments made, the following actions to be undertaken following the meeting:-

1. More detail and assurance on open recruitment including job fairs (CNIM);
2. A review of performance against WG community benefits provisions within the contract;
3. Site visit practice review, and further visits offered (CNIM);
4. Anonymised rates of pay illustrations (CNIM);
5. Statement on (1) comparable practice by WTI/CNIM with the NAECI provisions and (2) the opportunities and risks from movement towards/adoption of NAECI with or without the agreement of the Partnership as necessary (WTI).

Following a question, Colin Everett agreed to provide information on the comparable practice by WTI/CNIM with the NAECI provisions following the meeting.

The Chairman thanked all external attendees for their attendance and contribution.

RESOLVED:

- (a) *That more detail and assurance on open requirement, including job fairs be provided (CNIM);*
- (b) *That a review of performance against WG community benefits provisions within the contract be undertaken (Steffan Owen, Hywel Jones and WTI);*
- (c) *That site visit practices be reviewed and further visits offered (CNIM);*
- (d) *That anonymised rates of pay illustrations be provided (CNIM); and*
- (e) *That Statements be provided on (1) comparable practice by WTI/CNIM with the NAECI provisions and (2) the opportunities and risks from movement towards/adoption of NAECI with or without the agreement of the Partnership as necessary (WTI)*

FOLLOWING A 10 MINUTE ADJOURNMENT THE MEETING RECONVENED AT 4.15PM.

9. **EXEMPT ITEMS: LOCAL GOVERNMENT ACT 1972, SECTION 100A AND SCHEDULE 12A (ACCESS TO INFORMATION)**

RESOLVED *that the Public and Press be excluded from the meeting under the provisions of Section 100A of the above Act during consideration of the following items as they involves the likely disclosure of exempt information as defined in paragraph 14 of Part 4 of Schedule 12A to the Act and that in*



all the relevant circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10. **HAULAGE SERVICED AND WASTE TRANSFER STATIONS REPORT**

Steffan Owen presented the report to update the Joint Committee on progress on the development of waste transfer stations in Conwy and Denbighshire. The report also provided an update on developments on the partnership haulage contract.

Colin Everett responded to a question raised around haulage costs and Steffan Owen suggested that further information be provided to the Joint Committee at its next meeting in early September, 2018.

RESOLVED: *That the report be noted.*

9. **WELSH GOVERNMENT FUNDING**

Steffan Owen presented the report to inform the Joint Committee of discussions that were taking place with the Welsh Government (WG) on the subject of the gate fee grant support from WG and specifically when the WG funding was to start.

RESOLVED:

(f) *That the report be noted; and*

(g) *That the case made to Welsh Government, as outlined within the report, be supported.*

10. **ANY OTHER BUSINESS**

There was no other business to consider.

(The meeting ended at 5.00 pm)
