

Eitem Agenda 1



Gareth Owens LL.B Barrister/Bargyfreithiwr
Head of Legal and Democratic Services
Pennaeth Gwasanaethau Cyfreithiol a Democraidaidd

Y Cynghorydd Eryl Williams (Cadeirydd)

CS/NG

Y Cynghorwyr: Aaron Shotton, Kevin Jones, Dave
Cowans, Michael Priestley, David Smith,
John Wynn Jones, Richard Dew and J. Arwel
Roberts

21 Ionawr 2015

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Annwyl Syr / Fadam

Cynhelir Cyfarfod **CYD-BWYLLGOR GWASTRAFF GWEDDILLIOL GOGLEDD CYMRU yn CANOLFAN FUSNES CONWY, FFORDD CYFFORDD, LLADUDNO JUNCTION LL31 9XX ar DYDD IAU, 29 IONAWR 2015 am 2.00 y.p** i drafod y materion canlynol.

Yr eiddoch yn gywir

Rheolwr Democratiaeth a Rheolaeth

AGENDA

- 1 **YMDDIHEURIADAU**
- 2 **DATGAN DIDDORDEB**
- 3 **CYMERADWYO COFNODION BLAENOROL**
- 4 **MATERION YN CODI O'R CYFARFOD BLAENOROL**

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The Council welcomes correspondence in Welsh or English
Mae'r Cyngor yn croesawau gohebiaeth yn y Cymraeg neu'r Saesneg

5 **ADRODDIAD CYNNYDD (ADRODDIAD SO)**

6 **DIWEDDARIAD CYFATHREBU (ADRODDIAD AR LAFAR)**

DEDDF LLYWODRAETH LEOL (MYNEDIAD AT WYBODAETH) 1985 – I GYSIDRO EITHRIO'R WASG A'R CYHOEDD

Mae'r eitemau isod yn cael ei gysdrio fel eitem i'w eithrio dan paragraff(au) 14 o Rhan 4 o Atodlen 12A o Ddeddf Llywodraeth Lleol 1972 (fel a ddiwygwyd)

Mae'r balans of fudd l'r cyhoedd yn erbyn cyhoeddi'r adroddiad hon oherwydd y gallai rhagfarnu'r broses caffael.

7 **RIR – DIWEDDARIAD STATWS RISG (ADRODDIAD SO)**

Mae'r eitemau isod yn cael ei gysdrio fel eitem i'w eithrio dan paragraff(au) 14 o Rhan 4 o Atodlen 12A o Ddeddf Llywodraeth Lleol 1972 (fel a ddiwygwyd)

Mae'r proses cytundeb yn fyw a byddai'n rhagfarnllyd i'w wneud yn gyhoeddus ar hyn o bryd.

8 **DIWEDDARIAD PWRCASU (CYFLWYNIAD I'W RHOI AR Y DIWRNOD)**

9 **UNRHYW FATER ARALL**

NORTH WALES RESIDUAL WASTE JOINT COMMITTEE

Minutes of the meeting of the Joint Committee held at County Hall, Ruthin, Denbighshire County Council on Thursday 31 July 2014

PRESENT:

Councillor Mike Priestley (Vice-Chair) – Conwy County Borough Council

Councillor David Cowans – Conwy County Borough Council

Councillor David Smith – Denbighshire County Council

Councillor Kevin Jones – Flintshire County Council

Councillor W. Gareth Roberts – Gwynedd County Council

Councillor J. Arwel Roberts – Isle of Anglesey County Council

ALSO PRESENT:

Flintshire County Council

Chris Cohen (Lead Finance Officer), Colin Everett (Lead Chief Executive), Gareth Owens (Monitoring Officer), David Webster (Internal Audit Manager), and Gary Ferguson (Section 151 Officer).

Denbighshire County Council

Steve Parker (Head of Highways and Environmental Services).

Conwy County Borough Council

Andrew Kirkham (Section 151 Officer).

Gwynedd County Council

Medwyn Williams (Senior Manager, Waste Treatment Services).

Isle of Anglesey County Council

Meirion Edwards (Lead Technical Officer)

North Wales Residual Waste Treatment Project

Steffan Owen (Project Manager)

Local Partnerships UK

Huw Roberts (Advisor)

Welsh Audit Office

Ron Parker

1. APOLOGIES

Apologies for absence were received from Councillor Eryl Williams (Denbighshire County Council), Councillor Aaron Shotton (Flintshire County Council), Councillor John Wyn Jones (Gwynedd County Council), Councillor Richard Dew, Dewi R. Williams and Arthur Owen (Isle of Anglesey County Council).

2. DECLARATIONS OF INTEREST

None

3. APPOINTMENT OF CHAIR AND VICE-CHAIR TO THE JOINT COMMITTEE

Nomination put forward, Councillor Eryl Williams, Denbighshire County Council, to be voted in as Chair.

Nomination put forward, Councillor Mike Priestley, Conwy County Borough Council, to be voted in a Vice-Chair.

RESOLVED that :

- *Councillor Eryl Williams be elected as the Chair, and*
- *Councillor Mike Priestley be elected as the Vice-Chair.*

In the absence of the Chair, Councillor Eryl Williams, the Vice-Chair subsequently chaired the meeting.

It was agreed by all present at the meeting to send Good Wishes to Councillor Eryl Williams who was unable to attend the meeting due to the fact that his mother was seriously ill.

4. APPROVAL OF PREVIOUS MINUTES

The minutes of the meeting of the North Wales Residual Waste Joint Committee held on the 29 January, 2014, were submitted for approval.

RESOLVED that the minutes of the meeting of the North Wales Residual Waste joint Committee held on 29 January 2014 be approved as a correct record.

5. MATTERS ARISING FROM THE PREVIOUS MEETING

There were no matters arising.

6. OVERVIEW

6.1 PROJECT PROGRESS REPORT

Colin Everett, Chief Executive (Flintshire County Council) presented the progress report and advised that regular meetings had been held between the Partnership and Wheelabrator Technologies Inc (WTI).

Members were advised that key actions would be covered in the remaining agenda items.

RESOLVED that:

- *the report be noted*
- *the positive progress made in project management and delivery be noted.*

7. PROJECT MANAGEMENT MATTERS

7.1 RISK REGISTER

The Project Manager presented the Risk Register report which highlighted some of the amendments to the risk register that had been made to reflect the current understanding of risks and mitigation measures that were in place.

The Project Manager reported there were three main areas of risk at the current time which were shown in the report.

RESOLVED that the updated Risk Register for the project be noted.

7.2 COMMUNICATIONS UPDATE (REPORT)

The Project Manager updated members on communication matters concerning the North Wales Residual Waste Treatment Project (NWRWTP). A pack containing copies of the press and media coverage since January 2014 had been made available to members.

RESOLVED that the communication update be noted

7.3 STATEMENT OF ACCOUNTS

Gary Ferguson, Section 151 Officer (Flintshire County Council) presented to members the Statement of Accounts 2013/14 for the North Wales Residual Waste Treatment Project (NWRWTP) incorporating those changes agreed with the Wales Audit Office (WAO) during the course of the audit.

Under the International Standards on Auditing (ISA) 260, the WAO were required to communicate relevant matters relating to the audit of the final statements to those charged with governance, which for the Partnership was the Joint Committee.

Ron Parker, WAO, informed members of the key points within the Audit of Financial Statements Report.

RESOLVED that members:

- *Approve the final version of the Statement of Accounts 2013/14 (subject to the public inspection period as noted within the WAO report)*
- *Considered and approve the WAO's report; Audit of the Financial Statements – North Wales Residual Treatment Partnership*
- *Approve the Letter of Representation (subject to the public inspection period as noted within the WAO report).*

7.4 ANNUAL GOVERNANCE STATEMENT

David Webster, Internal Audit Manager (Flintshire County Council), presented to members the Annual Governance Statement.

For each financial year, the Project were required to produce an Annual Governance Statement (AGS) as part of its final accounts. This statement explained the governance framework in operation throughout the year and how it had been reviewed to ensure it was effective.

The AGS has been prepared to comply with “Delivering Good Governance in Local Government: A Framework” published jointly by CIPFA and SOLACE. It had then been submitted to the Chief Executive, Section 151 Officer and Monitoring Officer of the Lead Council for their observations. It had been considered by the Project Board on 13 June 2014. The final version, following approval by the Joint Committee, would be submitted to the Chief Executive of the Lead Council and the Chair of the Joint Committee for signing.

The AGS had also been considered and approved by the Wales Audit Office.

RESOLVED that members considered and approve the Annual Governance Statement for signing.

8. PROGRESS

8.1 2ND INTER AUTHORITY AGREEMENT

The Project Manager presented the 2nd Inter Authority Agreement (IAA2) Report to update members on progress and to allow for discussion to finalise the Agreement.

The IAA2 had been the subject of detailed feedback from the legal, technical and financial officers, as well as the Project Board and was at a stage that required finalising and signing by the Partner Authorities.

A mid-term review had been agreed (no later than 15 years into the operational life of the contract) to consider:

- The operational life of the contract (whether to exercise the option to extend the contract with WTI by up to 5 years as stipulated in the Project Agreement);
- Options beyond the WTI contract (e.g. do the Authorities want to remain in partnership and re-procure a new contract for the operation of the facility after WTI's contract);
- How to manage and distribute any residual value of the buildings and equipment related to the operation of the facility upon closure of the contract. For the avoidance of doubt, the residual value refers to the physical building(s) and other assets only, not the site itself (which is dealt with elsewhere within the IAA2).

RESOLVED that members:

- *Note the report and its contents*
- *Following finalisation by the Lead Chief Executive, Partner Authorities sign the 2nd Inter Authority Agreement.*

8.2 FINAL BUSINESS CASE (VERBAL REPORT)

Colin Everett, Chief Executive, (Flintshire County Council) presented a verbal report to members regarding the Final Business Case.

The Final Business Case would be presented to Ministers on the 6 August 2014. Following approval by the Welsh Government, the Final Business Case would then be in the public domain.

At this juncture, members expressed their gratitude to the Flintshire Officers for their hard work and smooth running of the Project.

RESOLVED that the verbal report be noted.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 – TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC

The following item was considered to be exempt by virtue of Paragraph(s) 14 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

The contract process is still underway and would be prejudiced by making public at this stage.

8.3 PROCUREMENT UPDATE AND FINANCIAL CLOSE WITH WTI

The Project Manager presented the Procurement Update Report to update members on the progress of discussions with Wheelabrator Technologies Inc (WTI) to reach financial close.

Whilst discussions with WTI were now almost complete, there remained a significant amount of detailed work to be completed. It had been clear that reaching Financial Close would move beyond July, however, the intention remained to work through August to resolve the remaining issues and close off the details and reach Financial Close by the end of August.

RESOLVED that the Joint Committee:

- i) Note the content of the report*
- ii) Give delegated authority to the Lead Chief Executive to conclude discussions with WTI to resolve the remaining matters:
 - (a) Reach agreement on the Intervention Event final wording*
 - (b) Reach a position that is acceptable to the Partnership, WTI and Welsh Government on the Property issues, specifically the Restricted Covenant.**
- iii) To give delegated authority to the Project Board to choose the option for dealing with Foreign Exchange based on advice from the Finance Offices and the project's financial advisors, Grant Thornton, subject to the option chosen being a "no worse" position than that outlined at CFT.*
- iv) Subject to satisfactory conclusion of the issue listed in recommendations ii) and iii) above, give delegated authority for the Lead Chief Executive to sign the Agreement on behalf of the Lead Authority in the presence of the Chair or Vice-Chair of the Joint Committee.*

9. ANY OTHER BUSINESS

Colin Everett, Chief Executive, (Flintshire County Council) confirmed that Wheelabrator Technologies Inc. (WTI) had recently been sold by its parent company. The takeover posed no risk but the Legal and Financial Officers were to carry out further extensive checks to clarify the position. The takeover of WTI would be added to the Risk Register for reference.

The meeting concluded at 12.00 p.m.

**EITEM AGENDA RHIF 5****ADRODDIAD CYNNYDD CYDBWYLLGOR GWASTRAFF GWEDDILLIOL GOGLEDD CYMRU****CYDBWYLLGOR GWASTRAFF GWEDDILLIOL GOGLEDD CYMRU****Dyddiad:****Cyfnod: 31 Gorffennaf 2014 i 22 Ionawr 2015****CRYNODEB Y PROSIECT**

I gaffael datrysiad rheoli gwastraff cynaliadwy i'r 5 awdurdod lleol yng Ngogledd Cymru (Conwy, Sir Ddinbych, Sir y Fflint, Gwynedd ac Ynys Môn) a fydd yn cynorthwyo â lleihau allyriadau nwyon tŷ gwydr o dirlenwi ac yn lleihau'r tunelledd o weddillion gwastraff a anfonir i dirlenwi a thrwy hynny sicrhau fod yr awdurdodau'n osgoi'r cosbau tordyletswydd Cynllun Lwfans Tirlenwi (LAS) a chw'rdd â thargedau'r Strategaeth Wastraff Genedlaethol.

STATWS Y PROSIECT

Statws Cyffredinol y Prosiect	
Coch	<p>Fe brynwyd WTI gan gwmni o America o'r enw Energy Capital Partners (EC) yn ystod ail hanner 2014 (bu i'r broses gymryd nifer o fisoedd). Fel rhan o'r pryniant, bu i EC gario allan adolygiad o holl brosiectau WTI tu allan i'r UD, ac o ganlyniad mae trafodaethau wedi parhau gyda WTI gyda symyd yn yr amserlen (gweler agenda eitem 8).</p> <p>Mae'r Bwrdd Prosiect wedi ei ddiweddarau a wedi chw'rdd yn rheolaidd i drafod goblygiadau hyn ac rhoi arwain i'r Prif Weithredwr syn awrain ar y prosiect a'r tîm prosiect yn ei drafodaethau gyda WTI.</p>
Ambr	<p>Fe gaiff gwariant prosiect hyd yn hyn ac amcan o wariant yn y dyfodol ei adrodd ar lafar yn y cyfarfod.</p>



Statws	Ystyr
Gwyrdd	Nid oes unrhyw broblemau; popeth yn mynd ymlaen yn dda ac i'r cynllun
Ambr	Mae rhai problemau bach / llai. Mae angen gweithredu mewn rhai meysydd ond mae rhannau eraill yn bwrw ymlaen yn foddhaol
Coch	Mae problemau sylweddol a rhai brys ac mae angen gweithredu pendant.

DIWEDDARIAD PROSIECT – Gweithgareddau sydd i'w cwblhau o 31 Gorffennaf 2014 i 22 Ionawr 2015 (a gweithredoedd tymor hirach sydd wedi'u lliwoleuo).

ID	Gweithgaredd	Statws RAG	Sylwadau	Rhagolwg	Gwirioneddol
110					
111					
112					
113	Ymweliad i safle Ynni o Wastraff i Aelodau awdurdodau partner	Gwyrdd	Ymwliadau safle eisioes wedi digwydd fel rhan o'r broses cynllunio.	Haf / Hydref 2014	Wedi'i cwblhau
114					
115	Cwblhau'r proses o fireinio ac egluro materion cytundebol gyda WTI	Coch	Gweler eitem 8 ar yr agenda	I'w gadarnhau, ond amserlen WTI yn cynnig Mai 2015	
116	Datblygu strwythur rhwoli cytundeb ar gyfer ar ol Cau Ariannol	Ambr	Fydd y gwaith yma yn cael amseru efo 115 uchod	Gweler 115 uchod	
117	Cwblhau'r IAA2	Gwyrdd	IAA2 wedi'i gwblhau, yn barod i'w arwyddo cyn cyrraedd Cau'n Ariannol	Gweler 115 a 116 uchod	Wedi'i cwblhau
118	Diweddu trefniadau llywodraethu'r gronfa budd gymunedol (CBF)	Gwyrdd	Y gwaith yma i'w gwblhau fan CsyFf cyn i'r IAA2 cael ei arwyddo (mae'r IAA2 yn cyfarpar ar gyfer CBF fel sydd eisioes wedi'i adrodd i'r Cyd-Bwyllgor.	Medi 2014	



119	Cysidro opsiynau o weithio mewn partneriaeth ar faterion eraill	Gwyrdd	Mae'r Bwrdd Prosiect wedi cysidro papur gan Gyfarwyddwr y Prosiect ar faterion eraill ble bod modd ymchwilio gwethio ar y cyd ymhellach er budd ariannol i'r awdurdodau. Mae hyn yn cynnwys materion fel farchnadoedd i deunydd i'w ailgylchu i'w ymchwilio ymhellach gan y swyddogion technegol a incwm ychwanegol o werthu trydan / gwres i'w ymchwilio ymhellach gan y Bwrdd Prosiect.	Parhaol	
120	Cais Cynllunio i'w gyflwyno gan WTI	Gwyrdd	Cais cynllunio wedi'i gyflwyno ac erbyn hyn yn cael ei gysidro a dan ymgynghoriaeth	Medi 2014	Wedi'i cwblhau
121	Trafodaeth pellach gyda LIC ynglyn a opsiynau arian cyfalaf ar gyfer y safle trosglwyddo gwastraff sydd ei angen yn ardal Conwy / Sir Ddinbych.	Gwyrdd	Mae Conwy yn edrych opsiynau safleoedd ar hyn o bryd, a byddyt yn adrodd i'r Grwp Swyddogion Technegol fydd yn arwain ar y gwaith hon.	Parhaol, ond ei angen cyn i'r cytundeb gychwyn	
122	Gweithio trwy newidiadau newydd i'r Cytundeb Prosiect (PA)	Gwyrdd	Cyfarfod cyfreithiol wedi'i gynnal ar 19 Ionawr 2015 gyda tim chyfreithiol WTI i fynd trwy'r PA	Ion / Chwef 2015	Wedi'i cwblhau
123	Gweithio trwy model ariannol o gynnis WTI	Ambr	Partneriaeth mewn trafodaethau gyda WTI (gweler eitem agenda 8)	Ionawr 2015	
124	Sicrhau bod WTI yn paratoi ymateb i bapur gan Cyfeillion y Ddaear yn	Ambr	Mae Cyfeillion y Ddaear Mon a Gwynedd Friends of the wedi dosbarthu ei bapur yn gwrthwynebu	January 2015	



PTGGGC

Prosiect Trin Gwastraff Gweddilliol Gogledd Cymru

	gwrthwynebu cais cynllunio Parc Adfer.		cais cynllunio Parc Adfer i Aelodau pob awdurdod partner.		
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RISGIAU ALLWEDDOL – Gweler eitem 7 ar yr agenda hon.

Argymhelliad – Nodi cynnwys yr adroddiad a'r cynnydd positif yn y prosiect