Minutes of a meeting of the Richmond Hill Consultative Committee (RHCC) held at 10.00 on Monday 12 May 2014, at Thie Slieau Whallian Board Room, Foxdale Road, St. John's.

Present:

Mr. Juan Turner, MLC, Member for Environment (Chairman)	CHR
Mr. Andrew Jessopp, Braddan Parish Commissioners	AJ
Mr. Peter Halsall, Braddan Parish Commissioners	PH
Mr. Paul Craine, IoM Municipal Association	PC
Cllr. Bill Malarkey, Douglas Corporation	BM

In attendance:

Mr. Simon Renton, Environmental Protection Officer, DEFA	SRE
Ms. Stephanie Gray, Acting Head of Waste Management, WOMU, DoI	SG
Mr. Ian Clague, Douglas Borough Engineer	IC
Mr. Steven Callister, Secretary to RHCC	SMC

1.0 Apologies received:

Mr. Martin Hall, Director of Environment, DEFA	MRH
Mr. Paul Lenartowicz, Government Analyst	PL

2.0	**Minutes of Wednesday 5 February 2014**	**Action required**
	Mr. Callister agreed to check whether the circulated copy of the Minutes included amendments from Messrs Renton and Jessopp and have them signed in due course. Introductions were provided for the benefit of first-time attendees Ms. Gray and Mr. Clague.	**SMC**
	Matters arising	
2.1	Onchan District Commissioners As changes to the Constitution and composition of the Committee were possible, it was requested that Mr. Callister write again to Onchan District Commissioners, in order to determine their interest in future attendance, requesting a definitive reply within a month.	**SMC**
2.2	Purpose of this meeting Mr. Renton suggested his paper, Development of IoM Waste Regulation, should be considered first and then the Constitution document itself as Members saw fit. However, Cllr. Malarkey was unhappy with the late circulation of papers and stressed that, unless the future of the Committee was decided upon, it was nonsensical to discuss Mr. Renton's paper. Mr. Renton apologised for the late circulation of the same; nevertheless, the Committee agreed to discuss his paper presently.	

3.0	**Development of IoM Waste Regulation**	
	• The public scrutiny role of the RHCC in overseeing regulation of the Energy from Waste Plant is dispensed with; or • The remit of the RHCC is widened to provide a public watchdog type role in advising on providing a more even playing field in regulation of waste collection and disposal at all sites in the Isle of Man, including unlicensed sites and hazardous waste. • An alternative public body is established to take over role of RHCC and regulation of waste collection and disposal at all sites in the Isle of Man, including unlicensed sites and hazardous waste. The Chairman suggested that the paper should be open for comments by the Committee for no more than three months, after which it would be presented on the Department's agenda. Cllr. Malarkey considered the bullet points in 1.1 (above) of Mr. Renton's document as crucial to today's meeting, but he and Mr. Clague thought that a deadline which took in TT and high summer should be extended. The Chairman was reluctant, as Constitution revision had already been 'on the table' for over 12 months. Cllr. Malarkey noted that proposed changes were subject to Board scrutiny at local authority level so, although Committee Members could comfortably undertake a consultancy period in two months, full due process would take longer.	
	Mr. Jessopp reminded all that a fourth option, that of retaining the current Committee structure, had not been included in Mr. Renton's document. He remained open to the possibility of another committee dealing with other waste issues, and with an Island-wide remit, but not at the expense of the RHCC. Mr. Renton argued that the Department saw two committees as a waste of precious resources and was supported by the Chairman, who stressed that Government was trying to cut down on what it saw as excessive bureaucracy that was long on talk and short on achievement.	
	Mr. Craine understood that the all-Island waste committee wouldn't necessarily be comprised of the same people as the RHCC; Ms. Gray agreed, and noted that any new committee ought to involve the waste industry and legislators as well as political representatives. Having the right stakeholders involved from the start was the key to success for any such group.	
	Mr. Jessopp returned to the original planning conditions which foresaw a split of regulator and operator in the old DLGE. He stated that a condition of Braddan Parish Commissioners accepting the Plant's siting in their parish was proper public scrutiny, which the RHCC had provided for over a decade.	

	This view was shared by Mr. Halsall, who had always maintained that there was little case for change when the Committee had provided reassurance for Braddan residents over the same period.	
	Cllr. Malarkey volunteered his opinion that the Committee had run its course and ought to be disbanded, to be replaced by an all-Island waste consultative committee with fair representation from local authorities. He had been on the Committee for 24 months and 20 of those had been spent discussing the Constitution without any progress. The Chairman also raised the issue of the Committee having achieved or influenced very little during his Chairmanship. Mr. Jessopp disputed this and suggested that the initial reluctant to pressure SITA re compliance had given way to a more robust approach, an change in policy for which the Committee could claim responsibility.	
	Mr. Jessopp countered, reminding all that the Plant was currently operation in a non-compliant way and that the Committee had been instrumental in organising the enforcement notice for this non-compliance. He added that Braddan Parish Commissioners would always see value in the Committee, even if Douglas and Onchan didn't. He was concerned that the absence of the Committee would see standards slip, as was the temptation for anything without proper public scrutiny. The interest in Braddan meant that, even if the Committee was abolished, the workload of the Plant's regulators wouldn't diminish.	
	Cllr. Malarkey thought this was really the pivotal issue; Braddan had secured two Members on the Committee and didn't want to relinquish their position. He reiterated his stance from February's meeting that this was unfair on Douglas, some of whose residents lived in close proximity to the Plant. Mr. Jessopp disagreed, and noted that the Plant was on Braddan territory, something that was given considerable historical weight by the planning inspector, and meaning that the Plant's activities affected Braddan residents the most. He believed that Cllr. Malarkey's questioning of Braddan's membership was solely political and that Braddan successfully negotiated their position at the time, while Douglas simply opposed the Plant outright; the accusation was rejected by Cllr. Malarkey. The Chairman reminded both that the Plant dealt with all-Island waste and thought the present disagreements were getting silly.	

	Mr. Renton pointed out that there were other worrisome issues such as illegal waste burning, and the regulation thereof, which were being overlooked because of the resources expended on the Committee, a situation not lost on SITA. However, Mr. Jessopp argued this was not the Committee's fault, and that he and others had been asking for the Department to take these issues seriously for 20 years. He was therefore not convinced by the 'lack of resources' argument. Despite that, the Chairman and Mr. Renton detailed a recent prosecution of illegal waste activities which had taken two years to bring to a successful conclusion.	
	Ms. Gray wondered if the emissions data presented on SITA's website was sufficient to allay public fears. Mr. Jessopp noted that the Committee had gained a degree of expertise in deciphering the data, something which would be difficult to the uninitiated, and this also helped provide public reassurance that the Plant's emissions were not damaging to their health. Mr. Craine added that DEFA wasn't in a position to ensure resolution to all matters of non-compliance, however small. In his mind, this gave the Committee an ongoing role, regardless of its composition. He understood the pressure on resources, but wondered if two meetings a year was really such a burden.	
	In response to Mr. Renton's surmising about the propriety of holding a Committee for one licensed waste site to the exclusion of all others, Ms. Gray suggested that, given the scale, operation and projected longevity of the Plant, it was not unreasonable. Cllr. Malarkey believed that Committee Members knew which people to contact to discuss issues with the Plant, did so frequently and this proved that six-monthly Committee meetings were unnecessary. Ms. Gray suggested that the Plant could feature on Municipal Association agenda, but Mr. Craine noted the comparitive lack of expertise at Association; Mr. Jessopp added that not all authorities were represented there, with Ramsey's withdrawal imminent.	
	Acknowledging Ms. Gray's earlier views, Mr. Renton reasoned for proportionality that was current lacking re the Plant. He agreed that a more inclusive all-Island waste forum was the way forward and that local government and businesses ought to be fairly represented there. He dismissed Mr. Jessopp's argument that a liaison group/forum would have a lesser standing, and reminded all that the Committee had no legal redress and therefore its remit was unarguably limited, a position which would be replicated by the new group. Mr. Jessopp again countered, noting that Braddan residents had recently experienced a significant expansion to Middle Park.	

	In fact, he argued that operations at the Plant now included increased amounts of industrial and chemical waste, where originally only domestic waste was included. This duly increased the potential for harm and therefore public oversight was necessary now more than ever. He remained steadfastly unconvinced by arguments to the contrary, whether presented by Cllr. Malarkey, Mr. Renton or the Chairman and he was unlikely to change his stance while the uncertainty surrounding the Plant's emissions continued.	
	Cllr. Malarkey understood that no agreement was to be reached today and Mr. Renton agreed to liaise with Ms. Gray to draw up proposals for the new group's composition. Mr. Craine advised that the Municipal Association wasn't against this group but acknowledged the different requirements of the Committee and an all-Island forum. Ms. Gray stressed that a lack of resources was a working reality but knew that involving all stakeholders in a new group was vital. The Chairman confirmed that a new group would have the same clout as the Committee and would examine how the Department performed against its stated aims and policies; Mr. Renton referred all to page 20 of his paper, and suggested that these ought to be the Terms of Reference.	**SRE/SG**
	The Chairman advised that, in his experience, businesses expected and appreciated clear and fair regulation that was proportionate, cost-effective and enforceable. If not, Government risked non-compliance and alienating businesses. Mr. Jessopp cautioned against overbalancing this in favour of business to the detriment of community.	
	In conclusion, the Committee didn't object to an all-Island waste forum of any kind, but Messrs Jessopp, Halsall and Craine objected to the abolition of the RHCC and thought the two bodies should run concurrently. Cllr. Malarkey thought the heralding of a new group would make the Committee obsolete, but now suggested that Braddan could retain its membership of two in the new group. Mr. Craine further requested a presentation of the proposed new structure to the Municipal Association in due course.	
	The Chairman requested Mr. Renton and Ms. Gray to circulate their proposals to Members by Friday 20 June. Local authorities would then by asked to comment by Monday 1 September.	**SRE/SG**

4.0	**Middle Park**	
	As mentioned earlier, Mr. Jessopp wondered if the issue of littering in the vicinity could be tackled. He suggested that it was one outcome of regulation being too friendly to businesses, but Mr. Renton advised it was more a case of discovering who should enforce current legislation.	
	Any other business	
5.0	Cllr. Bill Malarkey As this was Cllr. Malarkey final meeting representing Douglas on this Committee, the Chairman wished him well and thanked him for his efforts over the past two years.	
6.0	**Next meeting**	
	It was agreed that the next meeting of the Committee would take place at 10:00 on Monday 3 November at the Department's HQ. The meeting then closed at 12:00.	**SMC**

Minutes compiled by:

3.11.14.

Mr. Steven Callister
RHCC Secretary

Certified a correct record:

Andrew Jessopp

~~Mr. Juan Turner, MLC~~
Acting **Chairman**