

Minutes of the Meeting of COUNCIL
held at Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron and remotely via
video conference on Thursday, 26th October, 2023

PRESENT: Councillor Maldwyn Lewis (Chair), Councillors Bryan Davies, Catrin M S Davies, Clive Davies, Euros Davies, Gareth Davies, Gethin Davies, Ifan Davies, Marc Davies, Meirion Davies, Rhodri Davies, Amanda Edwards, Endaf Edwards, Elaine Evans, Elizabeth Evans, Eryl Evans, Gwyn Wigley Evans, Raymond Evans, Rhodri Evans, Wyn Evans, Keith Henson, Paul Hinge, Hugh R M Hughes, Chris James, Gwyn James, Ceris Jones, Gareth Lloyd, Sian Maehrlein, Ann Bowen Morgan, Caryl Roberts, Mark Strong, Wyn Thomas, Matthew Vaux, Alun Williams and Carl Worrall.

(10.00am - 1.50pm)

Procedure

The Chairman of the Council, Councillor Maldwyn Lewis welcomed all to the meeting and confirmed that the meeting was being webcasted.

1 Apologies

- a) Councillor Keith Evans apologised for his inability to attend the meeting as he was on other duties on behalf of the Council.
- b) Councillor John Roberts apologised for his inability to attend the meeting.
- c) James Starbuck, Corporate Director apologised for his inability to attend the meeting.

2 Disclosure of personal / prejudicial interests

- a) Councillors Bryan Davies and Rhodri Evans declared a personal and prejudicial interest in relation to item 10.
- b) Councillor Gareth Davies declared a personal and prejudicial interest in relation to item 10 noting that he would not vote on this matter.

3 Personal matters

- a) Councillor Bryan Davies wished Alan Davies well on his retirement and thanked him for his long service to the Council
- b) Councillor Hugh Hughes congratulated Mr Pete Davies and Mr Phil Jones for their recent 35 year recognition of service as volunteers at the Borth Fire Unit;
- c) Councillor Paul Hinge on behalf of Councillor John Roberts, congratulated Gruffydd Rhys Evans from Capel Bangor on being accepted to the Royal Academy of Dramatic Arts (RADA), and for winning the Sir Ian McKellen Award for 2023;
- d) Councillor Wyn Evans congratulated Eryn Jones and Ryan Jones from Bronant on being selected for the North Wales Football Select Team;
- e) Councillor Ifan Davies congratulated Cylch Meithrin Pontrhydfendigaid on being awarded best Cylch Meithrin in Wales;
- f) Councillor Ifan Davies congratulated Wil Evans on winning British Auto Grass Juniors;
- g) Councillor Ifan Davies congratulated Ifan Jones on winning the Enduro Wales under 19 category;

- h) Councillor Gwyn Wigley Evans, congratulated Mrs Peg Jones, Llanrhystud on celebrating her 102nd birthday;
- i) Councillor Meirion Davies congratulated Tom a Beth Evans from Llanfihangel y Creuddyn on another successful year growing pumpkins, noting their recent appearance on a television programme talking about their experience.

4 Minutes of the Meetings of the Council held on 21 September 2023

It was **RESOLVED** to confirm as a true record the Minutes of the Council meeting held on 21 September 2023.

Matters arising

There were no matters arising

5 Presentation by the Mid and West Wales Fire and Rescue Service

Roger Thomas, Chief Fire Officer and Sarah Mansbridge the Section 151 Officer for the Mid and West Wales Fire and Rescue Service gave a presentation to the Council, providing an overview of the service.

Councillor Maldwyn Lewis, Chairman of the Council thanked the Officers for their informative and educational presentation. Councillor Bryan Davies, Leader of the Council noted that the Council recognise and face the same challenges and that difficult decisions will need to be made balancing service cuts and increasing Council Tax, which would affect the most vulnerable people in our community. He hoped that unlike previous years, the Mid and West Wales Fire and Rescue Service's request be considered and reasonable. He also asked for clarification as to whether the money raised via the Council Tax levy remains in Ceredigion or if it is spent in other areas.

Sarah Mansbridge noted that the levy is population based; however Ceredigion benefits from having access to all the resources available from across the whole Fire and Rescue Service area. This was re-iterated by Roger Thomas who noted that the Service looks at the whole area as a collective and move resources from one area to another as required. The significant increase to the levy last year was to improve on-call services and provide appropriate remuneration for their on-call staff to attend mandatory training courses.

Members also asked questions regarding the forecasted inflation and salary increases, visiting business or non-domestic premises, and the ambitions of the service to achieve carbon neutral status. Members also referenced that the Fire Authority is a levy on the Council unlike the Police Authority which is a precept on resident's Council Tax bills. Roger Thomas confirmed that was in accordance with the current legislation, but that he understood that there was going to be an Audit Wales consultation on Fire Authority Governance coming up soon, which may be an opportunity for the matter to be raised and looked at again.

Sarah Mansbridge noted the risks associated with budget assumptions for pay awards and inflation and confirmed that the estimated costs would be provided by 31 December 2023.

6 Declaration of Acceptance of Office and un Undertaking to comply with the Code of Conduct by Councillor Raymond Evans

Elin Prysor, Monitoring Officer addressed the Council on the statutory requirement for all Members to make a Declaration of Acceptance and an undertaking to comply with the Code of Conduct, confirming that Councillor Raymond Evans in making his statutory Declaration of Acceptance of Office had received comprehensive training on the Council's Code of Conduct on Monday 24th July 2023.

This is in order for him to perform his functions with an understanding of the Principles of Public Life, his duties and responsibilities under the Code, and also the consequences for failing to do so.

Councillor Raymond Evans verbally accepted his Declaration of Acceptance of Office and the undertaking to comply with the Code of Conduct which had been previously been signed by him and countersigned by the Proper Officer.

7 Report by the Corporate Lead Officer: Finance and Procurement upon the 2022-23 Statement of Accounts Update

Councillor Gareth Davies, Cabinet Member for Finance and Procurement presented the report noting that the 2022-23 Statement of Accounts were due to be presented at the Governance and Audit Committee on the 30th November 2023 and then onwards to Council later that day. He noted that the Accounts were submitted to Audit Wales on Friday 18th August 2023 in preparation for completion of the Audit of Accounts by 30th November 2023, and he thanked Officers for completing this work in such a timely manner.

However, Audit Wales has notified Ceredigion County Council that they would be unable to meet this deadline due to resourcing issues. A verbal agreement was received from Audit Wales to provide information prior to a rescheduled meeting on 6 February 2024. Ceredigion County Council are currently awaiting written confirmation from Audit Wales.

8 Report by the Corporate Lead Officer: Policy, Performance and Public Protection upon the Draft Performance Management Policy Statement and Performance Management Framework to include feedback from the Overview and Scrutiny Coordinating Committee

The Chairman noted that this report was approved by Cabinet on 3rd October 2023, and that it was recommended that this item is therefore withdrawn from the Council's agenda.

9 Report by the Corporate Lead Officer: Porth Cymorth Cynnar upon the Housing Strategy to include feedback from the Healthier Communities Overview and Scrutiny Committee

Councillor Matthew Vaux, Cabinet Member for Partnerships, Housing, Legal and Governance and Public Protection presented the report to Council noting that under the Housing (Wales) Act 2014, local authorities have a strategic role to play in the way the local housing market functions.

He noted that the current 5 year Local Housing Strategy has been in place since 2018, and that following a review involving Senior Officers and partners, consultation, data collection and analysis, the revised housing Strategy was developed which sets out the vision for a further 5 years, with additions.

Councillor Caryl Roberts, Chair of the Healthier Communities Overview and Scrutiny Committee noted that the report was considered by the Committee during its meeting held in May 2023, and that it was recommended for approval by Council.

Council Elizabeth Evans thanked the Officers for their work, noting that the data included in the report relating to those waiting for housing makes for very difficult reading.

Following discussion, it was **RESOLVED** to approve the Housing Strategy for adoption.

10 A report upon the Application to Register Land as a Village Green at Erw Goch field, Waunfawr, Aberystwyth

Councillor Bryan Davies withdrew from the meeting for the duration of the discussion. The Chief Executive, Eifion Evans confirmed that Councillor Rhodri Evans had already left the meeting prior to the commencement of the discussions. Councillor Gareth Davies remained in the Council Chamber noting that he would not vote on this matter.

The Chairman of the Council provided an outline of the process to date, and invited Councillor Clive Davies, Cabinet Member for Economy and Regeneration to present the report to Council.

Councillor Clive Davies noted that the Council as Registration Authority instructed an Independent Assessor to consider whether the doctrine of statutory incompatibility prevents registration of the Land as a Town or Village Green. The Independent Advisor had provided an Inspector's note in December regarding the procedure, which is included in appendix 1.

Councillor Clive Davies read out the relevant parts of the Appendix 1.

Councillor Clive Davies noted also that the Independent Advisor provided an Inspector's Report on the preliminary issue of statutory incompatibility which is included in Appendix 2, quoting paragraphs 20, and paragraphs 24 - 27 of the report. He noted that the Application must now be considered by the Council (acting as the Registration Authority) for decision.

Councillor Keith Henson noted that 'the balance of probability' suggests that this may be a subjective opinion and that another Barrister may have come

to a different conclusion, noting that he would want to receive more information on this. The Chairman noted that the balance of probability is a civil test, and reminded Members that they are asked to consider the Barrister's recommendation regarding the statutory incompatibility defence.

The Monitoring Officer advised Members that the balance of probabilities is a civil test i.e. more likely than not. She also advised Members that the statutory incompatibility issue is a legal question. That means members cannot lawfully come to a different judgement on the facts as it's not a question of discretion for them to find that the statutory incompatibility defence fails and they would need to be able to explain why the inspector's legal analysis is wrong. If the recommendation is that it fails and you vote against the recommendation, this process has then come to an end, and it would be open for you as Registration Authority to seek advice regarding procedural processes for the future. The recommendation is that you refuse, but if you don't agree, it doesn't mean that it's not granted, as there would need to be a public enquiry.

Councillor Gareth Lloyd asked for clarification as to whether there is an appeal process if the application is rejected; whether the land where Hafan y Waun was built was also subject to the same educational clause and therefore creates a precedent; and what are the implications of repurposing of the land in the Local Development Plan.

Councillor Elizabeth Evans noted that Councillor John Roberts was unable to attend the meeting today, however he had submitted a written comment which Councillor Elizabeth Evans read on his behalf. The written statement noted that the land had been dedicated for education purposes; however a decision was made to build the new Ardwyn School elsewhere. In the meantime, the use of the land had changed incrementally and no longer bears resemblance to its original purpose.

Councillor Gareth Davies noted that there was no educational clause upon the land when it was initially purchased, and that during a meeting held 12 June 1985, Dyfed County Council resolved to lease the land at Erw Goch to Ceredigion District Council for use as community playing fields. He noted that residents had used part of the land for football and that the Waun Shield used to be held there many years ago. He stated that the educational purpose element had been given up years ago, however the Barrister's report does not give any consideration to this. He also noted the value placed by the Wales Planning Policy in relation to green spaces.

Councillor Matthew Vaux proposed a recorded vote. This was seconded by Councillor Paul Hinge and agreed unanimously.

A Recorded vote was taken, as agreed and in accordance with Rule 14.5 of the Council Procedure Rules contained in the Council's Constitution.

For: None (0)

Against: Clive Davies, Euros Davies, Gethin Davies, Ifan Davies, Marc Davies, Meirion Davies, Rhodri Davies, Amanda Edwards, Endaf Edwards, Elizabeth Evans, Eryl Evans, Gwyn Wigley Evans, Raymond Evans, Wyn Evans, Keith Henson, Paul Hinge, Hugh Hughes, Gwyn James, Gareth Lloyd, Sian Maehrlein, Ann Bowen Morgan, Caryl Roberts, Mark Strong, Wyn Thomas, Matthew Vaux, Alun Williams, Carl Worrall and Maldwyn Lewis (28)

Abstain: None (0)

Accordingly, the recommendation did not pass.

11 Nomination of Local Authority Representatives on School Governing Bodies

Councillor Wyn Thomas, Cabinet Member for Schools, Lifelong Learning and Skills presented the report to Council noting that Councillor Raymond Evans has been nominated as Local Authority Governor at the request of Llanfarian Community Primary School.

It was **RESOLVED** to confirm the nomination of Councillor Raymond Evans as Local Authority Governor of Llanfarian Community Primary School.

12 Report by the Corporate Lead Officer: Democratic Services upon the Protocol for Attendance at Local Authority Multi-location Meetings and Electronic Broadcasts of Meetings

Councillor Bryan Davies, Leader of the Council and Cabinet Member for Democratic Services, Policy, Performance and People and Organisation presented the report to Council noting that the draft protocol has been developed with the support of the Democratic Services Committee and included information such as attendance at meetings and behaviour online, and that it included a proposal to provide training to Members.

Councillor Elizabeth Evans noted that the protocol had been discussed comprehensively at committee and that all members were supportive of the proposals.

Following discussion it was **RESOLVED** to:

- a) approve the Protocol for Attendance at Local Authority Multi-location Meetings and Electronic Broadcasts of Meetings
- b) note that this protocol supersedes the previous protocol.

13 Report from the Corporate Lead Officer: Democratic Services upon a Pilot for Remote Only Meetings

Councillor Bryan Davies, Leader of the Council and Cabinet Member for Democratic Services, Policy, Performance and People and Organisation presented the report to Council noting that this matter had been considered by the Democratic Services Committee and asked Councillor Elizabeth Evans whether she wished to comment on the report.

Councillor Elizabeth Evans, Chair of the Democratic Services Committee noted that the Democratic Services Committee had considered the proposal

to conduct a pilot exercise whereby the Democratic Services Committee and the Governance and Audit Committee are held by remote means and recommended it for approval by Council. Councillor Gareth Lloyd, Vice-Chair of the Democratic Services Committee gave assurances that this was an exercise and not a final decision.

Following discussion, it was unanimously **RESOLVED** to approve the pilot to conduct the Democratic Services Committee and the Governance and Audit Committee by remote means only for a period of 18 months.

14 Report by the Corporate Lead Officer: Democratic Services upon a protocol for a Councillor Call for Action

Councillor Bryan Davies, Leader of the Council and Cabinet Member for Democratic Services, Policy, Performance and People and Organisation presented the report to Council noting that the protocol has been developed to reflect the recommendations of the Welsh Government Statutory and Non-Statutory Guidance for Principal Councils in Wales. He noted that the protocol has been considered by the Democratic Services Committee at its meeting dated 9 June 2023 and by the Constitution Working Group during its meeting dated 26 September 2023.

Councillor Elizabeth Evans, Chair of the Democratic Services Committee noted that this is an extremely important mechanism for Councillors to raise matters where they feel that there are no alternatives and all other mechanisms have been exhausted. She noted that the Democratic Services Committee recommended that Council approve the draft protocol for inclusion in the Council's Constitution.

Following discussion, it was unanimously **RESOLVED** to approve the Protocol for Councillor Call for Action.

15 To appoint Members to the following roles:

It was **RESOLVED** to appoint Members to the following roles:

Audit Wales Planning follow up Task and Finish Group

7 Members (politically balanced)

- Councillor Clive Davies
- Councillor Ceris Jones
- Councillor Chris James
- Councillor Gareth Lloyd
- Councillor Ifan Davies
- Councillor Elizabeth Evans
- Councillor Paul Hinge

Joint Committee for the National Adoption Service and Foster

Wales Council/Cabinet representative: Councillor Alun Williams, Cabinet Member for Through Age and Wellbeing

Dinas Llên Steering Board

Cabinet representative: Councillor Catrin M S Davies, Cabinet Member for Culture, Leisure and Customer Services

Corporate Joint Committee: Standards

2 Members of the Committee (one Councillor and one lay Member)

Councillor Gwyn Wigley Evans (Councillor)

Carol Edwards (lay Member)

Confirmed at the Meeting of the Council held on 14 December 2023

CHAIRMAN: _____