

Minutes of the Meeting of COUNCIL
held at Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron and remotely via
video conference on Thursday, 19th September, 2024

PRESENT: Councillor Keith Evans (Chair), Councillors Shelley Childs, Bryan Davies, Catrin M S 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, Keith Henson, Hugh R M Hughes, Gwyn James, Maldwyn Lewis, Gareth Lloyd, Sian Maehrlein, Ann Bowen Morgan, Caryl Roberts, John Roberts, Mark Strong, Wyn Thomas, Matthew Vaux, Alun Williams and Carl Worrall

(10.00am - 12.47pm)

Procedure

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

1 Apologies

- a) Councillors Wyn Evans, Chris James and Ceris Jones apologised for their inability to attend the meeting.
- b) Councillor Wyn Thomas apologised for his inability to attend the meeting due to being on other Council duties.
- c) Duncan Hall apologised for his inability to attend the meeting due to being on other Council duties.
- d) Elin Prysor and James Starbuck apologised for their 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 5 and withdrew from the meeting for the duration of the discussion.
- b) Councillor Gareth Davies declared a personal and prejudicial interest in relation to item 5 noting that he had been given dispensation to speak, but not to vote on the matter.

3 Chair Announcements

Councillor Keith Evans, Chair of the Council extended his condolences to the family of Councillor Paul Hinge on their recent bereavement. Councillors Elizabeth Evans, Bryan Davies and Rhodri Evans paid tributes to Councillor Paul Hinge.

Councillor Keith Evans congratulated the following:

- a) Councillor Ceris Jones on the birth of her second child;
- b) Stevie Williams, Josh Tarling, Rebecca Wilde and Emma Finucane on competing in the 2024 Olympic Games;
- c) Stevie Williams on winning the Tour of Britain;
- d) Stevie Williams, Josh Tarling and Finlay Tarling on being selected to compete at the World Cycling Championship in Finland;
- e) Eiliw Grug Davies from Ysgol Dyffryn Cledlyn on winning the UK Young Handler competition;

- f) Ceredigion County Council on winning the Regional Council/Local Authority Body of the Year category at the Wales 2024 Energy Efficiency Awards;
- g) Ceredigion County Council on receiving an extremely positive Estyn report on the quality of the Education Services;
- h) Recipients of the Food Awards Wales 2024, including Seler, Aberaeron on winning the Mid Wales and the Wales restaurant of the year; Bargoed Farm on winning the Mid Wales Café / Bistro of the year; Tafell a Tân, Llangrannog on winning Best Pizza Place of the year and Bwyty Maes y Parc, Cardigan on winning Cooking School of the Year;
- i) Ceredigion County Council on being awarded the Hate Crime Trustmark;
- j) Rali Ceredigion for holding an extremely successful event;
- k) Eluned Lewis from Llanwenog on celebrating her 101st birthday.

Councillor Catrin M S Davies provided an overview of the work and activities of Ceredigion County Council in relation to achieving the Hate Crime Trustmark, and a certificate was presented to the Chair of the Council by Tammy Foley, from Victim Support.

4 Minutes of the Meetings of the Council held on 18 July 2024

It was RESOLVED to confirm as a true record the Minutes of the Council meeting held on 18 July 2024 subject to an amendment noting that Councillor Marc Davies was present.

Matters arising

There were no matters arising

5 Report of the Corporate Lead Officer: Highways and Environmental Services upon an application to register land as a Village Green at Erw Goch field adjoining Hafan y Waun, Waunfawr, Aberystwyth

Councillors Bryan Davies and Rhodri Evans left the meeting for the duration of the discussion on the following item.

The Chair welcomed Katherine Barnes, barrister to the meeting.

Councillor Alun Williams, Deputy Leader of the Council presented the report to the Council outlining the procedures and processes to date. He noted the potential conflict between Ceredigion County Council as the landowner, and as the Registration Authority, stating the clear demarcation of Officer roles in relation to the above, and a previous decision by the Council to appoint an external Barrister to consider the application. He also noted that the independent advice received from the external Barrister Katherine Barnes recommended that the application for Village Green status must be refused as the statutory incompatibility defence is not made out.

He provided an explanation of the potential options open to Members, noting that this was a matter of law as opposed to opinions or beliefs, and noting

that the report for consideration was concerned solely with the Village Green status and the issue of statutory incompatibility.

Members asked the Barrister whether there were any covenants contained in the conveyancing documents which confirmed that the land had been set out for educational purposes. Katherine Barnes confirmed that there was no express decision by the Council stating that the land was acquired for educational purposes; however this is inferred in the documents, which included the Conveyance for when the land was originally purchased which referred to the proposed site for new school, and a recent Supreme Court decision stated that it is appropriate to infer from the evidence provided that the land was purchased for educational purposes and there was no other evidence to suggest that the land was acquired for anything other than educational purposes.

Members asked whether this would be negated if the requirement was now redundant. Katherine Barnes said that the questions to be considered were what was the land acquired for and has it continued to be held for that purpose. Katherine Barnes said that actual use of the land is irrelevant, the issue was how the land has been held legally. Katherine Barnes said that Local Authorities are creatures of statute and have to act within the statutory powers given to them. It was confirmed that a formal decision would have to be made to re-appropriate land, therefore the original status would remain irrespective of how it has been used or any proposals for future use. Katherine Barnes said that even if the land is not used for educational purposes, and it is accepted here that it is not, the land is legally held for educational purposes. Katherine Barnes confirmed that re-appropriation could be applied tomorrow via a legal process however this could not be applied retrospectively in relation to an application for Village Green status. This would mean that the 20 years of recreational use would need to start again from that date.

Members asked whether the inclusion of this land within the Local Development Plan could be considered as an acknowledgement of change of use, and whether re-appropriation would need to be applied prior to granting planning permission. Katherine Barnes confirmed that re-appropriation is a very specific legal process, therefore the inclusion in the Local Development Plan would not change this. If the Council did grant planning permission in relation to the land, given that the land is held currently for educational purposes it would not prevent the issuing of planning permission, however in order to lawfully implement the permission, the Council would need to make a formal decision for the land to be re-appropriated for that use.

Members asked whether re-appropriation should have been applied on acquiring the land in 1965. Katherine Barnes noted that Ceredigion County Council did not own the land prior to 1965, therefore this would not apply. Members asked whether re-appropriation should have been applied in relation to the transfer of land for the development of the Hafan y Waun residential care home. Katherine Barnes confirmed that this did appear to be irregular, however this land does not overlap with that of the Village Green

application. Members asked whether residents would continue to have access to the land if the Council decided to adopt the recommendation of the external adviser. Katherine Barnes confirmed that unless registration is made, there is no right for public use.

Several Members highlighted their concerns regarding access to residents and potential future use. Eifion Evans, Chief Executive confirmed that the purpose of the discussion today was to consider the recommendation of the external adviser in relation to Village Green status, and that discussions relating to the future use of the land was a matter for the Members to decide at further appropriate committee meetings. It was also noted that Members of the Cross-Party Constitution Working Group would review the Constitution in relation to re-appropriation of land.

Members asked whether there had been an open dialogue with residents regarding their application for Village Green status, and it was noted that due to the issue of conflict of interest in relation to this matter, the roles of landowner and Registration Authority had been divided between Officers, and that any discussion by Officers with the applicant would have impacted the legal process that was being pursued.

Following a discussion it was **RESOLVED** to adopt the recommendation made on 26th October 2023 based on the report of the Independent Assessor i.e.: That Council (acting as the Registration Authority) finds that the doctrine of statutory incompatibility prevents the registration of the Land as a Village Green and accordingly Council refuses the Application to register the Land as a Village Green.

6 Report of the Corporate Lead Officer: Democratic Services upon the Chair's Announcements - All Council Committees

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 in December 2023, Council resolved to approve the amendment to the Council Agenda from 'personal matters' to 'Chair's Announcements' on the recommendation of the Democratic Services Committee. He noted that the Democratic Services Committee had since recommended that this is replicated by the Cabinet and all other Committees.

Councillor Elizabeth Evans, Chair of the Democratic Services Committee noted that this would ensure consistency moving forward and that the Committee fully supported this recommendation.

It was **RESOLVED** unanimously to approve the amendment to all Council Committees agendas, including Cabinet from 'Personal Matters' to 'Chair's Announcements'.

7 Report of the Corporate Lead Officer: Legal and Governance and Monitoring Officer upon the Annual Report from the Chair of the Ethics and Standards Committee 2023/24

Caryl Davies, Independent Chair of the Ethics and Standards Committee presented the report to Council noting that number of cases in Ceredigion are relatively low, and she thanked the Monitoring Officer for the provision of training and advise. She thanked the Group Leaders for their co-operation and noted that they had identified through self-assessment an opportunity to conduct additional work with the Town and Community Council, bearing in mind that they are a small group, and that there are a large number of Town and Community Councils. She thanked Officers for their support, members of the committee and the Council for working in conjunction with the code of conduct, noting her appreciation of the flexibility of the Council in dealing with applications for dispensation.

The content of the report was noted by Council.

8 Report of the Corporate Lead Officer: Democratic Services upon the Annual Report of the Overview and Scrutiny Committees 2023/24

Councillor Keith Evans, Chair of the Overview and Scrutiny Co-ordinating Committee for 2023-24 presented the report to Council thanking all of the Overview and Scrutiny Committees that feed back to the Co-ordinating Committee, and he also paid tribute to the supporting Officers.

The content of the report was noted by Council.

9 Report of the Corporate Lead Officer: Legal and Governance and Monitoring Officer upon the recruitment of Town and Community Council representative to the Ethics and Standards Committee

Councillor Matthew Vaux, Cabinet Member for Partnerships, Housing, Legal and Governance and Public Protection presented the report to Council noting that on 30 July 2024, the Ethics and Standards Interview Panel recommended the appointment of Councillor Elen Page as a Town/Community Council representative to the Ethics and Standards committee from 19 September 2024 until the May 2027 Local Government Elections.

The Council **RESOLVED** to approve:

- a) the appointment of Councillor Elen Page as a Town/Community Council representative to the Ethics and Standards Committee from 19/9/24 until the May 2027 Local Government Elections;
- b) to confirm the appointment of Councillor Delyth James as a Town/Community Council representative to the Ethics and Standards Committee from 8 July 2022 until May 2027, which was reported to Council on 8 July 2022, but not recorded in the minutes.

Confirmed at the Meeting of the Council held on 24 October 2024

CHAIRMAN: _____