

At: Gadeirydd ac Aelodau'r Pwyllgor
Safonau

Dyddiad: 24 Tachwedd 2016

Rhif Union: 01824 706204

ebost: democrataidd@sirddinbych.gov.uk

Annwyl Aelod o'r Pwyllgor,

Fe'ch gwahoddir i fynychu cyfarfod y **PWYLLGOR SAFONAU, DYDD GWENER, 2 RHAGFYR 2016** am **10.00 am** yn **YSTAFELL BWYLLGORA 1A, NEUADD Y SIR, RHUTHUN LL15 1YN.**

Yn gywir iawn

G Williams

Pennaeth Gwasanaethau Cyfreithiol, AD a Democrataidd

AGENDA

RHAN 1: GWAHODDIR Y WASG A'R CYHOEDD I FYNYCHU'R RHAN HON O'R CYFARFOD

1 YMDDIHEURIADAU

2 DATGANIADAU O FUDDIANT

Dylai'r Aelodau ddatgan unrhyw gysylltiad personol neu gysylltiad sy'n rhagfarnu mewn unrhyw fater a nodwyd i'w ystyried yn y cyfarfod hwn.

3 MATERION BRYD FEL Y'U CYTUNWYD GAN Y CADEIRYDD

Rhybudd o eitemau y dylid, ym marn y Cadeirydd, eu hystyried yn y cyfarfod fel materion brys yn unol ag Adran 100B (4) Deddf Llywodraeth Leol, 1972.

4 COFNODION Y CYFARFOD DIWETHAF (Tudalennau 7 - 12)

Derbyn cofnodion cyfarfod y Pwyllgor Safonau a gynhaliwyd ar 16 Medi 2016 (copi ynghlwm).

5 RHAGLEN GWAITH I'R DYFODOL Y PWYLLGOR SAFONAU (Tudalennau 13 - 14)

Ystyried Rhaglen Gwaith i'r Dyfodol y Pwyllgor Safonau (copi ynghlwm).

6 FFORWM PWYLLGORAU SAFONAU GOGLEDD CYMRU (Tudalennau 15 - 24)

Ystyried adroddiad (copi ynghlwm) gan y Swyddog Monitro yn hysbysu'r pwyllgor am y materion a drafodwyd yng nghyfarfod Fforwm Pwyllgorau Safonau Gogledd Cymru a gynhaliwyd ar 17 Hydref 2016 yn Llangefni.

7 PROTOCOL HUNAN REOLEIDDIO (Tudalennau 25 - 40)

Ystyried adroddiad gan y Swyddog Monitro (copi ynghlwm) ynglŷn â'r potensial i gynnwys cwynion gan swyddogion y cyngor am ymddygiad aelodau etholedig ym Mhrotocol Hunan Reoleiddio'r Cyngor.

8 OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU – LLYFR ACHOSION COD YMDDYGIAD RHIFYN 10 (Tudalennau 41 - 54)

Ystyried adroddiad gan y Swyddog Monitro (copi ynghlwm) yn hysbysu'r aelodau o gyhoeddiadau diweddaraf Llyfr Achosion Cod Ymddygiad yr Ombwdsmon.

9 PRESENOLDEB MEWN CYFARFODYDD

Nodi presenoldeb aelodau'r Pwyllgor Safonau yng nghyfarfodydd Cyngorau Sir, Tref a Chymuned a derbyn eu hadroddiadau.

10 DYDDIAD Y CYFARFOD NESAF

Cynhelir cyfarfod nesaf y Pwyllgor Safonau am 10.00am ar ddydd Gwener 10 Mawrth 2017 yn Ystafell Gynadledda 1a, Neuadd y Sir, Rhuthun.

RHAN 2: EITEMAU CYFRINACHOL

Argymhellir yn unol ag Adran 100A(4) Deddf Llywodraeth Leol 1972 y dylid gwahardd y Wasg a'r Cyhoedd o'r cyfarfod tra bydd yr eitemau busnes canlynol yn cael eu hystyried oherwydd ei bod yn debygol y bydd gwybodaeth eithriedig (fel y diffinnir ym Mharagraff 12 a 13 Rhan 4 Atodlen 12A y Ddeddf) yn cael ei datgelu.

11 COD YMDDYGIAD - RHAN 3 DEDDF LLYWODRAETH LEOL 2000 (Tudalennau 55 - 56)

Ystyried adroddiad cyfrinachol gan y Swyddog Monitro (copi ynghlwm) sy'n rhoi trosolwg o gwynion yn erbyn aelodau a gyflwynwyd gydag Ombwdsmon Gwasanaethau Cyhoeddus Cymru.

AELODAETH

Aelodau Annibynnol:

Ian Trigger (Cadeirydd), Mrs Paula White, Julia Hughes a/ac Anne

Aelod Cyngor Tref/Cymuned:

Y Cynghorydd David E Jones

Cynghorwyr Sir:

Y Cynghorydd Barry Mellor

Y Cynghorydd Meirick Lloyd Davies

COPIAU I'R:

Holl Gynghorwyr er gwybodaeth

Y Wasg a'r Llyfrgelloedd

Cynghorau Tref a Chymuned

Mae tudalen hwn yn fwriadol wag

DEDDF LLYWODRAETH LEOL 2000

Cod Ymddygiad Aelodau

DATGELU A CHOFRESTRU BUDDIANNAU

Rwyf i,
(enw)

*Aelod /Aelod cyfetholedig o
(*dileuer un)

Cyngor Sir Ddinbych

YN CADARNHAU fy mod wedi datgan buddiant ***personol / personol a sy'n rhagfarnu** nas datgelwyd eisoes yn ôl darpariaeth Rhan III cod ymddygiad y Cyngor Sir i Aelodau am y canlynol:-
(*dileuer un)

Dyddiad Datgelu:

Pwyllgor (nodwch):

Agenda eitem

Pwnc:

Natur y Buddiant:

(Gweler y nodyn isod)*

Llofnod

Dyddiad

Noder: Rhowch ddigon o fanylion os gwelwch yn dda, e.e. 'Fi yw perchennog y tir sy'n gyfagos i'r cais ar gyfer caniatâd cynllunio a wnaed gan Mr Jones', neu 'Mae fy ngŵr / ngwraig yn un o weithwyr y cwmni sydd wedi gwneud cais am gymorth ariannol'.

Mae tudalen hwn yn fwriadol wag

PWYLLGOR SAFONAU

Cofnodion cyfarfod o'r Pwyllgor Safonau a gynhaliwyd yn Ystafell Bwyllgora 1a, Neuadd y Sir, Rhuthun LL15 1YN, Dydd Gwener, 16 Medi 2016 am 10.00 am.

YN BRESENNOL

Aelodau Annibynnol Ian Trigger (Cadeirydd), Paula White, Julia Hughes a'r Cynghorwyr Barry Mellor a David E. Jones

HEFYD YN BRESENNOL

Swyddog Monitro (GW) a Gweinyddwr y Pwyllgor (SLW)

1 YMDDIHEURIADAU

Derbyniwyd ymddiheuriadau am absenoldeb gan yr Aelod Annibynnol Anne Mellor

2 DATGAN CYSYLLTIAD

Dim

3 MATERION BRYN FEL Y'U CYTUNWYD GAN Y CADEIRYDD

Cododd y Cadeirydd y mater canlynol ond nododd nad oedd yn fater brys.

Yn dilyn cyfarfod gydag Ombwdsmon Gwasanaethau Cyhoeddus Cymru, Nick Bennett, mynegodd y Cadeirydd bryder ynglŷn â nifer y cwynion a wrthodwyd gan y teimlai y gallai rhai cwynion gael eu hatgyfeirio at y Pwyllgorau Safonau. Y rheswm dros hynny yw pe bai aelod o'r cyhoedd yn cyflwyno cwyn i Ombwdsman Gwasanaethau Cyhoeddus Cymru a bod yr ymateb yn negyddol yna gallai'r achwynydd brofi ymdeimlad o anghydfod.

Roedd yr Ombwdsmon yn mynychu cyfarfod yn Llangefni ddydd Llun 17 Hydref am 10.30am gyda'r Fforwm Safonau i ddilyn. Eglurodd yr Is-gadeirydd, yn anffodus, ni allai fynychu'r digwyddiad gan y byddai ar ei gwyliau. Mynegodd yr Aelod Annibynnol, Julia Hughes, ddiddordeb mewn mynychu'r cyfarfod ond byddai'n cadarnhau gyda'r Swyddog Monitro ar ôl gwirio ei hamserlen.

Mae'r Ombwdsmon wedi gofyn i'r holl Awdurdodau Lleol anfon unrhyw gwestiynau ato ymlaen llaw.

Gofynnodd y Cadeirydd bod y canlynol yn cael ei gynnwys fel un o'r cwestiynau a anfonir at yr Ombwdsmon "a fyddai'r Ombwdsmon yn ystyried caniatáu i'r Pwyllgor Safonau ddelio â mwy o honiadau o fynd yn groes i'r Cod Ymddygiad"?

Cododd y Cadeirydd y mater o gyflwyno isafswm safonau ar gyfer Cynghorau Dinas, Tref a Chymuned, a gofynnodd i'r Swyddog Monitro a fyddai hyn yn eitem briodol i'w chyflwyno yn y Fforwm ar 17 Hydref.

Eglurodd y Swyddog Monitro efallai bod hyn y tu hwnt i friff y Fforwm. Eglurodd hefyd fod hyfforddiant ar gael ar gyfer Cynghorwyr a Chlercod Cynghorau Dinas, Tref a Chymuned.

Cydnabu'r Cadeirydd yr hyfforddiant rhagorol a ddarparwyd gan y Swyddog Monitro a'r Dirprwy Swyddog Monitro.

Cadarnhaodd y Swyddog Monitro y byddai'n anfon y cwestiynau gan Sir Ddinbych a'r Awdurdodau Lleol eraill i Aelodau'r Pwyllgor Safonau er gwybodaeth.

GW I WEITHREDU

4 COFNODION Y CYFARFOD DIWETHAF

Cyflwynwyd cofnodion cyfarfod y Pwyllgor Safonau a gynhaliwyd ar 8 Ebrill 2016.

Canmolodd y Cadeirydd safon uchel y cofnodion.

PENDERFYNWYD y dylid cymeradwyo cofnodion y cyfarfod a gynhaliwyd ar 8 Ebrill, 2016 fel cofnod cywir.

5 RHAGLEN GWAITH I'R DYFODOL Y PWYLLGOR SAFONAU

Cyflwynwyd Rhaglen Gwaith i'r Dyfodol y Pwyllgor Safonau i'w ystyried a chytunodd yr aelodau ar yr ychwanegiadau canlynol:-

2 Rhagfyr 2016

- Adroddiad dilynol yn dilyn cyfarfod 17 Hydref 2016 gydag Ombwdsmon Gwasanaethau Cyhoeddus Cymru a'r Fforwm Safonau.
- Adroddiad Blynyddol Panel Dyfarnu Cymru – (heb ei gadarnhau)

10 Mawrth 2017

- Paratoi Adroddiad Blynyddol y Cadeirydd ar gyfer y Cyngor Llawn.
- Hyfforddiant

Cadarnhaodd y Swyddog Monitro i Aelodau'r Pwyllgor fod y Rhaglen Gwaith i'r Dyfodol yn ddogfen fyw ac y gellir ei addasu ac ychwanegu eitemau ar unrhyw adeg.

PENDERFYNWYD - yn amodol ar ychwanegu'r uchod, bod y Pwyllgor Safonau'n cytuno ar y Rhaglen Gwaith i'r Dyfodol.

6 ADRODDIAD BLYNYDDOL OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU 2015/16

Cyflwynodd y Swyddog Monitro'r adroddiad (a ddisbarthwyd yn flaenorol) i roi cyfle i Aelodau'r Pwyllgor Safonau i ystyried cynnwys Adroddiad Blynyddol Ombwdsmon Gwasanaethau Cyhoeddus Cymru.

Bob blwyddyn, mae'r Ombwdsmon yn cyhoeddi Adroddiad Blynyddol ar weithgareddau ei swyddfa wrth ymdrin â chwynion yn erbyn cyrff cyhoeddus yng Nghymru.

Mae gan swyddfa'r Ombwdsmon ddwy brif rôl:-

- Ymchwilio i gwynion am gamweinyddu gan gyrff cyhoeddus.
- Ymchwilio i gwynion yn ymwneud â honiadau o fynd yn groes i God Ymddygiad gan aelodau etholedig y Cynghorau Unedol, Dinas, Tref a Chymuned. Byddai hyn yn fwy perthnasol i'r Pwyllgor Safonau.

Yn yr adroddiad, croesawodd yr Ombwdsmon argymhellion Pwyllgor Cyllid, Cynulliad Cenedlaethol Cymru y dylid cyflwyno deddfwriaeth yn y Cynulliad presennol i wella pwerau presennol swyddfa Ombwdsmon Gwasanaethau Cyhoeddus Cymru.

Dengys yr adroddiad fod cyfanswm nifer y cwynion a dderbyniwyd gan yr Ombwdsmon yn erbyn cyrff gwasanaethau cyhoeddus mewn perthynas â darpariaeth gwasanaeth wedi gostwng ar y cyfan. O fewn y gostyngiad hwnnw, bu cynnydd yn nifer y cwynion ynglŷn â'r Gwasanaeth lechyd.

Roedd dadansoddiad yr ystadegau cwynion yn ymwneud â'r Cod Ymddygiad yn dangos 274 o gwynion yn 2015/16 o gymharu â 231 yn 2014/15, cynnydd o 19%. Roedd dadansoddiad pellach yn dangos mai prif ffactor y cynnydd oedd cynnydd o 49% yn nifer y cwynion sy'n deillio o Gynghorau Dinas, Tref a Chymuned o 106 yn 2014/15 i 158 yn 2015/16.

Yn ystod trafodaeth fanwl codwyd y pwyntiau canlynol:

- Nodwyd pe bai Cynghorydd sir yn cyflwyno cwyn yn erbyn Cynghorydd sir arall yn eu Hawdurdod Lleol eu hunain, yna byddai'r Ombwdsmon yn disgwyl y cyflwynir y cwyn i'r Swyddog Monitro fel cam cyntaf er mwyn datrys y mater yn lleol heb gynnwys yr Ombwdsmon.
- Roedd Gweithdrefn Ddatrys Lleol ar waith ar gyfer troseddwy'r ailadroddus. Os mai canfyddiad y Swyddog o ymddygiad yr Aelod oedd eu bod yn teimlo eu bod yn cael eu bwlio, yna holwyd a fyddai'r Weithdrefn Ddatrys Lleol yn cael ei hymestyn i ddelio â'r mater. Cadarnhaodd y Swyddog Monitro ei fod ef a'r Dirprwy Swyddog Monitro yn asesu cyfreithlondeb y Weithdrefn. Roedd y Swyddog Monitro a'r Dirprwy Swyddog Monitro yn gwirio pa weithdrefnau sydd gan Awdurdodau Lleol eraill ar waith. Cadarnhaodd y Swyddog Monitro y byddai'n adrodd yn ôl yn y cyfarfod nesaf ym mis Rhagfyr, gyda'r wybodaeth berthnasol. ***GW I WEITHREDU***
- Holodd y Cadeirydd sut y gall pobl gysylltu â'r Ombwdsmon ac ymhle y gellir canfod gwybodaeth am ei swyddfa. Cadarnhaodd y Swyddog Monitro y byddai'n ymchwilio hyn ac yn adrodd yn ôl. ***GW I WEITHREDU***

Yn dilyn trafodaeth bellach:

PENDERFYNWYD – bod y Pwyllgor Safonau yn derbyn a nodi Adroddiad Blynyddol Ombwdsmon Gwasanaethau Cyhoeddus Cymru 2015/16.

7 LLYFR ACHOSION COD YMDDYGIAD - OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU

Cyflwynodd y Swyddog Monitro'r adroddiad (a ddosbarthwyd yn flaenorol) i hysbysu aelodau'r Pwyllgor Safonau o rifynnau diweddaraf Llyfr Achosion Cod Ymddygiad yr Ombwdsmon.

Eglurwyd bod Atodiad 1 yr adroddiad yn cynnwys y Llyfr Achos ar gyfer cyfnod mis Ionawr 2016 hyd at fis Mawrth 2016. Roedd Atodiad 2 yn cynnwys y cyfnod o fis Ebrill 2016 hyd at fis Mehefin 2016.

Roedd manylion y cwynion a archwiliwyd yn ystod y cyfnodau hyn wedi'u hamlinellu yn yr adroddiad a'u crynhoi gan y Swyddog Monitro.

Cafwyd trafodaeth a chytunwyd y byddai'r Swyddog Monitro yn ysgrifennu at holl Gyngorau Dinas, Tref a Chymuned yn egluro pwysigrwydd datgan cysylltiad personol neu gysylltiad sy'n rhagfarnu. Ar gyfer cyfarfodydd y Cyngor a Chynllunio roedd "sgrïpt" oedd yn cael ei ddarllen ar ddechrau'r cyfarfod i sicrhau bod Aelodau yn deall ystyr datgan cysylltiad. Byddai'r "sgrïpt" yn cael ei anfon at yr holl Gyngorau Dinas, Tref a Chymuned er gwybodaeth. **GW I WEITHREDU**

PENDERFYNWYD – bod y Pwyllgor Safonau yn nodi'r wybodaeth sydd yn Llyfr Achos y Cod Ymddygiad.

8 PRESENOLDEB MEWN CYFARFODYDD

Cadarnhaodd yr Aelod Annibynnol, Julia Hughes, ei bod wedi mynychu Cyngor Cymuned Llantysilio ar 7 Mawrth 2016 ac wedi mynychu'r Pwyllgor Cynllunio fel siaradwr cyhoeddus yn erbyn cais ar 27 Gorffennaf 2016.

Diolchodd y Cadeirydd i'r Aelod Annibynnol am ei hadborth a oedd wedi bod yn gadarnhaol ar y cyfan.

Cadarnhaodd y Swyddog Monitro y byddai'n casglu rhestr o Gyngorau Dinas, Tref a Chymuned yr ymwelwyd â nhw dros y 3 blynedd diwethaf ac yn dosbarthu'r rhestr i'r aelodau cyn cyfarfod y Pwyllgor Safonau ym mis Rhagfyr 2016. Cadarnhaodd y Swyddog Monitro y byddai'n ymgynghori â'r Dirprwy Swyddog Monitro ac y byddai rhestr wedi'i ddiweddarau'n cael ei ddosbarthu. **GW I WEITHREDU**

PENDERFYNWYD y dylid derbyn a chofnodi'r adroddiad llafar oddi wrth yr Aelod Annibynnol a fu'n mynychu cyfarfodydd.

9 DYDDIAD Y CYFARFOD NESAF

Nododd yr Aelodau bod cyfarfod nesaf y Pwyllgor Safonau wedi'i drefnu ar gyfer 10.00am ddydd Gwener 2 Rhagfyr 2016 yn Ystafell Gynadledda 1a, Neuadd y Sir, Rhuthun.

PENDERFYNWYD dan ddarpariaethau Adran 100A Deddf Llywodraeth Leol 1972, gwahardd y Wasg a'r Cyhoedd o'r cyfarfod ar gyfer yr eitemau canlynol ar y sail y byddai gwybodaeth eithriedig yn debygol o gael ei datgelu fel y'i diffinnir ym Mharagraffau 12 ac 13 Rhan 4 Atodlen 12A y Ddeddf.

10 COD YMDDYGIAD – RHAN 3 DEDDF LLYWODRAETH LEOL 2000

Cyflwynodd y Swyddog Monitro'r adroddiad cyfrinachol (a ddisbarthwyd yn flaenorol) i roi trosolwg i'r Aelodau o gwynion a gyflwynwyd i Ombwdsmon Gwasanaethau Cyhoeddus Cymru.

Roedd y Pwyllgor Safonau eisoes wedi gofyn am gael gwybod yn rheolaidd am lefel y cwynion a gyflwynwyd gydag Ombwdsmon Gwasanaethau Cyhoeddus Cymru. Roedd y tablau yn Atodiad 1 yn rhoi trosolwg o gwynion a gyflwynwyd ers 1 Ebrill 2014.

PENDERFYNWYD - bod y Pwyllgor Safonau yn derbyn ac yn nodi cynnwys yr adroddiad.

Daeth y cyfarfod i ben am 12.05 p.m.

Mae tudalen hwn yn fwriadol wag

RHAGLEN GWAITH I'R DYFODOL Y PWYLLGOR SAFONAU

SYLWER BOD Y RHAGLEN I'W DOSBARTHU 1 WYTHNOS CYN Y CYFARFOD

DYDDIAD Y CYFARFOD	EITEMAU / MEYSYDD ADRODDIAD	AWDUR YR ADRODDIAD
10 Mawrth 2017	Eitem Sefydlog: Presenoldeb mewn Cyfarfodydd	Amh
	Eitem Sefydlog Rhan 2: Trosolwg o Gwynion yn Sir Ddinbych	Gary Williams (Swyddog Monitro)
	Eitem Sefydlog: Rhaglen Gwaith i'r Dyfodol y Pwyllgor Safonau	Gary Williams (Swyddog Monitro)
	Hygyrchedd Gwybodaeth gan Gynghorau Dinas, Tref a Chymuned – Adolygiad Blynyddol	Aelod Annibynnol Julia Hughes
	Paratoi Adroddiad Blynyddol y Cadeirydd ar gyfer y Cyngor Llawn.	Gary Williams (Swyddog Monitro)
	Hyfforddiant	Gary Williams (Swyddog Monitro)
	Adroddiad Blynyddol Panel Dyfarnu Cymru	Gary Williams (Swyddog Monitro)
30 Mehefin 2017	Eitem Sefydlog: Presenoldeb mewn Cyfarfodydd	Amh
	Eitem Sefydlog Rhan 2: Trosolwg o Gwynion yn Sir Ddinbych	Gary Williams (Swyddog Monitro)
	Eitem Sefydlog: Rhaglen Gwaith i'r Dyfodol y Pwyllgor Safonau	Gary Williams (Swyddog Monitro)
22 Medi 2017	Eitem Sefydlog: Presenoldeb mewn Cyfarfodydd	Amh
	Eitem Sefydlog Rhan 2: Trosolwg o Gwynion yn Sir Ddinbych	Gary Williams (Swyddog Monitro)
	Eitem Sefydlog: Rhaglen Gwaith i'r Dyfodol y Pwyllgor Safonau	Gary Williams (Swyddog Monitro)

24 Tachwedd 2017	Eitem Sefydlog: Presenoldeb mewn Cyfarfodydd	Amh.
	Eitem Sefydlog Rhan 2: Trosolwg o Gwynion yn Sir Ddinbych	Gary Williams (Swyddog Monitro)
	Eitem Sefydlog: Rhaglen Gwaith i'r Dyfodol y Pwyllgor Safonau	Gary Williams (Swyddog Monitro)

Diweddariwyd 18/11/2016 - KEJ

Adroddiad i'r:	Pwyllgor Safonau
Dyddiad y Cyfarfod:	2 Rhagfyr 2016
Aelod / Swyddog Arweiniol:	Gary Williams, Swyddog Monitro
Awdur yr Adroddiad:	Gary Williams, Swyddog Monitro
Teitl:	Fforwm Pwyllgorau Safonau Gogledd Cymru

1. Am beth mae'r adroddiad yn sôn?

Mae'r adrodd yn ymwneud â chyfarfod Fforwm Pwyllgor Safonau Gogledd Cymru (y Fforwm) a gynhaliwyd yn Llangefni ar 17 Hydref 2016 ac a fynychwyd gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru (yr Ombwdsmon).

2. Beth yw'r rheswm dros lunio'r adroddiad hwn?

I hysbysu'r Pwyllgor ynglŷn â'r materion a drafodwyd yng nghyfarfod y Fforwm.

3. Beth yw'r Argymhellion?

Bod aelodau'r Pwyllgor yn nodi'r wybodaeth sydd yn yr adroddiad.

4. Manylion yr adroddiad.

- 4.1 Roedd y Fforwm yn falch fod yr Ombwdsmon, Mr Nick Bennett, yn bresennol ac fe ddarparodd gyflwyniad ac atebodd gwestiynau a anfonwyd ato cyn y cyfarfod. Mae'r cwestiynau ynghyd â nodiadau'r atebion a roddwyd yn Atodiad 1.
- 4.2 Yn ystod ei gyflwyniad, pwysleisiodd yr Ombwdsmon ei gefnogaeth ar gyfer datrysiad lleol y cwynion a wnaed gan aelodau etholedig yn erbyn ei gilydd a mynegodd y byddai'n ddefnyddiol ymestyn y broses i Gynghorau Tref, Dinas a Chymuned. Pwysleisiodd nad oedd yn cyflwyno unrhyw fath o orchymyn mewn perthynas â hyn ac mai mater ar gyfer pwyllgorau safonau lleol a'r Cynghorau Tref, Dinas a Chymuned yn eu hardaloedd eu hunain fyddai hyn. Dywedodd ei fod yn ymwybodol fod Un Llais Cymru wedi gwneud rhywfaint o waith gyda rhai cynghorau tref a chymuned ar y testun hwn.
- 4.3 Croesawodd yr Ombwdsmon y gostyngiad yn nifer y cwynion a dderbyniwyd mewn perthynas â Chynghorwyr Sir ar draws Cymru yr oedd modd iddo adrodd amdano yn ei adroddiad blynyddol. Fe gyfeiriodd at y cynnydd yn nifer y cwynion sy'n ymwneud â chynghorwyr tref a chymuned ac eglurodd bod tri chynghor tref a chymuned yn gyfrifol am y cynnydd, gan eu bod yn gyfrifol am hanner cant o'r cwynion a dderbyniwyd yn ystod y cyfnod. Y rhain oedd Glyn-nedd, Abertyleri, a Chaergybi.

- 4.4 Nododd yr Ombwdsmon bod y rhan fwyaf o'r cwynion wedi'u cau ar ôl ystyriaeth gychwynnol a bod y niferoedd a atgyfeiriwyd at Bwyllgorau Safonau neu Banel Dyfarnu yn isel iawn, a oedd yn achos dathlu yn ei farn ef.
- 4.5 Mae'r mater o reoli ei adnoddau ar draws yr amrywiol feysydd y mae'n eu harchwilio yn parhau i fod yn bwysig iawn i'r Ombwdsmon. Bu newid yn y defnydd o adnoddau yn ei swyddfa. Ddeng mlynedd yn ôl, roedd cwynion o'r sector iechyd yn cyfrif ar gyfer 15% o gyfanswm y cwynion a atgyfeiriwyd i'w swyddfa. Mae'r ffigur yn 35% yn awr. Nododd yr Ombwdsmon fod 76% o'i adnoddau yn awr yn cael eu defnyddio i ystyried cwynion iechyd. Yn y cyd-destun hwn ailadroddodd yr Ombwdsmon y neges a roddodd yn flaenorol, ni fydd yn defnyddio ei bwerau i archwilio cwynion lefel isel neu faterion "gwirion" mewn perthynas ag aelodau etholedig ond yn hytrach bydd yn cynnal adnoddau i ddelio â'r tor-amodau mwyaf difrifol. Bydd yr Ombwdsmon bob amser yn archwilio materion sy'n ymwneud â chamddefnyddio pŵer, bwlio a llygredigaeth.
- 4.6 Adlewyrchodd yr Ombwdsmon ar weithrediad ei brawf lles y cyhoedd flwyddyn ar ôl ei gyflwyno. Cadarnhaodd mai'r ffactorau y mae'n rhaid eu hystyried wrth gymhwyso ei brawf yw, difrifoldeb y tor-amod honedig, a oedd budd personol wedi'i geisio'n fwriadol, camddefnyddio safle ag ymddiriedaeth gan achosi niwed, gwahaniaethu ac unrhyw ymddygiad tebyg blaenorol ar ran yr aelod perthnasol.
- 4.7 Yn dilyn eitem yr Ombwdsmon, aeth y Fforwm yn ei flaen i ystyried gweithrediad y Fforwm yn y dyfodol. Ni chafwyd cyfarfod y Fforwm am beth amser a chytunwyd ei fod yn parhau i fod yn offer defnyddiol ar gyfer dysgu a rhannu arferion. Cytunwyd y byddai'r Fforwm yn cyfarfod ddwywaith y flwyddyn yn y dyfodol. Bydd y Fforwm yn cyfarfod mewn awdurdod gwahanol bob tro mewn cylchdro. Bydd yr awdurdod cynnal yn cadeirio'r cyfarfod ac yn gwneud yr holl drefniadau gweinyddol gofynnol. Bydd Swyddog Monitro'r awdurdod cynnal bob amser yn bresennol. Bydd Sir Ddinbych yn cynnal y cyfarfod nesaf yn y gwanwyn yn 2017.
- 4.8 Yna ystyriodd y Fforwm fater ynglŷn â chwblhau cofrestr cysylltiadau gan aelodau yn ddwyieithog a'r materion technegol sydd wedi codi mewn rhai ardaloedd. Cytunwyd y byddai pob awdurdod yn gwirio'r sefyllfa yn eu hawdurdod eu hunain. Cafwyd trafodaeth hefyd ynglŷn ag argaeledd hyfforddiant cyfryngu ar gyfer aelodau pwyllgorau safonau a all fod yn rhan o'r gweithdrefnau datrysiaid lleol.

5. Sut mae'r penderfyniad yn cyfrannu at y Blaenoriaethau Corfforaethol?

Nid yw'r penderfyniad yn cael effaith uniongyrchol ar y blaenoriaethau corfforaethol.

6. Faint fydd hyn yn ei gostio a sut y bydd yn effeithio ar wasanaethau eraill?

Nid oes costau uniongyrchol yn gysylltiedig â'r adroddiad hwn.

7. Beth yw prif gasgliadau'r Asesiad o Effaith ar Les?

Nid oes angen asesiad o effaith ar les ar gyfer yr adroddiad hwn.

8. Pa ymgynghoriadau a gynhaliwyd gyda'r Pwyllgorau Archwilio ac eraill?

Nid yw'r mater hwn wedi ei adrodd nac wedi ei ymgynghori arno yn unrhyw le arall.

9. Datganiad y Prif Swyddog Cyllid.

Does dim goblygiadau ariannol uniongyrchol yn yr adroddiad hwn.

10. Pa risgiau sydd ac a oes unrhyw beth y gallwn wneud i'w lleihau?

Nid oes unrhyw risgiau uniongyrchol sy'n gysylltiedig â'r adroddiad hwn.

11. Pŵer i wneud Penderfyniad

Does dim angen gwneud penderfyniad.

Mae tudalen hwn yn fwriadol wag

Appendix 1

NORTH WALES STANDARDS COMMITTEE FORUM 17 OCTOBER 2016 QUESTIONS FOR THE OMBUDSMAN

Arising from the presentation topic:

NWFRS:

- 1. Local resolution protocol. Is it toothless because it is not compulsory and because it cannot apply sanctions?**

The Ombudsman said that the widespread adoption of local resolution procedures was a welcome development.

These provide an important mechanism for resolving issues before relationships get worse and protect the reputation of the organisation by keeping matters such as these in house. He felt it important that these procedures should not focus on sanction.

- 2. What is the future for local resolution protocols for town and community councils? Will it be limited to those who have powers of competency/additional duties under the Future Generations and Wellbeing Act 2015?**

The Ombudsman said that he didn't know what impact changes to local government would have and that he was interested to see what future plans may be for local government generally. He was pleased that One Voice Wales had put together a draft model process and, although he understood that not all local councils were members of One Voice Wales, he hoped that they could all use the draft model if they wished to.

- 3. Conflict of interests for Monitoring Officers and Standards Committees arising from Local Resolution Protocols and then dealing with any subsequent referrals from the Ombudsman.**

The question of whether a conflict of interest arises is a professional judgement to be made by the individual officer. The 2016 Regulations allow for the creation of Joint Standards Committees or for the referral of cases to another authority if the circumstances are such that a Standards Committee feels unable to hear a particular case.

Parc Cenedlaethol Eryri:

- 4. There appears to be a reduction in the number of cases before the Adjudication Panel for Wales. Is this a direct result of local resolution? Or does the Ombudsman consider that the introduction of the public interest threshold test has affected the number of cases?**

The Ombudsman didn't think that the public interest test has affected the number of cases referred to the Adjudication Panel. This has always been a small number as it is reserved for more serious cases. He expects that if anything the public interest test may cause an increase in the number of cases referred to the Panel as his office will be concentrating on the most serious cases.

- 5. Is the Ombudsman considering offering or arranging mediation training for Monitoring Officers and the members of the various Standards Committee in light of the requirement for more to be done by way of local resolution? What is the role of the Standards Committee in relation to the Ombudsman's comment in the amended guidance, published July 2016, that "I am supportive of this (local resolution process) extending to cover community councils" (page 8)?**

The Ombudsman has no resources to offer to support training in this area and had nothing to add to his previous comments.

- 6. If the Ombudsman is considering that a local resolution process should be extended to include community councils too, will the Ombudsman provide a standard Local Resolution Protocol or template so as to ensure all members are treated fairly and consistently?**

The Ombudsman considered that a model protocol is important as it provides a fair and consistent process. He understands that One Voice Wales have produced a model and doesn't consider that there is a need for him to produce another one.

Other general questions:

Anglesey:

- 7. How do you see role of community councils when some have significant responsibilities yet the variance in clerks' time varies from full time staff to 10 hours a month and skill level varies considerably and some don't even want a computer.**

The Ombudsman said that this wasn't a question for him. He had however been a member of the Williams Commission which had considered issues relating to the future of Town City and Community Councils. There is a huge variation in the size of these councils with the largest, Barry, having a population of circa 60,000 which was not much less than a small unitary authority, down to some very small populations in rural areas. He would wait and see what the Government's plans are.

- 8. Why do cases take so long from the complaint being reported to conclusion?**

The Ombudsman believed that the speed of investigations will depend on the number and nature of allegations. He is aware that "slow justice can be no justice" He is also aware of the burden placed on those who are under investigation.

The proportion of investigations now completed within 9 months improved last year to 84% compared with 76% in the previous year.

The Ombudsman's office now has a more active case management system. They would like to see this figure rise to 100% and do discuss internally how to improve this performance. It is frustrating for all involved, including the Ombudsman. A quarter of all complaints received by his office are generated by 5 or 6 public bodies. All of these bodies have improvement officers and it is to be hoped that the same mistakes are not being made and generating further complaints that his office has to investigate. His office has specialist officers in areas such as planning, health etc. and the Code of Conduct. The specialist officer in respect of Code of Conduct complaints is Annie Ginwalla.

9. Is the Ombudsman considering preparing a Sanction Guidance specifically tailored to the needs and powers of Standards Committees?

The Ombudsman has no plans to do this. The issue of sanction is an issue for Standards Committees. He is aware of guidance on sanction issued by the Adjudication Panel for Wales which committees may find useful.

Gwynedd:

10. Clarity around the new SI. I.e. suspension only within current term of office. Doesn't this make it pointless when a member can commit a serious breach of the Code, and if the timing is right, there will be no consequences? Would the expectation of the Ombudsman be that Standards Committees or Case Tribunals would still proceed and issue a censure only, making it clear that a suspension or disqualification would have followed had it been available? Is it really wasting costs to investigate, prosecute and adjudicate on something like this and isn't it unfair to elected members that some will be facing suspension because of a breach that takes place early on in their term of office and others will "get away with it"?

The Ombudsman accepted that this was a theoretical possibility. He pointed out that any system could be subject to some level of gaming.

He added that the issue related only to a very small number of matters that were referred to Committees or the Adjudication Panel.

The Ombudsman supported the amendment as it brought the issue into line with rules that already existed for the Adjudication Panel.

11. Are we going down the route of the England model? Would it be better for the Ombudsman to just focus on public service delivery, rather than the conduct of elected members, given scarce resources?

The Ombudsman was clear that we were not going down the English model. If that was the case, he would have lost the powers that he has and his office would not be doing the work that it is.

The majority of work done by his office is related to public service delivery. He feels that their work in respect of the Code of Conduct is important as it gives the public some assurance that serious issues will be dealt with. There will be a new Act

regarding the Ombudsman and some academics have suggested during the consultation that the office should not deal with conduct issues, however, nobody else has brought the issue up. The former Minister who began the consultation supported the existence of code related powers for the Ombudsman. Ultimately it will be for the Assembly to determine the content of the new Act.

Conwy:

12. The role of the Standards Committee and local Monitoring Officers in relation to town and community councils, particularly in light of the new draft Guidance. Is there an expectation that Monitoring Officers lodge complaints and / or is there an expectation that Standards Committees and Monitoring Officers now undertake local resolution at Town and Community Council level?

The Ombudsman confirmed that it would be an option for a breach to be referred to the monitoring officer. He was aware that the One Voice Wales model provided for the Clerk to play a vital role in the local resolution of complaints.

13. Is there, or is there intended to be, an archive library of standards decisions, for consistency, rather than just the APW Case Tribunals?

The Ombudsman referred to the introduction of his Code of Conduct Casebook which provides information on cases that have been considered. His office is working on a database of historic decisions which pre date the introduction of the Casebook.

Wrexham:

14. It is a statutory requirement for Town and Community Councils to have websites and for their registers of interests to be published on them. What steps will the Ombudsman take if Town and Community Councils fail to conform to this requirement?

The Ombudsman said that this was not an issue to be considered under the Code but that it may amount to maladministration. The Ombudsman does not yet have proactive powers and would need a complaint from a member of the public before he could investigate a complaint about this. It was pointed out to the Ombudsman that a member of the public would not necessarily be aware that they had a cause for complaint. The Ombudsman's response was that awareness was on the increase. He added that in a maladministration complaint there had to be demonstrated an element of injustice.

15. What is the impact on the Ombudsman's office timescales now that it is receiving / investigating fewer cases?

In overall terms the Ombudsman had a 10% increase in complaints this year. He referred again to the 84% of Code complaints which were completed within 9 months. He said that he hoped that they could continue this improvement in turnaround times.

He said that in maladministration cases the role of improvement officers was to learn lessons from cases and reduce the repetition of mistakes. He wanted front line staff to be empowered to resolve complaints informally and for there to be clear escalation processes. This may not lead to a decrease in the number of complaints but may reduce the number that are upheld. In public bodies that have improvement officers the number of upheld complaints has reduced even when the total number of complaints received has gone up.

- 16. The legislation in relation to the new ground for dispensation [paragraph 4 (3) of The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016] details that a dispensation may be granted if “it appears to the committee to be otherwise appropriate to grant a dispensation”. However, the amended guidance published by the Ombudsman’s office details that dispensation can be granted “if appropriate in all circumstances, where it was not otherwise possible, to make reasonable adjustments to accommodate a person’s disability”. Please confirm this is the “disability” created by the prejudicial interest; the legislation seems to be going further than what is included in the guidance?**

This was an issue arising out of a consultation exercise and arose out of a particular situation. The language used was to try and find a practical solution in respect of a particular member who had difficulty in leaving the chamber when a matter was under discussion.

Flintshire:

- 17. Given the comments in guidance published by your office suggesting that local resolution procedures might help to reduce the number of complaints received from town and community councillors how had you envisaged that being resourced?**
[The paragraph from the guidance is as follows -
“Most local authorities across Wales have implemented local resolution procedures to deal with low level complaints which are made by a member against a fellow member. These arrangements are proving to be effective at resolving many of these kinds of complaints. I am supportive of this extending to cover community councils.”

This is not something that the Ombudsman can help resource. He said that the One Voice Wales model and guidance may be useful. It was put to the Ombudsman that successful introduction of local resolution at this level may reduce the number of complaints and thereby reduce the demand on his resources in the future. The Ombudsman repeated that he had no resource to offer but was supportive of resources being used by others for this sort of training.

18. Whilst the annual report is welcome would it be possible to include greater analysis of the trends and any lessons that might come from the statistics, e.g. is there a rise in cases of disrespect or has there been a fall in allegations of failure to declare interests, in order to help reveal any future work that might be needed by Standards Committees or to demonstrate the success of work that has already been undertaken

The Ombudsman said that he was happy to do this. The office is currently looking at the Annual Report and new ways of presenting data. They are happy to consider new and different ways of doing this. He has shared feedback he has received with the officers who prepare the report.

Denbighshire:

19. There is a concern that the public may lose confidence in the enforcement of the Code of Conduct if they feel that legitimate complaints have been considered not worthy of investigation. Would the Ombudsman consider referring cases that he has determined not to investigate for local investigation?

The Ombudsman said that he had offered this in the past but that the take up had not been high. He acknowledged that there had been a concern among some Monitoring Officers about the level of demand on their resource to do this.

He felt that most people would take comfort from the focus on the public interest. He acknowledged that some people may feel ignored but the public interest is encapsulated in the Nolan Principles and it is evidence around that which drives him forward.

One of the factors to be taken into account is evidence of similar complaints being made previously. When asked how long complaints are kept on file he referred to a lot of retained knowledge within his office and that moving forward he would ensure that they kept a good feel for what was happening.

20. Does the Ombudsman consider that the setting of minimum standards and mandatory training for Clerks to Town, City and Community Councils would assist in the maintenance of high standards of conduct and the operation of Local Resolution Procedures in those Councils?

The Ombudsman said that he feels that this would be highly beneficial. Training was not something he could resource but he would support by attending conferences and promoting the issues.

Adroddiad i'r:	Pwyllgor Safonau
Dyddiad y Cyfarfod:	2 Rhagfyr 2016
Aelod / Swyddog Arweiniol:	Gary Williams, Swyddog Monitro
Awdur yr Adroddiad:	Gary Williams, Swyddog Monitro
Teitl:	Protocol Hunan Reoleiddio

1. Am beth mae'r adroddiad yn sôn?

Mae'r adroddiad yn ymwneud â Phrotocol Hunan Reoleiddio (y Protocol) y Cyngor .

2. Beth yw'r rheswm dros lunio'r adroddiad hwn?

I ymateb i gais y Pwyllgor ynglŷn â'r posibilrwydd o ymestyn y Protocol i gynnwys cwynion gan swyddogion y cyngor mewn perthynas ag ymddygiad aelodau etholedig.

3. Beth yw'r Argymhellion?

Bod y Pwyllgor yn ystyried cynnwys yr adroddiad hwn ac yn ystyried a yw'n dymuno argymhell newidiadau i'r Protocol.

4. Manylion yr adroddiad.

4.1 Ers 2012 mae gan y cyngor weithdrefn datrysiad lleol ar gyfer anghydfod neu gwynion rhwng aelodau etholedig. Mae copi o'r Protocol wedi'i amgáu fel Atodiad 1.

4.2 Mae Ombwdsmon Gwasanaethau Cyhoeddus Cymru wedi bod yn eiriolydd brwd ar gyfer gweithdrefnau datrysiad lleol megis y Protocol ac mae'n credu eu bod yn lleddfyr pwysau ar adnoddau ei swyddfa drwy leihau nifer y cwynion lefel isel y mae'n rhaid iddynt ddelio â nhw. Mae gweithdrefnau o'r fath hefyd yn darparu datrysiad cyflymach i anghydfod neu gwyn nag archwiliad ffurfiol yr Ombwdsmon ac felly'n atal perthnasau difrodedig rhag cael eu chwalu'n llwyr.

4.3 Mewn cyfarfod diweddar, gofynnodd aelodau'r Pwyllgor bod gwaith yn cael ei gyflawni i benderfynu a fyddai modd atgyfeirio pryderon a godwyd gan swyddogion ynglŷn ag ymddygiad cynghorydd tuag atynt i'w hystyried o dan y broses hon.

4.4 Yn ogystal â'r Cod Ymddygiad mae gan y Cyngor Broctocol ar gyfer Perthnasau Aelod/Swyddog sydd ynghlwm fel Atodiad 2. Mae'r ddogfen hon yn nodi beth y gall aelodau a swyddogion ei ddisgwyl oddi wrth ei gilydd. Mae'r ddogfen hon yn cyfeirio at ddatrysiad lleol pryderon ac awgrymir y gellir diwygio'r Protocol Hunan Reoleiddio er mwyn cynnwys pryderon o'r fath.

4.5 Mae ymchwil a gynhaliwyd gydag awdurdodau lleol eraill yng Nghymru yn awgrymu darlun cymysg mewn perthynas â'r defnydd o weithdrefnau datrysiad lleol ar gyfer materion a godwyd gan swyddogion. Mae gan y mwyafrif o awdurdodau weithdrefnau datrysiad lleol sy'n gyfyngedig i gwynion gan aelod ynglŷn ag aelod arall. Mae rhai awdurdodau sy'n caniatáu i swyddogion godi pryderon o dan eu proses datrysiad lleol. Fodd bynnag, hyd yn oed pan fo'r broses yn caniatáu i swyddogion godi cwynion o'r fath, mae'r achosion o wneud hynny'n brin iawn. Mae mwyafrif y materion a godwyd gan swyddogion yn cael eu trin yn anffurfiol y tu allan i'r broses ffurfiol.

5. Sut mae'r penderfyniad yn cyfrannu at y Blaenoriaethau Corfforaethol?

Nid yw'r penderfyniad yn cael effaith uniongyrchol ar y blaenoriaethau corfforaethol.

6. Faint fydd hyn yn ei gostio a sut y bydd yn effeithio ar wasanaethau eraill?

Nid oes costau uniongyrchol yn gysylltiedig â'r adroddiad hwn.

7. Beth yw prif gasgliadau'r Asesiad o Effaith ar Les?

Nid oes angen asesiad o effaith ar les ar gyfer yr adroddiad hwn.

8. Pa ymgynghoriadau a gynhaliwyd gyda'r Pwyllgorau Archwilio ac eraill?

Nid yw'r mater hwn wedi ei adrodd nac wedi ei ymgynghori arno yn unrhyw le arall.

9. Datganiad y Prif Swyddog Cyllid.

Does dim goblygiadau ariannol uniongyrchol yn yr adroddiad hwn.

10. Pa risgiau sydd ac a oes unrhyw beth y gallwn wneud i'w lleihau?

Nid oes unrhyw risgiau uniongyrchol sy'n gysylltiedig â'r adroddiad hwn.

11. Pŵer i wneud y Penderfyniad

Does dim angen gwneud penderfyniad.

18.5 Members' Self Regulatory Protocol

General Principles

- To promote high standards of conduct and behaviour as a means of strengthening respect and trust among members. It is NOT intended to replace the Code of Conduct, rather it is intended to sit alongside the Code, enabling behaviour which may not reach the threshold to become a breach to be dealt with; and that which justifies a formal complaint to the Ombudsman.
- The protocol does not replace the Member-Officer Relations Protocol set out in the Council's Constitution.
- Members will make all reasonable attempts to resolve disputes through agreed internal processes subject to their obligations under the Members' Code of Conduct.
- Referral to external regulators will become a last resort subject to Members' obligations under the Code of Conduct.
- Members will avoid personal confrontation in any public forum, especially full Council and through the media
- These commitments will not stifle legitimate political debate or scrutiny
- Group discipline will become the cornerstone of self-regulation with Group Leaders taking responsibility for their own members
- Group Leaders individually and collectively will work to ensure compliance with this protocol
- Members will commit to training and development in support of this protocol

Working to avoid problems

To minimise the number of instances of alleged breaches all Group Leaders have committed to:-

- **A Member Learning and Development Strategy** – to which they will seek to secure the commitment of their group members. All reasonable endeavours will be made to ensure that the Learning and Development Strategy identifies and responds to the needs of members.
- **Attending relevant Member training events** - in particular those relating to the Code of Conduct or probity courses within the scope of their role.
- **WLGA Charter** – The Council has been awarded the WLGA's Charter for Member Support and Development and supports its objectives. Group Leaders will seek to secure individual member commitment to training and keep this under review.

Role of Group Leaders

A complaint by a member relating to a member of the same group will be referred to the Group Leader. A complaint by a member concerning the activities of a member of a different political group will be discussed with the complainant's own Group Leader, who will then refer the issue to the Group Leader with responsibility for the member against whom the complaint is made.

Upon receiving a complaint, it is the role of Group Leaders to take responsibility for discipline within their groups. Group discipline should seek to be informal, resolved through face to face meetings. Group Leaders will need to retain some records but the process will not be "document heavy". The emphasis should be on training, education, mediation and conciliation.

When appropriate, a sanction such as removal from a committee or an outside body, may be used in extreme cases or after persistent breaches and the matter will be referred to the Public Services Ombudsman for Wales.

Prior to considering any sanction, or training, the relevant Group Leader may consult with a member of the Standards Committee in conjunction with the Monitoring Officer or Deputy Monitoring Officer. The Standards Committee will seek to ensure fairness and consistency in the discipline imposed within each Group.

At the next available Group Leaders' meeting any issue of discipline which has been referred to a Group Leader will be discussed with the Group and with the objective of seeking to ensure that fair and consistent sanctions are applied.

Where the complaint relates to the Group Leader themselves, the Chair will be requested to consider the complaint, just as with unaffiliated members.

Unaffiliated Members

As far as unaffiliated members are concerned, the Chair of the Council will fulfil the role of Group Leader. Concerns regarding the conduct of an unaffiliated member should be referred to the Chair who will apply the same principles and standards as those of the Group Leaders in terms of training/mediation/conciliation. In the case of persistent breaches the matter shall be referred to the Ombudsman by the Monitoring Officer or in his/her absence the Deputy Monitoring Officer.

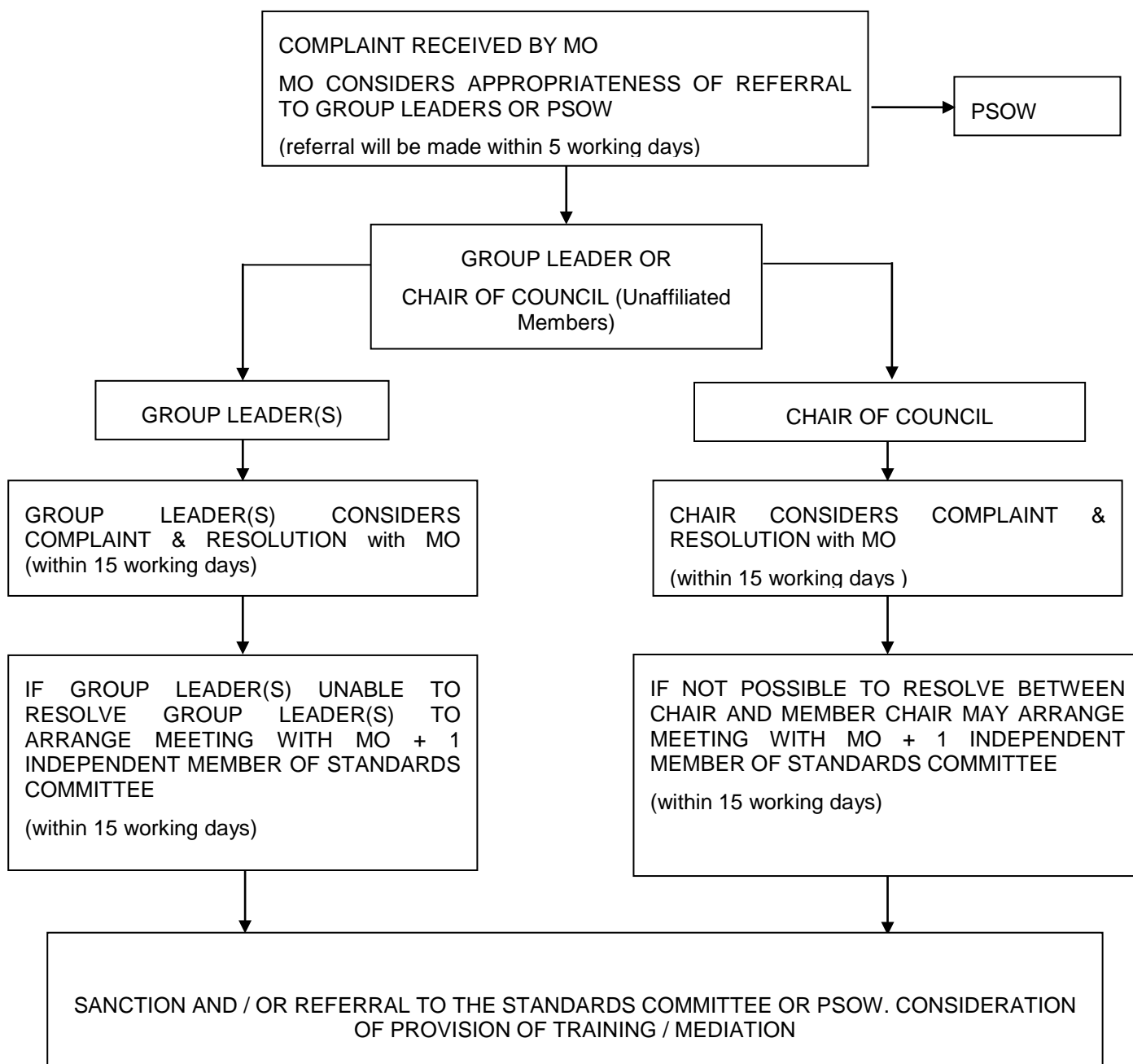
Persistent Breaches

In the case of persistent breaches, or areas where the Group Leaders have concerns that the conduct of an individual member or members is damaging to relations between political groups or to the reputation of the Council, then the Group Leaders will meet with the Chief Executive Officer and the Monitoring Officer to agree a way forward. Consideration will be given to joint references to the Ombudsman, by the Group Leaders, for persistent low level breaches.

Standards Committee

- Owing to any potential issues of conflict, any involvement will include no more than one independent member of the Standards Committee. This will be subject to a rotational basis and in accordance with availability.
- The Standards Committee Members will play a supporting/advisory role to the Group Leaders. This process will be initiated at the request of the Group Leader, in a particular case.
- Such meetings will be private and informal.
- Any documentation, attendance notes, file notes or advisory notes passing between a Group Leader (or as appropriate the Chair of the Council) and the members of the Standards Committee shall remain private and confidential.

MEMBER / MEMBER COMPLAINTS FLOWCHART



PERSISTENT BREACHES, GROUP LEADERS WILL MEET WITH CHIEF EXECUTIVE AND MONITORING OFFICER TO AGREE WAY FORWARD. CONSIDERATION WILL BE GIVEN TO JOINT REFERENCES TO THE OMBUDSMAN BY GROUP LEADERS FOR PERSISTENT, LOW LEVEL BREACHES.

MO = Monitoring Officer

PSOW = Public Services Ombudsman for Wales

18.3 PROTOCOL FOR MEMBER / OFFICER RELATIONS

1. Introduction

- 1.1. The purpose of this protocol is to guide Members and Officers of the Council in their relations with one another and to promote the high standards in public office which are essential for successful local government.
- 1.2. This protocol seeks to offer guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other issues.
- 1.3. This protocol seeks to promote greater clarity and certainty. If it is followed it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and undue influence.

2. Principles

- 2.1 This Protocol is based on the following principles:-
 - An understanding by both Members and Officers of the requirements of each other's functions.
 - Mutual respect for each other's time and priorities.
 - Courtesy and sensitivity at all times.
 - Honesty and integrity in all dealings to foster co-operation and trust.
 - Professional and cordial relationships avoiding over familiarity
- 2.2 It also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and Officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes therefore demand very high standards of personal conduct.
- 2.3 The Council's Code of Conduct for Members states at paragraph 4:-

'You must -

 - a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion.
 - b) show respect and consideration for others
 - c) not use bullying behaviour or harass any person, and
 - d) not do anything which compromises or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority'.
- 2.4 The statutory Code of Conduct for Officers which is incorporated in their conditions of employment, states:-

‘Mutual respect between qualifying employees and members is essential to good local government and working relationships should be kept on a professional basis’.

‘Qualifying employees of relevant authorities should deal with the public, members and other employees sympathetically, efficiently and without bias’.

3. Roles and Responsibilities

3.1 Local authority Officers are employed by and are responsible to the Council as a whole. They owe a duty to each and every Member and not to a political group, even if it is in a majority. They also have a wider duty to the public as a whole.

3.2 In carrying out their duties, Officers have the right to expect from Members:

- Respect for officer neutrality
- Respect for their person
- An understanding of their roles and workloads when making requests for assistance
- Reasonable standards of courtesy
- Respect for confidential advice and guidance.

3.3 Members undertake many different roles. Broadly these are:

- Members are involved in scrutinising decisions and holding decision makers to account on behalf of their communities.
- Members represent their electoral division and are advocates for the citizens who live in the area.
- Members are involved in active partnerships with other organisations as community leaders.
- Members contribute to the decisions taken in Full Council and in its various bodies on which they serve, as well as joint committees, outside bodies and partnership organisations.
- Members help develop and review policy and strategy.
- Members monitor and review policy implementation and service quality.
- Members are involved in quasi-judicial work through their Membership of regulatory committees.
- Members express political values and support the policies of the party or group to which they belong (if any).

3.4 In carrying out their duties Members will be supported by Officers and have the right to expect from them:

- Full, impartial advice and information.
- Accurate, well written advice in concise and easily understood formats and language to enable decisions to be taken, the decision maker(s) to be held to account and information be provided to advise individual people with enquiries, problems or grievances.

- For the above to be provided in the Member's preferred language of communication.
- Respect for their person.
- Respect for the confidential nature of information and views.

4. The Relationship

- 4.1 Mutual respect is essential to good local government. Officers and Members should have good working relationships, whilst being aware that close personal relationships can damage this relationship and prove embarrassing for other Officers and Members.
- 4.2 Members should not put officers under inappropriate pressure to act in accordance with the Member's wishes.
- 4.3 Officers must at all times feel free to offer professional opinion and advice which may be contrary to the opinion of the Member.
- 4.4 It is not acceptable for a Member to bully or harass an Officer. Any action against an Officer would be considered as bullying or harassing if the intention was to improperly or unfairly influence the Officer's opinion or actions.
- 4.5 It is not appropriate for Members to raise matters relating to conduct and capability of any Officer publicly in a meeting, the press, or by other means e.g. e-mail or internet. Members should use the Council's internal procedures to resolve such issues. For the avoidance of doubt Members who are unable to resolve differences in an appropriate manner with the Officer concerned should raise the matter with the Officer's Head of Service or Corporate Director. If the Member remains dissatisfied with the response received the Chief Executive should be advised.
- 4.6 Other than when carrying out statutory functions in respect of Members' conduct, Officers should not raise matters publicly relating to the conduct or capability of any Member either at a meeting, in the press or by other means e.g. e-mail, internet or social media.
- 4.7 'Publicly' includes in this context e-mailing large groups of people on the Council's internal e-mail system e.g. all Councillors.

5 Relationships between Officers, Chairs and Cabinet Members

- 5.1 It is clearly important that there should be a close working relationship between Cabinet Members and the Director, Head of Service, any other senior officers of those services which fall under a Cabinet Member's portfolio. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members or political groups.
- 5.2 Whilst the Chair of a committee or Lead Member will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting, it must be

recognised that in certain circumstances the Chief Executive, Corporate Director or Head of Service will be under a duty to submit a report on a particular matter.

- 5.3 Whilst it is the duty of officers to assist the Cabinet in the delivery of its responsibilities it is necessary for the Leader and Cabinet to observe the independence of the management function of the authority from the decision making function.
- 5.4 Whilst Officers should always seek to assist any Member in discharging their responsibilities, the Officer must not in doing so, go beyond the bounds of whatever authority they have been given by their Head of Service.
- 5.5 A Corporate Director, Head of Service or Lead Member will always be fully responsible for the contents of any report submitted in his/her name. Officers writing reports on behalf of Lead Members will always consult the Lead Member on the content of the report.

6 Officer advice to political groups

- 6.1 Directors or Heads of Service may properly be called upon to advise the chairs or spokespersons of political groups, but they should attend group meetings only in exceptional circumstances and in such a case the other political groups should be informed of the advice given.
- 6.2 Certain points must be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:-
- Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of political group business;
 - political group meetings are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and
 - similarly, where Officers provide information and advice to the chair or spokesperson of a political group in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to Members when the matter in question is considered by a decision making body.
- 6.3 Any particular cases of difficulty or uncertainty in this area of Officer advice to political groups should be raised with the Chief Executive who will discuss them with the relevant Group Leaders.

7 Officer attendance at meetings not organised by the Council

- 7.1 Officers will advise formal meetings of the Council, informal meetings of Members of the Council, and other meetings organised by or on behalf of the Council.

- 7.2 In no circumstances should Officers be attending public meetings of a political nature organised by politicians external to the Council in order to represent the political view or programme of the Council.
- 7.3 Where any Officer or Member receives an invitation for the Council to be represented at a public meeting organised other than by the Council, they should refer that invitation to the Cabinet Support Staff who will liaise with the Leader as to the most appropriate Member representation.
- 7.4 The Leader will determine whether or not the meeting is one at which the Council should be represented, and if so, which Member or Members of the Cabinet should attend.
- 7.5 If no Cabinet Member is available to attend, then the Leader will determine whether to request that the meeting be rearranged or whether the organiser should be informed that no Member is available to attend.
- 7.6 A Cabinet Member may require briefing and support to fulfil their role in attending such a meeting. Officers will provide advice and assistance to the Member in preparing for attendance at such a meeting.
- 7.7 At some events, it will be appropriate for the Member to be accompanied by a suitably Senior Officer, such as a Corporate Director or Head of Service. At other events, it will be sufficient for other staff to accompany them.
- 7.8 The relevant Head of Service/Director should be consulted by the Leader as to whether attendance by an Officer is necessary and should advise the Leader which (if any) Officer will be present.
- 7.9 The foregoing provisions do not prevent appropriate Officers attending meetings of City, Town and Community Councils in accordance with the provisions of the Charter between those Councils and the County Council. Any Officer attending such a meeting should liaise with the relevant Lead Member.

8 Support services to Members and political groups.

- 8.1 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport, etc.) to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore be used only on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

9 Members in their Ward Role and Officers

- 9.1 The Council accepts that Members need to be aware of significant developments within their local electoral divisions if they are to be effective in their roles as spokespersons on behalf of their local communities.

- 9.2 In consequence, Senior Officers as well as the Leader, Portfolio Holders, and Chairs and Vice Chairs are expected to notify local Members of significant matters that are not the subject of a report to Council, Cabinet or Committee, but which relate specifically to the local Member's electoral division or which may have a material impact in the area of which the electoral division forms a part.
- 9.3 'Significant matters' include matters or items that are of concern to the general public and local electoral division member(s).
- 9.4 In particular, the local Member(s) should, where appropriate, be invited to relevant meetings. If local Members do not attend such meeting for whatever reason, they should be advised by the convenor of the meeting (provided the meeting is convened by the Council or its officers) of any significant outcome. Similarly, local Members will also be informed of significant matters raised by the Town or Community Council within their area.
- 9.5 Whenever the Council undertakes any form of consultation exercise on a local issue, the ward Members should be notified at the outset of the exercise
- 9.6 Before Officers exercise delegated powers under the Scheme of Delegation they shall consider whether their decision is likely to have a significant impact upon the Council's profile or have significant financial implications, if it is there will be a presumption in favour of referring the matter to Members.
- 9.7 In any event when exercising delegated powers Officers will, where appropriate, keep the Cabinet fully informed, in particular the relevant Portfolio Holder, have regard to any comments from the relevant Scrutiny Committee and ensure that they consult with/inform the local Member in advance.
- 9.8 The Council has developed a Member Events Calendar which is accessible by all Members. An 'event' is an activity undertaken by the Council which is visible to members of the public, and may have an effect on them and/or their daily lives. Officers must ensure that the Calendar is populated with relevant information. Members must take responsibility to inform themselves of activity taking place within their areas by reference to the Calendar.

10 Members' access to information and buildings

- 10.1 Members can approach any department to request any information, explanation and advice as they may reasonably need to assist them in discharging their role as Members. A request for information may be made on behalf of a constituent, but any request for personal information should be authorised in writing by that constituent. Approaches should normally be directed to the Head of Service or another Senior Officer of the service.
- 10.2 A Member should always contact beforehand any Officer that he/she wishes to see. This will ensure that the Officer is available and prepared to answer the Member's questions in order to make the most effective use of the meeting.

- 10.3 A Member should always call at reception and ask for the Officer. This is a matter of personal safety as it is essential in case of fire that the name of everyone in the building is known.
- 10.4 Officers should always ensure that, bearing in mind the reasonable calls of their other duties, they respond to a reasonable request for information relevant to a member's work or a request for a meeting.
- 10.5 Contact between Members and Officers should only take place at agreed offices or other meeting locations. Members and Officers should not arrange meetings at their respective homes.
- 10.6 Telephone contact between Members and Officers should be restricted to normal office hours. Only exceptionally should Members and Officers contact each other outside these times and such contact should be restricted to Directors and Heads of Service.
- 10.7 Members are entitled to have access to the Council Chamber, Committee rooms and all other public areas of the Council's buildings.
- 10.8 Members who are not in pursuit of their duties as a Councillors have the same rights of access to Council buildings and premises as any other member of the public.
- 10.9 A Member has the right to enter "staff only" areas only with the express authorisation of the relevant Corporate Director or Head of Service.

11 Members' rights to inspect Council documents.

- 11.1 In addition to their rights under the Freedom of Information Act 2000, Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted at a Council, committee or sub-committee meeting. This right applies irrespective of whether the Member is a member of the committee or subcommittee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This statutory right does not extend to information falling within paragraphs 12 to 18, 23, 24, and 26 of Part 4 of Schedule 12A of the Local Government Act 1972. However, the common law right (see below) could override this restriction in certain cases.
- 11.2 The common law right of Members is much broader and is based on the principle that any Member has a prima facie right to inspect Council documents so far as his/her access to the documents is reasonably necessary to enable the Member properly to perform his/her duties as a Member of the Council. This principle is commonly referred to as the "need to know" principle.
- 11.3 The exercise of this common law right depends upon the Member's ability to demonstrate that he/she has the necessary "need to know". In this respect a Member has no right to "a roving commission" to examine documents of the Council. Mere curiosity is not sufficient. Contents of personal files e.g. social

service assessments, adoption and child protection papers, SEN statements, personnel files will definitely not be available for access under a right to know except in limited cases e.g. the Member who sits on adoption and fostering panel. If a Member's motive for seeing documents is indirect, improper or ulterior access will be refused. The crucial question is the determination of the "need to know". This question must initially be determined by the particular Head of Service whose department holds the document in question (with advice from the Head of Legal, HR and Democratic Services). In the event of a dispute, the question falls to be determined by the Head of Legal, HR and Democratic Services and on appeal to the Chief Executive.

- 11.4 In some circumstances (e.g. a cabinet or committee member wishing to inspect documents relating to the functions of that committee) a Member's "need to know" will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties) a Member will normally be expected to justify the request in specific terms and in the light of data protection legislation.
- 11.5 Further and more detailed advice regarding Members' rights to inspect Council documents may be obtained from the Head of Legal, HR and Democratic Services.
- 11.6 Finally, any Council information provided to a Member must only be used by the Member for the purpose for which it was provided i.e. in connection with the proper performance of the Member's duties as a Member of the Council. The Council's Code of Conduct for Members states at paragraph 5:-

'You must not:

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so'.

12 Correspondence, including e-mail.

- 12.1 Correspondence between an individual Member and an Officer should not normally be copied by the Officer to any other Member.
- 12.2 This restriction will not normally apply to Cabinet matters where the Cabinet as a whole will need to be informed of matters which will be of concern to all or several Cabinet Members.
- 12.3 Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of 'silent copies' should not be employed.
- 12.4 E-mail should not be used by Officers or Members in such a way that it may be regarded as intimidating or exerting influence e.g. a Member copying to all Members a critical e-mail addressed to an Officer before that Officer has had the opportunity to respond.

- 12.5 Official letters on behalf of the Council should be sent out either in the name of the appropriate portfolio holder or in the name of the appropriate Officer.
- 12.6 Lead Members will be advised by their Senior Officers as to when a response from themselves rather than an Officer is the more appropriate.
- 12.7 Letters which create obligations or give instructions on behalf of the Council should never be sent out over the name of a Member.

13 Press releases

- 13.1 From time to time Members will be called upon to provide comments for the press relating to the work of the Council.
- 13.2 No remark will be attributed to a Member who has not first cleared that remark.

14 Breaches of the Protocol.

- 14.1 Breaches of this protocol may lead to disciplinary action in the case of Officers or, in the case of Members, an allegation to the Ombudsman that they have breached the Code of Conduct, or reference to the Council's Standards Committee.
- 14.2 If a Member should be dissatisfied with the conduct of an Officer, he/she should in the first place discuss the matter with the relevant Head of Service in order to try to resolve the matter. The Council's disciplinary procedures will not necessarily be relevant and/or appropriate in all circumstances but the relevant Head of Service will resort to these procedures in appropriate cases. When dealing with a matter the Head of Service could, depending on the circumstances, consult with the Chief Executive, the Monitoring Officer, the Chairman of the Council or the leader of the relevant political group.
- 14.3 Similarly, if an Officer is dissatisfied with the conduct of a Member he/she should also raise the matter with his/her Head of Service in order to try to resolve the matter with the Member without the need to resort to the formal procedures that could lead to the Standards Committee.
- 14.4 Should the Officer continue to be dissatisfied, he/she can refer his complaint to the procedure adopted by the Council for the local resolution of complaints about Members and this ultimately could lead to reprimand by the Standards Committee. However, this does not supersede the Officer's right, as any other individual, to make an official complaint that a Member has breached the code of conduct to the Public Services Ombudsman for Wales.

Mae tudalen hwn yn fwriadol wag

Adroddiad i'r:	Pwyllgor Safonau
Dyddiad y Cyfarfod:	2 Rhagfyr 2016
Aelod / Swyddog Arweiniol:	Gary Williams, Swyddog Monitro
Awdur yr Adroddiad:	Gary Williams, Swyddog Monitro
Teitl:	Rhifyn 10 Llyfr Achosion Cod Ymddygiad- Ombwdsmon Gwasanaethau Cyhoeddus Cymru

1. Am beth mae'r adroddiad yn sôn?

Mae'r adroddiad yn ymwneud â Llyfr Achosion Cod Ymddygiad gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru (yr Ombwdsmon).

2. Beth yw'r rheswm dros lunio'r adroddiad hwn?

Hysbysu'r Pwyllgor o rifyn diweddaraf Llyfr Achosion Cod Ymddygiad yr Ombwdsmon.

3. Beth yw'r Argymhellion?

Bod aelodau'r Pwyllgor yn nodi'r wybodaeth sydd yn Llyfr Achosion y Cod Ymddygiad.

4. Manylion yr Adroddiad

- 4.1 Ers 2013 mae'r Ombwdsmon wedi cynhyrchu Llyfr Achosion Cod Ymddygiad (y Llyfr Achosion). Am beth amser cyn hynny bu'r Ombwdsmon yn cynhyrchu llyfr achosion oedd yn ymwneud â'r cwynion y bu'n eu hymchwilio o safbwynt camweinyddu honedig gan gyrff cyhoeddus. Yn dilyn galwadau i ddefnyddio dull tebyg o safbwynt cwynion cod ymddygiad, dechreuodd yr Ombwdsmon gyhoeddi'r Llyfr Achosion yn 2013.
- 4.2 Yn wreiddiol, roedd y Llyfr Achosion yn cael ei gyhoeddi ddwywaith y flwyddyn, fodd bynnag mae'r Ombwdsmon wedi penderfynu cynhyrchu'r llyfr achosion yn chwarterol o Ebrill 2015. Mae'r Llyfr Achosion yn cynnwys crynodeb o bob achos y mae'r Ombwdsmon wedi cwblhau ymchwiliad iddynt yn ystod y cyfnod perthnasol.
- 4.3 Lle mae'r achosion hynny wedi'u cyfeirio at Bwyllgor Safonau neu Banel Dyfarnu Cymru, bydd dolen yn cael ei darparu yn y fersiwn electronig o'r Llyfr Achosion i'r adroddiad llawn o ganlyniad yr achos a gynhyrchwyd gan y Pwyllgor neu'r Panel perthnasol.

- 4.4 Cynhyrchwyd y Llyfr Achos i gynorthwyo Aelodau ac eraill i ystyried a yw'r amgylchiadau y maent yn eu hwynebu yn arwain at dorri'r Cod. Roedd hyn yn ychwanegiad i gyhoeddi esiamplau gwirioneddol yng Nghlanllaw Ombwdsman Gwasanaethau Cyhoeddus Cymru ynglŷn â'r Cod.
- 4.5 Bydd y Llyfr Achosion yn caniatáu mynediad i Bwyllgorau Safonau awdurdod lleol i wybodaeth am y ffordd mae Pwyllgorau Safonau eraill yng Nghymru yn gosod sancsiynau a chael gwared ar achosion ac yn helpu i esbonio pam, mewn rhai achosion y gall yr Ombwdsmon wrthod ymchwilio toriadau honedig ar y sail nad yw honiadau blaenorol tebyg wedi arwain at sancsiwn.
- 4.6 Mae Atodiad 1 yr adroddiad hwn yn cynnwys Rhifyn 10 y Llyfr Achosion a gyhoeddwyd ym mis Hydref 2016 ar gyfer y cyfnod o fis Gorffennaf 2016 i fis Medi 2016. O'r 8 cwyn a adroddwyd yn ystod cyfnod y llyfr achosion hwn, roedd 2 yn ymwneud â datgan cysylltiad, 2 yn ymwneud â gwrthrychedd a phriodoldeb, 1 yn ymwneud ag atebolrwydd a bod yn agored, 1 yn ymwneud â dyletswydd i gynnal y gyfraith, 1 yn ymwneud â pharch a chydarddoldeb, ac 1 yn ymwneud ag anhunanoldeb a stiwardiaeth.
- 4.7 O'r 8 ymchwiliad a gynhaliwyd, arweiniodd 4 achos at ganfyddiad nad oedd unrhyw dystiolaeth o doriad, daeth 3 i'r casgliad er efallai bod achosion o doriad wedi bod, nid oedd angen gweithredu, cyfeiriwyd 1 at bwyllgor safonau. Ni wnaed unrhyw atgyfeiriad uniongyrchol i Banel Dyfarnu Cymru. Nid oedd un o'r achosion yn ymwneud ag unrhyw aelod etholedig o unrhyw gyngor o fewn Sir Ddinbych.
- 4.8 Pan ddaeth yr ymchwiliadau i'r casgliad nad oedd angen unrhyw gamau pellach, fe ystyriwyd fod yr aelodau dan sylw wedi torri'r Cod Ymddygiad, ond nid oedd lle i gredu ei fod er budd y cyhoedd i fynd ar drywydd y mater ymhellach.
- 4.9 Roedd y mater a atgyfeiriwyd at y pwyllgor safonau yn cynnwys honiad fod aelod o Gyngor Cymuned Manorbier wedi methu â datgan cysylltiad yn briodol ac wedi cyfrannu'n amhriodol at drafodaethau mewn cyfarfod lle y penderfynwyd argymhell i'r Gyngor Sir bod cais cynllunio mewn perthynas â pharc carafannau yn cael ei wrthod. Roedd y cynghorydd yn byw ger y parc carafannau ac wedi gwneud sawl cwyn ynglŷn â'r parc dros y blynyddoedd. Roedd y cynghorydd yn derbyn fod ganddi gysylltiad personol ond nad oedd ganddi gysylltiad personol sy'n rhagfarnu. Roedd yr Ombwdsmon yn credu ei bod yn debyg fod gan y cynghorydd gysylltiad sy'n rhagfarnu yn y mater cynllunio o ystyried agosrwydd ei heiddo a'r hanes ynglŷn â'r cwynion. Atgyfeiriodd y mater i Bwyllgor Safonau Cyngor Sir Benfro.
- 4.10 Canfu'r Pwyllgor Safonau fod y cynghorydd wedi torri'r cod ymddygiad a chyflwynwyd gwaharddiad am 2 fis. Apeliodd y cynghorydd i Banel Dyfarnu Cymru. Cytunodd y Panel fod yr Aelod wedi torri'r Cod Ymddygiad a chynyddu'r gwaharddiad i gyfnod o 3 mis.

5. Sut mae'r penderfyniad yn cyfrannu at y Blaenoriaethau Corfforaethol?

Nid yw'r penderfyniad yn cael effaith uniongyrchol ar y blaenoriaethau corfforaethol.

6. Faint fydd hyn yn ei gostio a sut y bydd yn effeithio ar wasanaethau eraill?

Nid oes costau uniongyrchol yn gysylltiedig â'r adroddiad hwn.

7. Beth yw prif gasgliadau'r Asesiad o Effaith ar Les?

Nid oes angen asesiad o effaith ar les ar gyfer yr adroddiad hwn.

8. Pa ymgynghoriadau a gynhaliwyd gyda'r Pwyllgorau Archwilio ac eraill?

Nid yw'r mater hwn wedi ei adrodd nac wedi ei ymgynghori arno yn unrhyw le arall.

9. Datganiad y Prif Swyddog Cyllid.

Does dim goblygiadau ariannol uniongyrchol yn yr adroddiad hwn.

10. Pa risgiau sydd ac a oes unrhyw beth y gallwn wneud i'w lleihau?

Nid oes unrhyw risgiau uniongyrchol sy'n gysylltiedig â'r adroddiad hwn.

11. Pŵer i wneud Penderfyniad

Does dim angen gwneud penderfyniad.

Mae tudalen hwn yn fwriadol wag

Coflyfr

Y Cod Ymddygiad

Cynnwys

Dim tystiolaeth o dor-amod	3
Nid oes angen gweithredu	5
Cyfeiriwyd at bwyllgor safonau	7
Cyfeiriwyd at Banel Dyfarnu Cymru	8
Mwy o Wybodaeth	9

Cyflwyniad

Mae Ombwdsmon Gwasanaethau Cyhoeddus Cymru yn ystyried cwynion bod aelodau awdurdodau lleol yng Nghymru wedi gweithredu'n groes i'r Cod Ymddygiad. Mae'r Ombwdsmon yn ymchwilio i gwynion o'r fath o dan ddarpariaethau Rhan III Deddf Llywodraeth Leol 2000 a'r Gorchmynion perthnasol a wneir gan Gynulliad Cenedlaethol Cymru o dan y Ddeddf.

Pan fydd yr Ombwdsmon yn penderfynu y dylid ymchwilio i gwyn, mae yna bedwar canfyddiad, sydd wedi'u nodi yn adran 69 Deddf Llywodraeth Leol 2000, y gall yr Ombwdsmon eu datgan:

- nad oes tystiolaeth bod unrhyw achos o weithredu'n groes i god ymddygiad yr awdurdod;
- nad oes angen cymryd unrhyw gamau mewn cysylltiad i'r materion a fu'n destun i'r ymchwiliad;
- bod angen cyfeirio'r mater i swyddog monitro'r awdurdod, i'w ystyried gan y pwyllgor safonau;
- bod angen cyfeirio'r mater i Lywydd Panel Dyfarnu Cymru ar gyfer dyfarniad gan dribiwnlys (mae hyn yn digwydd mewn achosion mwy difrifol fel arfer).

Yn amgylchiadau (c) a (d) uchod, mae'n ofynnol i'r Ombwdsmon gyflwyno adroddiad am yr ymchwiliad i'r pwyllgor safonau neu dribiwnlys Panel Dyfarnu Cymru, yna byddant hwy'n ystyried y dystiolaeth a ganfuwyd gan yr Ombwdsmon, ynghyd ag unrhyw amddiffyniad a gyflwynir gan yr aelod dan sylw. Hwyl hefyd fydd yn penderfynu a oes achos o weithredu'n groes i'r Cod ai peidio, ac os oes, pa gosb (os o gwbl) y dylid ei chyflwyno.

Mae'r Llyfr Achosion Cod Ymddygiad yn cynnwys crynodebau o'r adroddiadau hynny lle cafwyd un o'r canfyddiadau wedi'u gosod allan uchod. Er hynny, yn achos canfyddiadau (c) a (d), bydd y Coflyfr Cod Ymddygiad ond yn cynnwys crynodebau'r achosion hynny y mae gwrandawiadau wedi'u cynnal gan y pwyllgor safonau neu Banel Dyfarnu Cymru, a bod canlyniad y gwrandawriad hwnnw'n hysbys. Mae'r rhifyn hyn yn adrodd ar y cyfnod Gorffennaf i Fedi 2016, ond hefyd yn cynnwys crynodebau achosion henach, ble mae gwrandawiadau pwyllgor safonau neu Banel Dyfarnu Cymru wedi ei gynnal yn ystod y cyfnod yma.

Crynodebau Achosion

Dim tystiolaeth o dor-amod

Cyngor Cymuned Magwyr gyda Gwndy

Achos Rhif 201601530 - Cyhoeddwyd yr adroddiad fis Awst 2016

Cwynodd aelod o'r cyhoedd fod aelod ("y Cynghorydd") o Gyngor Cymuned Magwyr gyda Gwndy ("y Cyngor") wedi ysgrifennu at y Cyngor i ofyn a gâi ei gynrychioli ar bwyllgorau allanol. Ar yr adeg pan ysgrifennodd at y Cyngor roedd wedi'i wahardd rhag ymgymryd â dyletswyddau'r Cyngor, yn dilyn dyfarniad Panel Dyfarnu Cymru (PDC), ei fod wedi torri'r Cod Ymddygiad yn flaenorol. Dywedodd yr achwynydd nad oedd y Cynghorydd wedi talu sylw i benderfyniad PDC a'i fod wedi dwyn anfri ar ei Swydd ac ar yr Awdurdod.

Canfu'r Ombwdsmon fod y Cynghorydd wedi ysgrifennu llythyr at y Cyngor ond ei fod wedi datgan yn eglur mai ei fwriad oedd gwasanaethu ar y pwyllgorau hynny pan fyddai wedi dychwelyd at ei ddyletswyddau ar ôl y gwaharddiad. Nid oedd dim tystiolaeth i awgrymu ei fod wedi ceisio ymgymryd â dyletswyddau'r Cyngor tra'r oedd wedi'i wahardd. Daeth yr Ombwdsmon i'r casgliad nad oedd dim tystiolaeth fod y Cod Ymddygiad wedi'i dorri.

Cyngor Sir y Fflint – Dyletswydd i gynnal y gyfraith

Achos Rhif 201501526 – Cyhoeddwyd yr adroddiad fis Awst 2016

Cwynodd Mr A y gallai aelod ("y Cynghorydd") o Gyngor Sir y Fflint ("y Cyngor") fod wedi torri'r Cod Ymddygiad ar gyfer aelodau trwy geisio cael arian ganddo'n gyfnewid am gefnogi ei geisiadau cynllunio. Dywedodd Mr A pan wrthododd dalu morgeisi neu fenthyciad y Cynghorydd ar gar, ei bod wedi gwrthwynebu ei geisiadau cynllunio ac nad oedd wedi datgan budd o ran ei chysylltiadau ag ef.

Cafwyd gwybodaeth gan y Cyngor a Heddlu Gogledd Cymru, gan gynnwys recordiadau o gyfweiliadau'r Heddlu â'r Cynghorydd a Mr A.

Canfu'r Ombwdsmon nad oedd dim tystiolaeth i gadarnhau honiadau Mr A, ac felly nid oedd tystiolaeth bod y Cod wedi'i dorri.

Cyngor Bwrdeistref Sirol Caerffili - Gwrthrychedd a phriodoldeb

Achos Rhif 201601317 - Cyhoeddwyd yr adroddiad fis Medi 2016

Cwynodd Mr A y gallai aelod ("y Cynghorydd") o Gyngor Bwrdeistref Sirol Caerffili ("y Cyngor") fod wedi torri'r Cod Ymddygiad trwy ddatgelu gwybodaeth gyfrinachol yn fwriadol i aelod o'r cyhoedd (Mr B). Cafwyd ac ystyriwyd gwybodaeth gan Mr A, y Cynghorydd, y Cyngor a thystion eraill. Hefyd cafodd Mr B ei gyfweld.

Canfu'r Ombwdsmon ei bod yn ymddangos bod yr wybodaeth a gafwyd gan Mr A yn achos o gamdealltwriaeth anfwriadol ac, ar y cyfan, nid oedd yn ymddangos bod y Cynghorydd wedi datgelu gwybodaeth gyfrinachol i Mr B ac felly nid oedd y Cod Ymddygiad wedi'i dorri.

Cyngor Cymuned Langstone – Anhunanoldeb a stiwardiaeth

Achos Rhif 201504048 – Cyhoeddwyd yr adroddiad fis Medi 2016

Cwynodd Mr B y gallai aelod (“y Cynghorydd”) o Gyngor Cymuned Langstone (“y Cyngor”) fod wedi torri’r Cod Ymddygiad ar gyfer aelodau trwy honni ei fod wedi defnyddio’i ddylanwad fel cynghorydd a chyn blismon yn amhriodol i achosi i’r Heddlu ymweld â phreswlydd, Mr A, mewn ymdrech i’w “rybuddio” rhag dilyn ei gŵyn yn erbyn y Cynghorydd.

Cafodd Mr A a Mr B eu cyfweld a chafwyd gwybodaeth gan yr Heddlu a’r Cynghorydd.

Canfu’r Ombwdsmon nad oedd y dystiolaeth yn awgrymu bod y Cod wedi cael ei dorri gan y Cynghorydd. Roedd y Cynghorydd yn credu bod Mr A yn aflonyddu arno ef a’i deulu, ac nid oedd y dystiolaeth yn awgrymu ei fod wedi ceisio defnyddio ei statws fel cynghorydd neu fel cyn blismon i ddylanwadu ar y ffordd yr oedd yr Heddlu’n delio â’r mater. Canfu’r Ombwdsmon nad oedd dim tystiolaeth bod y Cod wedi’i dorri.

Nid oes angen gweithredu

Cyngor Sir Ynys Môn – Atebolrwydd a gweithredu agored

Achos Rhif 201505105 – Cyhoeddwyd yr adroddiad fis Gorffennaf 2016

Fe wnaed cwyn bod aelod (“y Cynghorydd”) o Gyngor Sir Ynys Môn, wedi torri’r Cod Ymddygiad gan ei fod wedi cymryd rhan mewn penderfyniad yng nghyfarfod o’r Pwyllgor Cynllunio a Gorchmynion (“y Pwyllgor”) er bod ei nai yn byw yn ymyl y datblygiad dan drafodaeth.

Fe wnaeth yr ymchwiliad ystyried a oedd y Cynghorydd wedi torri paragraffau o’r Cod Ymddygiad oedd yn ymwneud â diddordebau personol a rhagfarnol.

Tra bod yr Ombwdsmon yn ystyried bod y Cynghorydd wedi torri’r Cod drwy beidio â datgan diddordeb personol yng nghyfarfod y Pwyllgor, nid oedd yn ystyried, ar sail y dystiolaeth a gasglwyd, bod ganddo ddiddordeb a oedd yn rhagfarnu.

Canfyddiad yr Ombwdsmon oedd nad oedd angen gweithredu yng nghyswllt y materion yr ymchwiliwyd iddynt.

Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr - Hybu cydraddoldeb a pharch

Achos Rhif 201503556 - Cyhoeddwyd yr adroddiad fis Gorffennaf 2016

Ymchwiliodd yr Ombwdsmon i gwyn bod aelod (“y Cynghorydd”) o Gyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr (“y Cyngor”) wedi torri’r Cod Ymddygiad ar gyfer aelodau pan alwodd aelod arall yn “scab” ar ddiwedd cyfarfod o’r Pwyllgor Rheoli Datblygiadau ar 8 Ionawr 2015. Honnwyd fod y Cynghorydd wedi galw aelod yn “b***** scab” yn Ystafell Aelodau’r Cyngor tua wythnos yn ddiweddarach a’i bod wedi gwrthod ymddiheuro’n llawn am ei sylwadau.

Rheswm y Cynghorydd am wrthod ymddiheuro oedd am ei bod yn credu, yn niffyg unrhyw dystiolaeth o oddefeb a roddwyd i’r Aelod yn ystod streic y glowyr 1984-85, bod ei datganiad yn ffaith.

Cyflwynwyd tystiolaeth o oddefeb yr Aelod i’r Cynghorydd yn ystod yr ymchwiliad a chydabuwyd felly ei fod yn anghywir i alw’r Aelod yn “scab” a dywedodd ei bod yn barod i ymddiheuro’n gyhoeddus iddo. Derbyniodd y Cynghorydd bod ei gweithredoedd wedi torri’r Cod Ymddygiad.

Wrth ddod i’w gasgliad, roedd yr Ombwdsmon o’r farn bod y Cynghorydd yn derbyn bod ei hymddygiad wedi torri’r Cod Ymarfer a’i bod wedi cynnig ymddiheuro am ei gweithredoedd. O ganlyniad i hyn daeth yr Ombwdsmon i’r casgliad nad oedd ym mudd y cyhoedd i fynd â’r mater ymhellach, ac felly nid oedd angen gweithredu yn achos y materion yr ymchwiliwyd iddynt.

Cyngor Tref Cwmaman – Datgelu a chofrestru buddiannau

Achos Rhif 201504239 – Cyhoeddwyd yr adroddiad fis Awst 2016

Cwynodd Cyngorydd A y gallai aelod (“y Cyngorydd”) o Gyngor Tref Cwmaman (“Cyngor y Dref”) fod wedi torri’r Cod Ymddygiad ar ôl iddo fethu â datgan budd mewn cyfarfod o Gyngor y Dref ar 30 Medi 2015 yn achos cais cynllunio (“y cais”) ac oherwydd ei ymddygiad ar ddiwedd y cyfarfod.

Ymchwiliodd yr Ombwdsmon i ganfod a oedd gan y Cyngorydd fudd yn y cais a oedd yn cael ei drafod ac a oedd wedi ymddwyn yn y fath ffordd ar ddiwedd y cyfarfod fel ei fod wedi dwyn anfri ar Gyngor y Dref ac y gellid ystyried ei ymddygiad yn amharchus.

Canfu’r Ombwdsmon y gallai ymddygiad y Cyngorydd fod wedi torri’r Cod. Fodd bynnag, daeth yr Ombwdsmon i’r casgliad na fyddai ym mudd y cyhoedd i fynd â’r mater ymhellach. Casgliad yr Ombwdsmon oedd nad oedd angen gweithredu ar y materion yr ymchwiliwyd iddynt.

Cyfeiriwyd at y Pwyllgor Safonau

Cyngor Cymuned Maenorbŷr - Datgelu a chofrestru buddiannau

Achos Rhif 201408960 – Cyhoeddwyd yr adroddiad ym mis Chwefror 2016

Cwynodd perchennog Parc Carafanau fod aelod (“y Cynghorydd”) o Gyngor Cymuned Maenorbŷr (“y Cyngor”) wedi cymryd rhan yn amhriodol mewn trafodaethau mewn cyfarfod lle penderfynwyd argymhell bod yr awdurdod cynllunio lleol yn gwrthod cais cynllunio’n gysylltiedig â’r Parc Carafanau. Mae tŷ’r Cynghorydd yn agos at y Parc Carafanau ac roedd wedi cydnabod ei bod wedi gwneud nifer o gwynion am y busnes dros y blynyddoedd. Roedd y Cynghorydd yn derbyn bod ganddi fudd personol yn y mater, ond gwadodd bod ganddi fudd rhagfarnus a fyddai wedi ei hatal rhag bod yn gysylltiedig â’r penderfyniad.

Canfu’r Ombwdsmon, o ystyried pa mor agos oedd y busnes at gartref y Cynghorydd, a’r hanes o gwynion, ei bod yn debygol bod ganddi fudd rhagfarnus yn y cais cynllunio. Roedd felly o’r farn ei bod yn debygol bod y Cynghorydd wedi torri’r Cod Ymddygiad. Argymhellodd y dylai ei adroddiad gael ei gyfeirio at Swyddog Monitro Cyngor Sir Penfro, i gael ei ystyried gan Bwyllgor Safonau’r Cyngor.

Clywodd y Pwyllgor Safonau yr achos ar 20 Mai 2016. Canfu fod y Cynghorydd wedi torri’r Cod Ymddygiad a chafodd ei gwahardd am ddau fis. Argymhellodd y Pwyllgor hefyd y dylai’r Cynghorydd gael hyfforddiant ar y Cod Ymddygiad o fewn chwe mis.

Yn ddiweddarach apeliodd y Cynghorydd i Banel Dyfarnu Cymru yn erbyn y penderfyniad. Cytunodd y Panel fod y Cynghorydd wedi torri’r Cod a chynyddodd hyd y gwaharddiad i dri mis.

Cyfeiriwyd at Banel Dyfarnu Cymru

Nid oes crynodebau yn gysylltiedig â'r canfyddiad hwn

Mwy o wybodaeth

Rydym yn gwerthfawrogi unrhyw sylwadau neu adborth sydd gennych chi am Coflyfr y Cod Ymddygiad. Yn ogystal, byddem yn fodlon ateb unrhyw ymholiadau sydd gennych ynghylch ei gynnwys. Mae modd anfon unrhyw ohebiaeth o'r fath mewn neges e-bost at Matthew.Aplin@ombudsman-wales.org.uk neu Lucy.John@ombudsman-wales.org.uk, neu i'r cyfeiriad canlynol:

Ombwdsmon Gwasanaethau Cyhoeddus Cymru
1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ

Ffôn 01656 644200
Ffacs 01656 641199

e-bost holwch@ombwdsmon-cymru.org.uk (ymholiadau cyffredinol)

Dilynwch ni ar Twitter: [@OmbudsmanWales](https://twitter.com/OmbudsmanWales)

Ceir rhagor o wybodaeth am y gwasanaeth sy'n cael ei gynnig gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru ar ein gwefan www.ombwdsmon-cymru.org.uk

Mae tudalen hwn yn fwriadol wag

Yn rhinwedd Paragraff(au) 12, 13 Rhan 4, Atodlen 12A
Deddf Llywodraeth Leol 1972.

Document is Restricted

Mae tudalen hwn yn fwriadol wag