

# Pecyn Dogfennau



Mark James LLM, DPA, DCA  
Prif Weithredwr,  
Chief Executive,  
Neuadd y Sir, Caerfyrddin. SA31 1JP  
County Hall, Carmarthen. SA31 1JP

DYDD GWENER, 9 MAWRTH 2018

## AT: HOLL AELODAU'R PWYLLGOR SAFONAU

YR WYF DRWY HYN YN EICH GALW I FYNYCHU CYFARFOD O'R **PWYLLGOR SAFONAU** A GYNHELIR YN Y **SIAMBR, NEUADD Y SIR, CAERFYRDDIN AM 10.00 AM, DYDD GWENER, 16EG MAWRTH, 2018** ER MWYN CYFLAWNI'R MATERION A AMLINELLIR AR YR AGENDA ATODEDIG.

*Mark James* DYB

**PRIF WEITHREDWR**



**AILGYLCHWCH OS GWELWCH YN DDA**

Swyddog Democrataidd:	<b>Martin S. Davies</b>
Ffôn (llinell uniongyrchol):	<b>01267 224059</b>
E-bost:	<b>MSDavies@sirgar.gov.uk</b>
Cyf:	<b>AD016-001</b>



**EICH CYNGOR arleinamdani**  
[www.sirgar.llyw.cymru](http://www.sirgar.llyw.cymru)  
**YOUR COUNCIL doitonline**  
[www.carmarthenshire.gov.wales](http://www.carmarthenshire.gov.wales)

# PWYLLGOR SAFONAU

## AELODAETH: 9 AELOD

### Aelodau Annibynnol (5)

1. Mrs Mary Dodd Is-Cadeirydd y Pwyllgor
2. Mrs Daphne Evans
3. Mrs Julie James
4. Mr M. Andre Morgan Cadeirydd y Pwyllgor
5. Mr Alun Williams

### Aelod Pwyllgor Cymunedol (1)

1. Cynghorydd Tref Philip Rogers

### Aelodau Etholedig y Cyngor Sir (3)

1. Y Cynghorydd Jeanette Gilasbey
2. Y Cynghorydd Louvain Roberts
3. Y Cynghorydd Gareth Thomas

# AGENDA

1. YMDDIHEURIADAU AM ABSENOLDEB
2. DATGAN BUDDIANNAU PERSONOL.
3. LLOFNODI FEL COFNOD CYWIR COFNODION CYFARFOD Y PWWYLLGOR A GYNHALWYD AR Y 6ED RHAGFYR 2017. 5 - 8
4. PENDERFYNIAD PANEL DYFARNU CYMRU. 9 - 16
5. LLYFR ACHOSION Y CÔD YMDDYGIAD. 17 - 28
6. BLAENRAGLEN WAITH. 29 - 34
7. HYFFORDDIANT YNGHYLCH Y CÔD YMDDYGIAD AR GYFER CYNGHORWYR TREF A CHYMUNED. 35 - 84
8. UNRHYW FATER ARALL Y GALL Y CADEIRYDD OHERWYDD AMGYLCHIADAU ARBENNIG, BENDERFYNU EI YSTYRIED YN FATER BRYN YN UNOL AG ADRAN 100B(4)(B) DEDDF LLYWODRAETH LEOL 1972

Mae'r dudalen hon yn wag yn fwriadol

Dydd Mercher, 6 Rhagfyr 2017

**YN BRESENNOL:** M.A. Morgan (Cadeirydd)

**Aelodau Annibynnol**

M.Dodd ac A. Williams

**Y Cynghorwyr:**

S.M. Allen and G.B. Thomas

**Yr oedd y swyddogion canlynol yn gwasanaethu yn y cyfarfod:**

R. Edgecombe, Rheolwr y Gwasanaethau Cyfreithiol

K. Thomas, Swyddog Gwasanaethau Democraidd

**Siambwr, Neuadd y Sir, Caerfyrddin - 2.00 - 2.55 pm**

**1. YMDDIHEURIADAU AM ABSENOLDEB**

Cafwyd ymddiheuriad am absenoldeb oddi wrth y Cyngorydd B.A.L. Roberts.

**2. DATGAN BUDDIANNAU PERSONOL.**

Ni chafwyd dim datganiadau o fuddiant personol.

**3. LLOFNODI FEL COFNOD CYWIR COFNODION CYFARFOD Y PWWYLLGOR A GYNHALWYD AR Y 28AIN MEDI, 2017**

**PENDERFYNWYD YN UNFRYDOL** Iofnodi cofnodion cyfarfod y Pwyllgor a gynhaliwyd ar 28 Medi 2017, gan eu bod yn gywir.

**4. ADRODDIAD BLYNYDDOL Y PWYLLGOR SAFONAU - 2016/2017**

Rhoddodd y Pwyllgor ystyriaeth i'w Adroddiad Blynyddol 2016/17 ynghylch y gwaith oedd wedi ei gyflawni yn ystod y cyfnod hwnnw a nododd, petai'r adroddiad yn cael ei fabwysiadu, y byddai'n cael ei roi gerbron cyfarfod y Cyngor ym mis Ionawr 2018 i'w gymeradwyo.

**PENDERFYNWYD YN UNFRYDOL ARGYMELL I'R CYNGOR** y dylid mabwysiadu Adroddiad Blynyddol y Pwyllgor Safonau - 2016/17.

**5. CAIS AM OLLYNGIAD GAN Y CYNGHORYDD ARWEL DAVIES**

Rhoddodd y Pwyllgor ystyriaeth i gais gan y Cyngorydd Sir Arwel Davies am ollyngiad o dan ddarpariaethau Rheoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) fel y gallai siarad a chyflwyno sylwadau ysgrifenedig yng nghyfarfodydd Cyngor Sir Caerfyrddin mewn perthynas â materion yn ymwneud â ffermio neu faterion sy'n debygol o gael effaith ar y maes hwnnw.

Dywedwyd bod y cais am ollyngiad wedi'i wneud oherwydd y gallai'r Cyngorydd Davies fod â buddiant personol mewn mater o'r fath yn rhinwedd paragraffau

10(2)(a)(i) a 10(2)(a)(iv) o'r Côd Ymddygiad gan ei fod yn ffermwr sy'n berchen ar dir yn y Sir.

Roedd buddiant yr aelod hefyd yn rhagfarnol gan y byddai aelod o'r cyhoedd, o wybod yr holl ffeithiau, yn ystyried yn rhesymol fod y buddiant hwnnw mor arwyddocaol fel ei fod yn amharu ar ei farn ynghylch budd y cyhoedd.

Gan hynny, roedd y Cynghorydd Davies wedi gofyn am ollyngiad o dan reoliadau 2 (d) ac (f) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru).

Atgoffodd Rheolwr y Gwasanaethau Cyfreithiol y Pwyllgor ei fod, wrth ystyried y cais, yn ei gyfarfod ar 28 Medi, 2017 (gweler cofnod 12), wedi caniatáu gollyngiadau tebyg ar gyfer nifer o Gynghorwyr Sir tan 30 Medi 2018 i siarad ond nid i bleidleisio, ac i wneud sylwadau ysgrifenedig yng nghyfarfodydd Cyngor Sir Caerfyrddin.

Cyfeiriodd Rheolwr y Gwasanaethau Cyfreithiol at benderfyniad blaenorol y Pwyllgor gan ddweud pe byddai'n penderfynu caniatáu cais Cynghorydd Davies yn yr un modd, fod y Swyddog Monitro wedi holi a fyddai'n ystyried rhoi awdurdod dirprwyedig iddi ganiatáu unrhyw geisiadau ychwanegol o'r un fath am ollyngiad a allai gael eu cyflwyno gan Gynghorwyr Sir a oedd hefyd yn ymwneud â ffermio, yn berchen ar dir amaeth sy'n cael ei ffermio gan eraill neu a oedd â chymdeithion personol agos a oedd yn ffermio.

## **PENDERFYNWYD YN UNFRYDOL**

- 5.1 **ganiatáu gollyngiad o dan Reoliadau 2(d) ac (f) o Reoliadau Pwyllgorau Safonau (Caniatáu Gollyngiadau) (Cymru) i'r Cynghorydd Arwel Davies SIARAD, OND NID PLEIDLEISIO, A CHYFLWYNO SYLWADAU YSGRIFENEDIG yng nghyfarfodydd Cyngor Sir Caerfyrddin mewn perthynas â materion yn ymwneud â ffermio neu faterion sy'n debygol o gael effaith ar y maes hwnnw tan 30 Medi 2018.**
- 5.2 **rhoi awdurdod dirprwyedig i Swyddog Monitro y Cyngor, hyd at gyfarfod y Pwyllgor ym mis Medi 2018, ganiatáu ceisiadau o'r un fath am ollyngiad a allai gael eu cyflwyno gan Gynghorwyr Sir eraill ar yr un telerau â'r rheiny a ganiatawyd gan y Pwyllgor Safonau ym mis Medi 2017 h.y. SIARAD, OND NID PLEIDLEISIO, A CHYFLWYNO SYLWADAU YSGRIFENEDIG yng nghyfarfodydd Cyngor Sir Caerfyrddin mewn perthynas â materion yn ymwneud â ffermio neu faterion sy'n debygol o gael effaith ar y maes hwnnw tan 30 Medi 2018.**

## **6. CYDYMFFURFIO Â'R CÔD YMDDYGIAD GAN GYNGHORWYR TREF A CHYNGHORWYR CYMUNED**

Ystyriodd y Pwyllgor, fel rhan o'i rôl i fonitro a yw Cynghorau Tref a Chymuned yn cydymffurfio â'r Côt, adroddiad yn nodi lefelau'r hyfforddiant a gafwyd ynghylch y Côt, datganiadau o fuddiant, ceisiadau am ollyngiad a ganiatawyd a chwynion o ran y Côt Ymddygiad ar gyfer yr awdurdodau hynny yn ystod y cyfnod 2014/15-2016/17.

Cyfeiriwyd at y ffaith nad oedd nifer o Gynghorau Tref a Chymuned wedi cael Hyfforddiant ynghylch y Côt Ymddygiad. Dywedodd Rheolwr y Gwasanaethau Cyfreithiol er nad oedd yr awdurdodau hynny wedi mynychu unrhyw hyfforddiant a ddarparwyd gan y Cyngor Sir, ei bod yn bosibl eu bod wedi cael hyfforddiant drwy Un Llais Cymru. Dywedodd mai cyfrifoldeb Clercod y Cynghorau Tref a Chymuned oedd sicrhau bod Hyfforddiant ynghylch y Côt Ymddygiad yn cael eu darparu ar gyfer eu hawdurdodau perthnasol.

**PENDERFYNWYD YN UNFRYDOL dderbyn yr adroddiad.**

## **7. COFLYFR CÔD YMDDYGIAD**

Ystyriodd y Pwyllgor y rhifyn diweddaraf o 'Goflyfr Côt Ymddygiad' Ombwdsmon Gwasanaethau Cyhoeddus Cymru a oedd yn rhoi crynodeb o'r pedwar o ymchwiliadau côd yn ymwneud ag aelodau o Gynghorau Sir a Chynghorau Cymuned a gwblhawyd yn ystod y cyfnod mis Gorffennaf i fis Medi 2017.

**PENDERFYNWYD YN UNFRYDOL dderbyn yr adroddiad.**

---

**CADEIRYDD**

---

**DYDDIAD**

Mae'r dudalen hon yn wag yn fwriadol



**Y PWYLLGOR SAFONAU**  
**16 Mawrth 2018**

**PENDERFYNIAD PANEL DYFARNU CYMRU**

**Yr argymhellion / penderfyniadau allweddol sydd eu hangen:  
Ystyried yr adroddiad**

**Y Rhesymau:**

Mae cynnwys yr adroddiad hwn yn rhan o faes gorchwyl y Pwyllgor.

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Amherthnasol

Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

**YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y  
Cynghorydd E Dole (Arweinydd)**

Y Gyfarwyddiaeth

Y Prif Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth a'r  
Gyfraith

Rheolwr Dros Dro y  
Gwasanaethau Cyfreithiol

Rhifau ffôn:

01267 224018

Cyfeiriadau E-bost:

RJEdgeco@sirgar.gov.uk.

**EXECUTIVE SUMMARY  
STANDARDS COMMITTEE  
16<sup>th</sup> March 2018**

**DECISION OF THE ADJUDICATION PANEL FOR WALES**

On the 10<sup>th</sup> January 2018 the Adjudication Panel for Wales published its findings in the case of former Conwy County Borough Council member Dr Stuart Anderson.

The matter had been referred to the Panel by the Public Services Ombudsman for Wales in July 2017 as a result of complaints that Dr Anderson had;

1. Made unfounded allegations against council staff
2. Had involved himself in an issue in which he had a prejudicial interest
3. Had widely circulated personal comments about a senior officer
4. Had attempted to compromise the impartiality of an officer
5. Had shared confidential information

The Panel found that Dr Anderson had breached the members code of conduct on 9 separate grounds and disqualified him from office for 18 months.

A copy of the Panel's decision is attached.

The decision, although not setting out in full detail the allegations against Dr Anderson, provides useful guidance on the interpretation of key parts of the Code

**DETAILED REPORT ATTACHED ?**

**YES**

**IMPLICATIONS**

**I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :**

**Signed:** L Rees-Jones

**Head of Administration and Law**

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below  
**Signed:** L Rees-Jones **Head of Administration and Law**

1. **Scrutiny Committee** Not applicable
2. **Local Member(s)** Not applicable
3. **Community / Town Council** Not applicable
4. **Relevant Partners** Not applicable
5. **Staff Side Representatives and other Organisations** *Not applicable*

### Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-160	Legal Services, County Hall

Mae'r dudalen hon yn wag yn fwriadol

**NOTICE OF DECISION**

**TRIBUNAL REFERENCE NUMBER:** APW/002/2017-018/CT

**RESPONDENT:** Former Councillor Stuart Anderson

**RELEVANT AUTHORITY(IES):** Conwy County Borough Council

1. A Case Tribunal convened by the President of the Adjudication Panel for Wales has considered a reference in respect of the above Respondent.
2. In a letter dated 31 July 2017, the Adjudication Panel for Wales received a referral from the Public Services Ombudsman for Wales (“the Ombudsman”) in relation to allegations made against Former Cllr Dr Stuart Anderson. During the investigation, the Ombudsman became aware of further allegations about Former Cllr Dr Anderson. The allegations referred to the Adjudication Panel for Wales were that Former Cllr Dr Anderson had breached Conwy County Borough Council’s Code of Conduct by making a number of unfounded allegations against staff, had involved himself in an issue which he had a prejudicial interest, had widely circulated personal comments about a senior officer, had attempted to compromise the impartiality of an officer and shared information which should reasonably have been regarded as confidential.
3. At a hearing on 9 – 10 January 2018 at Mold County and Family Court, Law Courts, Civic Centre, Mold, Flintshire CH7 1AE, the Case Tribunal found by unanimous decision that Former Cllr Dr Anderson failed to comply with the Conwy County Borough Council’s Code of Conduct as follows:
  - 4.1 Paragraph 4(a) of the Code of Conduct states that you must 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.
  - 4.2 The Case Tribunal found that Former Cllr Anderson breached this paragraph in his treatment of Officer X. In numerous emails, Former Cllr Dr Anderson challenged Officer X’s capacity to fulfil his role in numerous emails to a variety of persons on the ground that he showed signs of “early dementia” and, later due to his disability without any objective evidence regarding his medical condition or internal personnel information held by the Council. Former Cllr Dr Anderson relied on his status as a retired doctor to justify speculation about Officer X and his health, and disclosed confidential medical information about Officer X again to a variety of persons, including members of the public. It was clear Former Cllr Dr Anderson’s view was that Officer X should not be employed in his role due to his disability.

4.3 Paragraph 4(b) of the Code of Conduct states that you must show respect and consideration for others.

4.4 The Case Tribunal found that Former Cllr Dr Anderson breached this provision on a number of occasions. His conduct in relation to Officer X showed a lack of respect and consideration, even after he was warned by council officers to cease circulating assertions about his health. The Case Tribunal did not find that Former Cllr Dr Anderson had failed to show respect and consideration to Ms Doran as according to her own evidence he had not been abusive or unduly critical of her. The Case Tribunal did find that Former Cllr Dr Anderson had acted towards Ms Hughes without respect or consideration in his email of 14 March 2016 which referred to her and another as being found “in flagrante” and said she had fabricated evidence. The email was sent to third parties. This was a very serious allegation against a legal officer of the Council and Former Cllr Dr Anderson did not follow the proper process to raise such concerns. The Case Tribunal did find that Former Cllr Dr Anderson, by calling the head teacher of a Conwy school a ‘psychopath’ on two occasions without any evidence other than the comments of his friend Mr Griffiths failed to show the head teacher respect and consideration.

4.5 Paragraph 4(c) of the Code of Conduct states that you must not use bullying behaviour or harass any person.

4.6 The Case Tribunal found that Former Cllr Dr Anderson did bully and harass Officer X by repeatedly speculating about his health and circulating confidential information about his health. Former Cllr Dr Anderson continued to do so, despite warning that it was not appropriate to widely circulate such information and speculation. The Case Tribunal noted the impact upon Officer X, and concluded it was more likely than not that Former Cllr Dr Anderson’s conduct contributed towards the early retirement of Officer X. It found Former Cllr Dr Anderson’s conduct was offensive, insulting and humiliating towards Officer X, undermined him to others, affected his confidence and may have adversely affected his health. The conduct was also repeated and upset Officer X.

4.7 Paragraph 4(d) of the Code of Conduct states that you must not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

4.6 The Case Tribunal found that Former Cllr Dr Anderson sought to compromise the impartiality of Ms Doran by instructing her to persuade Mr Davies to take action and to access his emails. The veiled threat that if Ms Doran did not do so, action may be taken against the Council was improper and designed to force Ms Doran to do as Former Cllr Dr Anderson wished and achieve an outcome he wished in respect of the leadership of a school.

4.7 Paragraph 5(a) of the Code of Conduct states that you must not 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.

4.8 The Case Tribunal found that Former Cllr Dr Anderson breached this paragraph by disclosing information about Officer X’s health to third parties (when not required to do so by law and without his consent), circulating a

dossier prepared by Mr Griffiths regarding a school which contained confidential employment information (when not required to do so by law and without the consent of the school or those named within), and circulating a letter from Mrs A containing information about her health (when not required to do so by law and without her consent). The Case Tribunal concluded Former Cllr Dr Anderson as a former doctor and the quasi-employer of Council employees ought reasonably have regarded the information as confidential.

4.9 Paragraph 6(1)(a) of the Code of Conduct states that you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute

4.10 The Case Tribunal found that Former Cllr Dr Anderson brought the role of elected member into disrepute by means of his conduct towards Officer X, allegations against Ms Hughes, seeking preferential treatment for his close personal associate Mr Griffiths and calling in a decision to remove Mr Griffiths from his role on a school governing body when he had a prejudicial interest, circulating confidential information, and making numerous written and oral representations on behalf of Mr Griffiths when Former Cllr Dr Anderson had a prejudicial interest.

4.11 Paragraph 7(a) of the Code of Conduct states that you must not in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage.

4.12 The Case Tribunal found that Former Cllr Dr Anderson did breach this paragraph as he undertook a campaign to seek justice for Mr Griffiths, seeking preferential treatment for him and seeking to circumvent the official processes to deal with the issue. The Case Tribunal judged Former Cllr Dr Anderson to have failed to recognise the fact that his prejudicial interest meant it was improper to actively campaign on behalf of Mr Griffiths, particularly when his personal and prejudicial interest had not been declared (except on one occasion).

4.13 Paragraph 14(1)(c) of the Code of Conduct states that where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee, not seek to influence a decision about that business

4.14 The Case Tribunal found that Former Cllr Dr Anderson had both a personal and prejudicial interest in relation to his close personal associate Mr Griffiths, which he failed to declare except at a meeting of the scrutiny committee of 16 May 2016 when seeking to influence the decision of the Council in emails, during meetings and in his call to Ms Doran.

4.15 Paragraph 14(1)(d) of the Code of Conduct states that where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee, not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business.

4.16 The Case Tribunal found that Former Cllr Dr Anderson had both a personal and prejudicial interest in relation to his close personal associate Mr

Griffiths, which he failed to declare except at a meeting of the scrutiny committee of 16 May 2016, when making written representations about the decision regarding Mr Griffiths.

5. Former Cllr Dr Anderson should be disqualified for 18 months from being or becoming a member of the Conwy County Borough Council or of any other relevant authority within the meaning of the Local Government Act 2000, with effect from the date of this notice.

6. Conwy County Borough Council and its Standards Committee are notified accordingly.

7. The Respondent has the right to seek the leave of the High Court to appeal the above decision.

Signed: 

Date: 10 January 2018

Claire Sharp  
Chairperson of the Case Tribunal

Siân Jones  
Panel Member

Juliet Morris  
Panel Member



**Y PWYLLGOR SAFONAU**  
**16/03/18**

**LLYFR ACHOSION Y CÔD YMDDYGIAD**

**Yr Argymhellion / penderfyniadau allweddol sydd eu hangen:  
Ystyried yr adroddiad**

**Rhesymau:**

Mae cynnwys yr adroddiad hwn yn rhan o faes gorchwyl y Pwyllgor.

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Amherthnasol

Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

**YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y  
Cynghorydd E Dole (Arweinydd)**

Y Gyfarwyddiaeth

Y Prif Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth a'r  
Gyfraith

Rheolwr Dros Dro y  
Gwasanaethau Cyfreithiol

Rhifau ffôn:

01267 224018

Cyfeiriadau E-bost:

RJEdgeco@sirgar.gov.uk.

**EXECUTIVE SUMMARY  
STANDARDS COMMITTEE  
16/03/18**

<b>CODE OF CONDUCT CASEBOOK</b>	
<p>The Public Services Ombudsman for Wales has published the latest issue of the 'Code of Conduct Casebook' (Issue 15) which sets out summaries of code investigations which have been brought to a conclusion during the preceding quarter.</p> <p>As the committee will note, of the 5 case summaries published, 4 resulted in no evidence of breach being found and 1 where a breach was found to have occurred but no action was taken against the councillor concerned.</p> <p>None of these cases related to councillors from Carmarthenshire.</p> <p>Case 201700102 (Merthyr Tydfil Borough Council) provides useful guidance on an apparent distinction that is being drawn by the Ombudsman between a councillor bringing themselves into disrepute and bringing their office into disrepute</p>	
<b>DETAILED REPORT ATTACHED ?</b>	<b>YES</b>

**IMPLICATIONS**

<p><b>I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :</b></p>						
Signed: <b>L Rees-Jones</b>			Head of Administration and Law			
Policy, Crime & Disorder and Equalities <b>NONE</b>	Legal <b>NONE</b>	Finance <b>NONE</b>	ICT <b>NONE</b>	Risk Management Issues <b>NONE</b>	Staffing Implications <b>NONE</b>	Physical Assets <b>NONE</b>

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below  
Signed: L Rees-Jones Head of Administration and Law

1. **Scrutiny Committee** Not applicable
2. **Local Member(s)** Not applicable
3. **Community / Town Council** Not applicable
4. **Relevant Partners** Not applicable
5. **Staff Side Representatives and other Organisations** *Not applicable*

### Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-160	Legal Services, County Hall

Mae'r dudalen hon yn wag yn fwriadol

# The Code of Conduct Casebook

Issue 15 January 2018

## Contents

<a href="#">Introduction</a>	1
<a href="#">No evidence of breach</a>	3
<a href="#">No action necessary</a>	5
<a href="#">Referred to Standards Committee</a>	6
<a href="#">Referred to Adjudication Panel for Wales</a>	7
<a href="#">More information</a>	8

## Introduction

The Public Services Ombudsman for Wales considers complaints that members of local authorities in Wales have broken the Code of Conduct. The Ombudsman investigates such complaints under the provisions of Part III of the Local Government Act 2000 and the relevant Orders made by the National Assembly for Wales under that Act.

Where the Ombudsman decides that a complaint should be investigated, there are four findings, set out under section 69 of the Local Government Act 2000, which the Ombudsman can arrive at:

- (a) that there is no evidence that there has been a breach of the authority's code of conduct;
- (b) that no action needs to be taken in respect of the matters that were subject to the investigation;
- (c) that the matter be referred to the authority's monitoring officer for consideration by the standards committee;
- (d) that the matter be referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal (this generally happens in more serious cases).

In the circumstances of (c) and (d) above, the Ombudsman is required to submit the investigation report to the standards committee or a tribunal of the Adjudication Panel for Wales and it is for them to consider the evidence found by the Ombudsman, together with any defence put forward by the member concerned. It is also for them to determine whether a breach has occurred and, if so, what

penalty (if any) should be imposed.

The Code of Conduct Casebook contains summaries of reports issued by this office for which the findings were one of the four set out above. However, in reference to (c) and (d) findings, The Code of Conduct Casebook only contains the summaries of those cases for which the hearings by the standards committee or Adjudication Panel for Wales have been concluded and the outcome of the hearing is known. This edition covers October to December 2017.

## Case summaries

### No evidence of breach

#### Cardiff Council – Promotion of equality and respect

Case Number 201606695 – Report issued in October 2017

A complaint was made that a member (“the Councillor”) of Cardiff Council (“the Council”) breached the Authority’s Code of Conduct for elected members when he allegedly made comments to a former Councillor on two occasions about a local religious association.

The complaint was investigated on the basis that the member may have breached paragraphs 4(a), 4(b), 4(d) and 6(1)(a), relating to equality, respect, impartiality and bringing their office or authority into disrepute.

The investigation found that there were no witnesses to either of the conversations the member had with the former Councillor. The member also strongly denied the allegations. Therefore, under section 69(4) (a) of the Local Government Act 2000, the Ombudsman’s finding was that there was no evidence that the member failed to comply with the Code of Conduct.

#### Merthyr Tydfil County Borough Council - Integrity

Case Number 201700102 – Report issued in October 2017

A complaint was made that a member (“the Councillor”) of Merthyr Tydfil County Borough Council (“the Council”) breached the Authority’s Code of Conduct for elected members when she made comments about a member of the public in a Facebook messenger group chat.

The complaint was investigated on the basis that the Councillor may have breached paragraph 6(1)(a) of the Code, by bringing her office or authority into disrepute.

The Ombudsman considered that the Councillor’s comments were made in extremely bad taste. However, he took into account that the Facebook messenger group in which the Councillor posted her comments only consisted of three members. It was clear that the Councillor deeply regretted her actions and when she realised that the subject of her comments had become aware of what she had posted, she provided a fulsome apology.

The investigation found that, whilst the Councillor’s actions may have brought herself into disrepute, for the reasons outlined above, she had not brought her office or authority into disrepute. Therefore, under section 69(4)(a) of the Local Government Act 2000, the Ombudsman’s finding was that there was no evidence that the Councillor failed to comply with the Code of Conduct. However, the Councillor was advised of her responsibility to take care when expressing her personal opinions.

#### Tywyn Town Council and Gwynedd Council – Promotion of Equality and Respect

Case Number 201607353 & 201607357 – Report issued in November 2017

Councillor X complained that a member (“Councillor Y”) of Tywyn Town Council and Gwynedd Council breached the Code of Conduct for elected members by making personal allegations about her, Councillor

X provided evidence that Councillor Y made comments about her in various emails, which he had sent to members of Tywyn Town Council and Gwynedd Council.

The complaint was investigated on the basis that Councillor Y may have breached paragraphs 4(b) (failure to show respect and consideration), 4(c) (bullying and harassment), and 6(1)(a) (bringing his office or authority into disrepute).

The Ombudsman did not consider that the comments made by Councillor Y were so offensive as to amount to a breach of paragraph 4(b) of the Code of Conduct. Neither did he consider that his actions were sufficiently serious to amount to a breach of paragraph 4(c) of the Code.

In relation to paragraph 6(1)(a) of the Code, there was no evidence to suggest that Councillor Y had shared emails with members of the public. He had sent one email to a member of the press, and whilst the Ombudsman considered it was unwise for him to do so, it did not appear that the email was acted upon or shared further. That being so, the Ombudsman did not consider that the consequences of his actions were sufficiently serious to have brought his office or authority into disrepute.

Whilst the Ombudsman's finding was that there was no evidence that Councillor Y had failed to comply with the Code of Conduct, he was advised of his responsibility to be mindful of how his comments are perceived by others in future.

#### Llansannan Community Council – Promotion of Equality and Respect Case Number 201700953 – Report issued in November 2017

Mr X complained that a member ("the Councillor") of Llansannan Community Council ("the Community Council"), breached the Code of Conduct for members when he asked Mr X to leave a meeting of the Community Council and used the words "for your own safety," which Mr X considered to be a threat.

The complaint was investigated on the basis that there may have been a failure to comply with the following paragraph of the Code of Conduct for elected members:

- 4(b) – you must show respect and consideration for others; and
- 4(c) – you must not use bullying behaviour or harass any person.

There was no evidence to suggest that the Councillor's behaviour towards Mr X was in any way threatening and the Ombudsman was satisfied that his actions were reasonable under the circumstances.

Under Section 69(4)(a) of the Local Government Act 2000, the Ombudsman's finding was that there was no evidence that the Councillor failed to comply with the Code of Conduct.



## No action necessary

Conwy County Borough Council - Disclosure and registration of interests

Case Number 201702250 – Report issued in October 2017

The Ombudsman received a complaint that a member of Conwy County Borough Council (“the Councillor”) had breached the Code of Conduct when he submitted a written objection, in an official capacity, to a planning application which the complainants had made to the Council. The Councillor lives near the application site, and could be personally affected by it.

The Ombudsman concluded that it was likely that the Councillor had breached the Code given the proximity of the development site to his home and the fact his objections were sent from his Council email address and signed off “Councillor [Name]”. However, the Ombudsman decided to take no action in this case on the basis that the Councillor had shown remorse and apologised, his explanation that he had accidentally selected his Council email address from a drop down box when writing his email was plausible, he had acted swiftly to withdraw his objection when concerns were raised, and his actions did not adversely affect the planning application, which was granted permission.

## Referred to Standards Committee

There are no summaries in relation to this finding

## Referred to Adjudication Panel for Wales

There are no summaries in relation to this finding

## More information

We value any comments or feedback you may have regarding The Code of Conduct Casebook. We would also be happy to answer any queries you may have regarding its contents. Any such correspondence can be emailed to [Matthew.Aplin@ombudsman-wales.org.uk](mailto:Matthew.Aplin@ombudsman-wales.org.uk) or sent to the following address:

Public Services Ombudsman for Wales  
1 Ffordd yr Hen Gae  
Pencoed  
CF35 5LJ

Tel: 0300 790 0203  
Fax: 01656 641199

e-mail: [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk) (general enquiries)

Follow us on Twitter: [@OmbudsmanWales](https://twitter.com/OmbudsmanWales)

Further information about the service offered by the Public Services Ombudsman for Wales can also be found at [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)

**Y PWYLLGOR SAFONAU**  
**16/03/18**

**BLAENRAGLEN WAITH**

**Yr Argymhellion / penderfyniadau allweddol sydd eu hangen:  
Ystyried yr adroddiad**

**Rhesymau:**

Mae cynnwys yr adroddiad hwn yn rhan o faes gorchwyl y Pwyllgor.

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Amherthnasol

Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

**YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y  
Cynghorydd E Dole (Arweinydd)**

Y Gyfarwyddiaeth

Y Prif Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth a'r  
Gyfraith

Rheolwr Dros Dro y  
Gwasanaethau Cyfreithiol

Rhifau ffôn:

01267 224018

Cyfeiriadau E-bost:

RJEdgeco@sirgar.gov.uk.

# EXECUTIVE SUMMARY STANDARDS COMMITTEE 16/03/18

## FORWARD WORK PROGRAMME

At a previous meeting of the committee it was requested that officers prepare a draft forward work programme for forthcoming municipal years, with a view to distributing the routine business of the committee more evenly throughout the year.

This was first tried in 2017/208 and achieved the intended aim, although at the cost of delaying the presentation of the Chairman's annual report to full council by approximately 1 month.

A further Forward Work programme has therefore been prepared for the 2018/2019 municipal year along the same lines, but including additional matters such as code of conduct training and the presentation of the Chairman's Annual Report.

The draft programme is attached and the Committee is asked to approve its content or make such changes as it thinks fit.

In addition to the scheduled reports set out in the Programme, the Committee will continue to receive ad hoc reports relating to such matters as dispensation applications and decisions by the Adjudication Panel for Wales as and when they arise.

**DETAILED REPORT ATTACHED ?**

**YES**

## IMPLICATIONS

**I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :**

**Signed: L Rees-Jones**

**Head of Administration and Law**

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: L Rees-Jones

Head of Administration and Law

1. **Scrutiny Committee** Not applicable
2. **Local Member(s)** Not applicable
3. **Community / Town Council** Not applicable
4. **Relevant Partners** Not applicable
5. **Staff Side Representatives and other Organisations** *Not applicable*

**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-160	Legal Services, County Hall

Mae'r dudalen hon yn wag yn fwriadol



# STANDARDS COMMITTEE FORWARD WORK PROGRAMME 2018/2019

JUNE 2018	SEPTEMBER 2018	DECEMBER 2018	JANUARY 2019	MARCH 2019
Complaints & Compliments Annual Report	Ombudsman's Annual Report	Code of Conduct Compliance by Town & Community Councils	<i>Presentation of Chairman's Annual Report at Full Council</i>	Forward Work Programme for 2019/2020
Review of Whistleblowing Policy	Feedback on Code training for Town & Community Councillors	Chairman's Annual report to Full Council		Preparation for Code training for Town & Community Councillors
Code of Conduct update	Code of Conduct update	Code of Conduct update		Code of Conduct update
<i>Deliver Code of Conduct Training to Town &amp; Community Councillors</i>				

Mae'r dudalen hon yn wag yn fwriadol

## Y PWYLLGOR SAFONAU

16/03/18

HYFFORDDIANT YNGHYLCH Y CÔD YMDDYGIAD AR GYFER  
CYNGHORWYR TREF A CHYMUNED**Yr argymhellion / penderfyniadau allweddol sydd eu hangen:**

Ystyried y cyflwyniad ynghylch hyfforddiant a chytuno ar y dyddiadau ar gyfer y sesiynau arfaethedig

**Y Rhesymau:**

Mae cynnwys yr adroddiad hwn yn rhan o faes gorchwyl y Pwyllgor.

Argymhellion / Sylwadau'r Pwyllgor Craffu:

Amherthnasol

Angen i'r Bwrdd Gweithredol wneud penderfyniad NAC OES

Angen i'r Cyngor wneud penderfyniad NAC OES

YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:- Y  
Cyngorydd E Dole (Arweinydd)

Y Gyfarwyddiaeth

Y Prif Weithredwr

Enw Pennaeth y Gwasanaeth:

Linda Rees-Jones

Awdur yr Adroddiad:

Robert Edgecombe

Swyddi:

Pennaeth Gweinyddiaeth a'r  
Gyfraith

Rheolwr Dros Dro y  
Gwasanaethau Cyfreithiol

Rhifau Ffôn:

01267 224018

Cyfeiriadau E-bost:

RJEdgeco@sirgar.gov.uk.

# EXECUTIVE SUMMARY STANDARDS COMMITTEE 16/03/18

## CODE OF CONDUCT TRAINING FOR TOWN AND COMMUNITY COUNCILLORS

For several years the Standards Committee has arranged training sessions on the Members Code of Conduct for Town and Community Councillors. These have been held in County Hall in June or July, and the 2017 sessions were well received with approximately 100 delegates in attendance over the two evenings.

Preparations are now being made to repeat these sessions in 2018 and a revised presentation is attached which seeks to refresh the content so that it continues to be relevant

The main changes are:

1. Deletion of the section on pre-determination
2. Deletion of the various questions & case studies and their replacement with a new 'Case Studies' section with 3 detailed studies based on real cases.

It is also suggested that delegates be provided with sample dispensation applications, from those received by the committee in recent years.

One of the main elements of the feedback from the 2017 sessions was the desire for greater use of the welsh language. The committee therefore needs to decide how this might be achieved.

Once the presentation has been finalised it will be send for translation.

As regards the venue and dates for these training sessions, the Committee needs to decide whether to repeat last year's arrangements (two evening sessions in County Hall), increase the number of sessions and/or host them at a variety of locations outside of County Hall.

The committee will also need to decide whether to place a limit upon the number of delegates that attend from each council and/or give priority particular groups.

DETAILED REPORT ATTACHED ?

YES

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: L Rees-Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities <b>NONE</b>	Legal <b>NONE</b>	Finance <b>NONE</b>	ICT <b>NONE</b>	Risk Management Issues <b>NONE</b>	Staffing Implications <b>NONE</b>	Physical Assets <b>NONE</b>
--	----------------------	------------------------	--------------------	---------------------------------------	--------------------------------------	--------------------------------

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: L Rees-Jones

Head of Administration and Law

1. **Scrutiny Committee** Not applicable
2. **Local Member(s)** Not applicable
3. **Community / Town Council** Not applicable
4. **Relevant Partners** Not applicable
5. **Staff Side Representatives and other Organisations** *Not applicable*

### Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-160	Legal Services, County Hall

Mae'r dudalen hon yn wag yn fwriadol

# **CÔD YMDDYGIAD CYNGHORWYR COUNCILLORS CODE OF CONDUCT**

## **RHAGLEN PROGRAMME**

**Rhagarweiniad**

**Pryd mae'r côd yn Gymwys**

**Dyletswyddau Cyffredinol**

**Buddiannau Personol**

**Buddiannau Rhagfarnol**

**Buddiannau Eithriedig**

**Gollyngiadau**

**Gorfodaeth**

**Ble gallwch gael cyngor**

**Casgliad**

**Cwestiynau**

**Introduction**

**When the Code Applies**

**General Duties**

**Personal Interests**

**Prejudicial Interests**

**Exempt Interests**

**Dispensations**

**Enforcement**

**Where to seek advice**

**Conclusion**

**Questions**



# **RHAGARWEINIAD INTRODUCTION**

**Based upon the Nolan  
Principles for conduct in  
public life**

**Each Council must adopt  
its own code based on  
the WAG model. Last  
revised – summer 2016**

**Standards Committee – 9  
members. 3 County  
Councillors, 1  
Community Councillor  
and 5 co-opted  
independent members.**

**PRYD MAE'R CÔD YN GYMWYS  
WHEN THE CODE APPLIES**

## **PRYD MAE'R CÔD YN GYMWYS WHEN THE CODE APPLIES**

**Mewn unrhyw gyfarfod  
swyddogol o'r cyngor**

**Mewn unrhyw gyfarfod gydag  
aelodau neu swyddogion**

**Wrth weithredu fel  
cynrychiolydd y cyngor neu  
os yw'n ymddangos eich  
bod yn gwneud hynny**

**Os ydych yn cynnal busnes y  
cyngor**

**Os ydych yn gweithredu mewn  
unrhyw rôl swyddogol arall**

**Os ydych yn cynrychioli'r  
cyngor ar gorff arall**

**AC**

**In any official council meeting  
In any meeting with members  
or officers**

**When acting as a Council rep  
or appearing to do so**

**If conducting Council  
business**

**If acting in any other official  
role**

**If a Council rep on another  
body**

**AND .....**

## **PRYD MAE'R CÔD YN GYMWYS WHEN THE CODE APPLIES**

### **AR UNRHYW ADEG OS:**

**yw eich ymddygiad yn  
debygol o ddwyn anfri ar  
eich swydd neu ar y cyngor**

**ydych yn defnyddio eich  
swydd i gael mantais i chi  
eich hun neu i rywun arall**

**ydych yn camddefnyddio  
adnoddau'r cyngor**

### **AT ANY TIME IF:**

**Your conduct is likely to  
bring your office or the  
Council into disrepute**

**You use your position to  
gain an advantage for  
yourself or another**

**You misuse Council  
resources**

# **DYLETSWYDDAU CYFFREDINOL**

## **GENERAL DUTIES**

## **DYLETSWYDDAU CYFFREDINOL – RHAID ICHI GENERAL DUTIES – YOU MUST**

- **Hyrwyddo Cydraddoldeb**
- **Dangos parch ac ystyriaeth i eraill**
- **Peidio â bwlio neu aflonyddu ar eraill**
- **Peidio â pheryglu natur ddiuedd eich swyddogion**
- **Peidio â datgelu gwybodaeth gyfrinachol**
- **Peidio ag atal mynediad i wybodaeth**
- **Peidio â dwyn anfri ar eich swydd neu ar y cyngor**
- **Promote Equality**
- **Show respect & consideration to others**
- **Not harass or bully others**
- **Not compromise your officers impartiality**
- **Not disclose confidential information**
- **Not prevent access to information**
- **Not bring your office or council into disrepute**

## **DYLETSWYDDAU CYFFREDINOL – RHAID ICHI GENERAL DUTIES – YOU MUST**

- **Rhoi gwybod am achosion o dorri'r côd**
- **Peidio â gwneud cwynion blinderus**
- **Cydweithredu ag ymchwiliadau**
- **Peidio â defnyddio eich swydd yn amhriodol**
- **Peidio â chamddefnyddio adnoddau'r cyngor**
- **Gwneud penderfyniadau yn wrthrychol**
- **Rhoi ystyriaeth i gyngor a rhoi rhesymau dros beidio â'i ddilyn**
- **Report code breaches**
- **Not make vexatious complaints**
- **Cooperate with investigations**
- **Not use your position improperly**
- **Not misuse Council resources**
- **Reach decisions objectively**
- **Consider advice and give reasons for not following it**

## **DYLETSWYDDAU CYFFREDINOL – RHAID ICHI GENERAL DUTIES – YOU MUST**

- **Cydymffurfio â'r rheolau ynghylch treuliau**
- **Peidio â derbyn rhoddion neu letygarwch sy'n eich rhwymo neu y mae'n ymddangos eu bod yn gwneud hynny**
- **Comply with rules on expenses**
- **Not accept gifts or hospitality that obligates you or appear to do so**



## **BUDDIANNAU PERSONOL PERSONAL INTERESTS**

“Mae'n rhaid i'r cyhoedd deimlo'n hyderus bod Cynghorwyr yn gweithredu er budd y cyhoedd, nid er eu budd eu hunain, neu er budd eu teulu a'u ffrindiau.”

(Ombwdsmon Gwasanaethau Cyhoeddus Cymru)

“The public must have confidence that Councillors are acting in the public's best interests, not their own, or those of their family and friends.”

(Public Services Ombudsman for Wales)

## **BUDDIANNAU PERSONOL PERSONAL INTERESTS**

- Mae'r côd yn rhestru nifer o sefyllfaoedd lle mae buddiant personol yn codi.
- Os oes gennych fuddiant personol mewn unrhyw elfen o waith y cyngor, rhaid ichi ddatgan y buddiant hwnnw.
- Os yw'r buddiant hwnnw hefyd yn fuddiant rhagfarnol, ni allwch gymryd rhan na phleidleisio.
- The Code lists a number of situations where a personal interest arises.
- If you have a personal interest in any council business you must declare that interest
- If that interest is also prejudicial you cannot participate or vote.

# BETH YW BUDDIANT PERSONOL? WHAT IS A PERSONAL INTEREST?

Os yw mater **yn ymwneud â'r canlynol neu'n debygol o effeithio ar y canlynol:**

1. Eich cyflogaeth neu'ch busnes
  2. Eich cyflogwr neu fusnes rydych yn bartner neu'n gyfarwyddwr ynddo
  3. Unrhyw un (heblaw am eich cyngor) sy'n cyfrannu at eich treuliau etholiad neu dreuliau aelod
- Neu....

Where a matter **relates to or is likely to affect;**

1. Your employment or business
2. Your employer or a business in which you are a partner or director
3. Anyone (other than your council) who contributes to your election or members expenses

Or....

## **BETH YW BUDDIANT PERSONOL? WHAT IS A PERSONAL INTEREST?**

**Parhad...**

**4. Cwmni sydd â lle busnes/tir yn eich ardal ac rydych yn dal 1% o gyfranddaliadau ynddo (neu gyfranddaliadau sy'n werth mwy na £25,000)**

**5. Contract am nwyddau/gwasanaethau/gwaith rhwng eich cyngor a busnes rydych yn gyfarwyddwr neu'n gyfranddaliwr ynddo**

**Neu.....**

**Contd..**

**4. A company with a place of business/land in your area in which you hold 1% of shares (or shares worth more than £25k)**

**5. A contract for goods/services/works between your council and a business in which you are a director or a shareholder**

**Or.....**

# **BETH YW BUDDIANT PERSONOL? WHAT IS A PERSONAL INTEREST?**

**Parhad...**

- 6. Tir rydych yn berchen arno (gan gynnwys perchen yn rhannol arno) yn yr ardal**
- 7. Tir lle mae eich cyngor yn landlord ac rydych chi neu'ch busnes yn denant (gan gynnwys lle'r ydych yn gyfarwyddwr neu'n gyfranddaliwr)**
- 8. Unrhyw dir yn yr ardal lle rydych yn dal trwydded alwedigaethol.**

**Neu....**

**Contd...**

- 6. Land that you own (include part own) in the area**
- 7. Land where your Council is the landlord and you or your business is a tenant (includes where you are a director or shareholder)**
- 8. Any land in the area where you hold an occupational licence.**

**Or....**

## **BETH YW BUDDIANT PERSONOL? WHAT IS A PERSONAL INTEREST?**

**Parhad...**

**9. Lle'r ydych yn aelod neu lle mae gennych rôl reoli yn y mathau canlynol o sefydliad:**

**(a) Awdurdod cyhoeddus/corff sy'n cyflawni swyddogaethau cyhoeddus**

**(b) Cwmni, cymdeithas neu elusen**

**(c) Corff sy'n bodoli i ddylanwadu ar farn y cyhoedd**

**Neu....**

**Contd...**

**9. Where you are a member of or have a management role in the following types of organisation;**

**(a) Public authority/body exercising public functions**

**(b) Company, society or charity**

**(c) Body which exists to influence public opinion**

**Or....**

**BETH YW BUDDIANT PERSONOL?  
WHAT IS A PERSONAL INTEREST ?**

**9. Parhad...**

**(d) Undeb llafur neu  
gymdeithas broffesiynol**

**(e) Clwb preifat,  
cymdeithas neu fudiad  
sy'n gweithredu yn yr  
ardal**

**Neu.....**

**9. Contd...**

**(d) Trade union of  
professional association**

**(e) Private club, society or  
association operating in  
the area**

**Or.....**

## BETH YW BUDDIANT PERSONOL? WHAT IS A PERSONAL INTEREST?

Lle gellid barnu yn rhesymol fod y mater **yn effeithio ar**:

1. Eich lles neu'ch sefyllfa ariannol
2. Lles neu sefyllfa ariannol person rydych yn byw gydag ef/hi
3. Lles neu sefyllfa ariannol **cysylltiad personol agos**

Neu...

Where the matter **might reasonably be regarded as affecting**;

1. Your well-being or financial position
2. The well-being or financial position of a person you live with
3. The well-being or financial position of a **close personal associate**

Or...



# **BETH YW BUDDIANT PERSONOL? WHAT IS A PERSONAL INTEREST?**

**Parhad...**

**4. Unrhyw gyflogaeth neu fusnes a gynhelir gennych chi, person sy'n byw gyda chi, neu gysylltiad personol agos.**

**5. Unrhyw berson sy'n cyflogi person sy'n byw gyda chi neu gysylltiad personol agos neu unrhyw fusnes y maent yn bartner neu'n gyfarwyddwr ynddo.**

**Neu....**

**Contd...**

**4. Any employment or business carried on by you, a person living with you, or a close personal associate of yours.**

**5. Any person who employs a person living with you or a close personal associate or any business in which they are a partner or director.**

**Or....**

## **BETH YW BUDDIANT PERSONOL? WHAT IS A PERSONAL INTEREST?**

**Parhad...**

**6. Unrhyw awdurdod cyhoeddus, cwmni, cymdeithas, elusen, undeb llafur, cymdeithas broffesiynol, clwb preifat neu gymdeithas y mae person sy'n byw gyda chi/cysylltiad personol agos yn aelod ohono/ohoni neu y mae ganddo/ganddi swydd reoli ynddo/ynddi.**

**Neu....**

**Contd...**

**6. Any public authority, company, society, charity, trade union, professional association, private club, or association in which a person living with you/close personal associate is a member or has a position of control or management.**

**Or....**

# **BETH YW BUDDIANT PERSONOL? WHAT IS A PERSONAL INTEREST?**

**Parhad...**

**7. Unrhyw gwmni y mae person sy'n byw gyda chi/cysylltiad personol agos yn berchen ar gyfranddaliadau gwerth mwy na £5,000 ynddo.**

**OS OES GENNYCH FUDDIANT PERSONOL, RHAID ICHI EI DDATGAN.**

**Contd...**

**7. Any company in which a person living with you/close personal associate owns shares worth more than £5,000.**

**IF YOU HAVE A PERSONAL INTEREST THEN YOU MUST DECLARE IT.**

## **BUDDIANNAU RHAGFARNOL PREJUDICIAL INTERESTS**

**Os oes gennych Fuddiant Personol, RHAID ichi wirio a yw'r buddiant hwnnw hefyd yn fuddiant rhagfarnol.**

### **COFIWCH**

**Y prawf yw nid a ydych chi'n credu bod y buddiant yn dylanwadu arnoch, ond a ydych chi'n credu y byddai aelod damcaniaethol o'r cyhoedd yn credu ei fod yn gwneud hynny.**

**If you have a Personal interest you **MUST** check whether that interest is also prejudicial.**

### **REMEMBER**

**The test is not whether you think the interest influences you, but whether you think a hypothetical member of the public would think it does.**

## BUDDIANNAU RHAGFARNOL PREJUDICIAL INTERESTS

Os oes gennych Fuddiant  
Rhagfarnol, RHAID ichi:

1. ddatgelu'r buddiant  
hwnnw
2. peidio â cheisio  
dylanwadu ar unrhyw  
benderfyniad
3. gadael y cyfarfod tra bod  
y busnes hwnnw yn cael ei  
drafod

If you have a Prejudicial  
interest you MUST;

1. Disclose that interest
2. Not try to influence  
any decision
3. Withdraw from the  
meeting whilst that  
business is dealt with

## **CANLLAW HWYLUS EASY USE GUIDE**

- Datblygwyd gan y Pwyllgor Safonau i'ch helpu i gymhwyso'r côd mewn perthynas â buddiannau personol a rhagfarnol
- Tri cham i benderfynu pa fuddiant sydd gennych (os oes buddiant) a beth y dylech ei wneud.
- Developed by the Standards Committee to help you apply the code in relation to personal & prejudicial interests
- Three steps to determine what interest (if any) you have and what you should do.

## **BUDDIANNAU EITHRIEDIG EXEMPTED INTERESTS**

**Mae'r côd yn rhestru rhai buddiannau personol NAD ydynt yn fuddiannau rhagfarnol, sef:**

**1. Lle mae'r busnes yn ymwneud ag awdurdod arall rydych yn aelod ohono**

**2. Lle mae'r busnes yn ymwneud ag awdurdod cyhoeddus arall lle mae gennych swydd reoli**

**Neu....**

**The Code lists certain personal interests which are NOT prejudicial, namely;**

**1. Where the business relates to another authority of which you are a member**

**2. Where the business relates to another public authority in which you have a position of control or management**

**Or....**

## **BUDDIANNAU EITHRIEDIG EXEMPTED INTERESTS**

**Parhad...**

**3. Lle mae'r busnes yn ymwneud â chorff rydych wedi'i benodi iddo gan eich cyngor**

**4. Eich rôl fel llywodraethwr ysgol pan NA chawsoch eich penodi gan eich cyngor ONI BAI bod y busnes yn ymwneud yn benodol â'r ysgol honno**

**Neu.....**

**Contd..**

**3. Where the business relates to a body to which you have been appointed by your Council**

**4. Your role as a school governor where NOT appointed by your Council) UNLESS the business specifically relates to that school  
Or.....**



# BUDDIANNAU EITHRIEDIG

## EXEMPTED INTERESTS

Parhad...

5. Eich rôl ar y Bwrdd Iechyd Lleol pan NA chawsoch eich penodi gan eich cyngor
6. Mewn perthynas â grant/benthyciad ac ati gan eich cyngor i fudiad cymunedol neu wirfoddol **hyd at uchafswm o £500.**

Contd...

5. Your role on the LHB when NOT appointed by your Council
6. In relation to a grant/loan etc by your Council to a community or voluntary organisation **up to a maximum of £500.**

# CASE STUDIES

CASE STUDY ONE

CASE STUDY TWO

CASE STUDY THREE

# **GOLLYNGIADAU DISPENSATIONS**

## **GOLLYNGIADAU DISPENSATIONS**

- **Gall Cynghorydd sydd â buddiant rhagfarnol wneud cais i'r Pwyllgor Safonau am ganiatâd i gymryd rhan mewn mater.**
- **Rhaid i geisiadau gael eu cyflwyno mewn digon o amser i gyfarfod gael ei alw yn unol â'r rheolau ynghylch cyhoeddi agendâu ac ati.**
- **A Cllr with a prejudicial interest may apply to the Standards Committee for permission to be involved in a matter**
- **Applications must be submitted in sufficient time for a meeting to be called in accordance with rules on publishing agendas etc.**

## **GOLLYNGIADAU DISPENSATIONS**

- **Rhaid i geisiadau gael eu cyflwyno ar ffurflen safonol.**
- **Gallant gael eu cyflwyno gan glerc ar ran 1 cynghorydd neu fwy.**
- **Rhaid iddynt fod am un neu fwy o'r rhesymau canlynol:**
- **Applications must be submitted on a standard form**
- **They may be submitted by a clerk on behalf of 1 or more cllrs.**
- **They must be based on one or more of the following grounds;**

## **GOLLYNGIADAU DISPENSATIONS**

- **Mae o leiaf hanner eich cyd-gynghorwyr yn rhannu'r un buddiant.**
- **Mae natur y buddiant yn golygu na fyddai'n niweidiol i hyder y cyhoedd**
- **Mae gan y Cynghorydd arbenigedd penodol sy'n cyfiawnhau ei gyfranogiad/chyfranogiad parhaus**
- **Mae'r buddiant yn gyffredin i gyfran sylweddol o'r cyhoedd**
- **At least 1/2 of fellow cllrs share the same interest**
- **The nature of the interest is such that it would not damage public confidence**
- **The Cllr has a particular expertise which justifies their contd. involvement**
- **The interest is common to a significant proportion of the public**

## **GOLLYNGIADAU DISPENSATIONS**

- **Mae'r mater yn ymwneud â mudiad gwirfoddol ac mae'r Cynghorydd yn rhan o'r gwaith o'i reoli ac nid oes ganddo unrhyw fuddiant arall yn y mater *(gall siarad yn unig, ni all bleidleisio dan yr opsiwn hwn)***
- **Fel arall, mae'n briodol yn yr holl amgylchiadau**
- ***(Mae rhesymau eraill ar gael ond nid ydynt yn gymwys i Gynghorwyr Cymuned)***
- **The matter relates to a vol. organisation & the Cllr is involved in its management & has no other interest in the matter *(can only speak , not vote under this option)***
- **Otherwise appropriate in all the circumstances**
- ***(There are other grounds available but they do not apply to Community Cllrs)***

## **GOLLYNGIADAU DISPENSATIONS**

**Fel arfer, caniateir gollyngiadau am gyfnod penodol (hyd at 6 mis yn aml)**

**Mae'r rhan fwyaf o ollyngiadau i siarad yn unig ac maent yn ymwneud â chyfranogiad cynghorydd mewn mudiad gwirfoddol.**

**Dispensations are usually granted for a set period of time (often up to 6 months)**

**The majority of dispensations are to speak only and relate to a cllrs involvement in a voluntary organisation.**

**(See sample applications for help on how to complete the form)**



# **GORFODAETH ENFORCEMENT**



## **GORFODAETH ENFORCEMENT**

- **Dylid cyfeirio pob cwyn ynghylch torri'r côd at Ombwdsmon Gwasanaethau Cyhoeddus Cymru a fydd yn penderfynu a oes angen ymchwilio neu beidio.**
- **Os bydd Ombwdsmon Gwasanaethau Cyhoeddus Cymru yn penderfynu bod yr achos yn teilyngu ymchwiliad, gall wneud hynny ei hun neu gyfeirio'r achos at y Swyddog Monitro lleol i wneud hynny.**
- **All complaints regarding breaches of the code should be referred to the PSOW who will decide whether or not to investigate.**
- **If the PSOW decides the case merits investigation, he may do so himself or refer the case to the local Monitoring Officer to do so**

## **GORFODAETH ENFORCEMENT**

- **Os bydd ymchwiliad yn canfod tystiolaeth bod y côd wedi'i dorri, gellir cyfeirio'r achos at y Pwyllgor Safonau Lleol neu at Banel Dyfarnu Cymru ar gyfer penderfyniad.**
- **Gall y Pwyllgor Safonau atal Cynghorydd o'i swydd.**
- **Gall y Panel Dyfarnu wahardd Cynghorydd o'i swydd.**
- **Gall y ddau osod sancsiynau llai.**
- **If an investigation finds evidence of a breach it may be referred to the local Standards Committee or the Adjudication Panel for Wales for determination.**
- **The Standards Committee can suspend a Cllr from office**
- **The Adjudication Panel can disqualify a Cllr from office**
- **Both can impose lesser sanctions**

## **BLE GALLWCH GAEL CYNGOR WHERE TO SEEK ADVICE**

### **Clercod**

**Gallant geisio cyngor gan y Swyddog  
Monitro ynghylch y côd**

### **Cynghorwyr**

**Mae canllawiau'r Ombwdsmon yn ei  
gwneud yn eglur y dylai Cynghorwyr  
geisio cyngor gan eu Clercod  
ynghylch materion yn ymwneud â'r  
côd a dim ond mynd at y Swyddog  
Monitro os nad yw'r clerc ar gael**

### **Clerks**

**May seek advice from the  
Monitoring Officer in relation to the  
Code**

### **Councillors**

**Ombudsman's guidance makes it  
clear that Councillors should seek  
advice from their Clerks on Code  
issues and only approach the  
Monitoring Officer if the clerk is  
unavailable**

## **CASGLIAD CONCLUSION**

- **Dylech gymryd amser i ymgwyfarwyddo â'r côd**
- **Sicrhewch fod y côd gennych chi pan fyddwch yn cynnal busnes y cyngor**
- **Defnyddiwch ollyngiadau i gyflawni eich rôl ddemocrataidd**
- **Os ydych yn ansicr – CEISIWCH GYNGOR**
- **Take time to familiarise yourself with the code**
- **Always have it with you when conducting council business**
- **Make use of dispensations to fulfil your democratic role**
- **If unsure – SEEK ADVICE**

## CWESTIYNAU QUESTIONS



## CASE STUDY ONE

Cllr Tump is a local councillor with very strong views on how things should be done. He particularly dislikes the way the council's clerk Mr Coney performs his duties.

In a number of emails to fellow councillors, members of the public and the local press Cllr Tump questioned Mr Coney's capacity to perform his role on the grounds that he was showing signs of 'early dementia' and that he was disabled, without there being any objective evidence to support his claims.

Cllr Tump repeatedly speculated about Mr Coney's health with others inside and outside the council causing Mr Coney considerable embarrassment and distress.

### Questions

1. Does the code apply
2. If it does which parts of the Code might Cllr Tump have breached

Mae'r dudalen hon yn wag yn fwriadol



## Case Study 2

Cllr Tump disagrees with the running of the local school. In particular Cllr Tump objects to the decision by the Governors to sack one of their members, Mr Cannon, who is a close friend of Cllr Tump.

Cllr Tump asks the clerk, Mr Coney, to write to the governors saying that the Council objected to the sacking of Mr Cannon. When Mr Coney refused to do so without a Council resolution Cllr Tump warned him that legal action could be taken against the Council if a letter was not sent.

At the next council meeting Cllr Tump raised the sacking of Mr Cannon and again asked for a letter to be sent to the governors. When his fellow Councillors refused to support his request Cllr Tump sent several emails from his council email address and signed 'Cllr D Tump' to the local County Councillors, AMs and MPs calling for them to step in and have Mr Cannon reinstated as a governor of the school.

## Questions

1. Does the Code apply?
2. If it does, have any breaches of the code occurred?

Mae'r dudalen hon yn wag yn fwriadol

### Case Study 3

Cllr Tump is a big fan of Facebook and regularly uses it to share information about his role as a Cllr, usually in the early hours of the morning.

Cllr Tump sends a message to the 3 fellow members of a Facebook messenger group which he is part of in which he makes rude and offensive comments about the appearance of a fellow councillor.

One of the group members is friendly with that Cllr and makes them aware of Cllr Tump's comments. The Cllr is deeply hurt and embarrassed by the comments.

When that Cllr challenges Cllr Tump at the next meeting of the Council, Cllr Tump repeats his comments in front of the other Cllrs and a representative of the local press. Luckily the press do not publish the comments.

### Questions

1. Does the Code apply?
2. If it does have there been any breaches of the Code?

Mae'r dudalen hon yn wag yn fwriadol