

Standards Committees Chairs Forum - Wales

Monday, 24th June 2024 @ 2pm, via Teams

Notes

1. Chairs Announcements

The chair welcomed:

- Judge Claire Sharp the outgoing president of the Adjudication Panel for Wales (APL) and her successor Judge Meleri Tudur.
- Paul Egan, Deputy Chief Executive of One Voice Wales (OVW) the principal organisation for community and town councils in Wales.
- Michelle Morris – Public Services Ombudsman for Wales (PSOW).

Newly appointed Standards Committee Chairs.

- Peter Easy, recently appointed as Chair of Standards Committee for Monmouthshire Council.
- Sue Maughan, recently appointed as Chair of Standards for Bridgend Council.
- Rhys Davies, recently appointed as Chair of Standards for the Isle of Anglesey Council.

2. Notes from the previous meeting – 29th January 2024.

The notes of the previous meeting were agreed, and actions confirmed as completed. The following points were highlighted.

- Chairs of Corporate Joint Committee Standards Committees to be invited to the Forum if they do not already attend as a member of one of their constituent councils' standards committees.
- Payments to co-opted members was a matter for local determination and the Forum must work within its terms of reference.
- Standards Committee Members are not required to be DBS checked.

3. Judge Claire Sharp, the outgoing president of the Adjudication Panel for Wales (APL) and her successor Judge Meleri Tudur.

Judge Claire Sharp talked about the issues she looked for when deciding whether to permit an appeal against a decision by a standards committee and common failings.

She did not discuss the reasons why certain Judgments were made. She said that the legal test was whether there was no reasonable prospect of success but noted that this was not defined within APW legislation or regulations. Judge Sharp adopted the tests from other jurisdictions using the same wording. Judge Sharp added that she took the Appellant's case at its highest when reviewing an application to appeal, unless it was conclusively disproved by the evidence before her, unsupported by reasonable argument or fanciful allegations have been made.

Her decision cannot be appealed other than JR. APW have recommended to the Penn Review that the process altered because timescales are not practical and excludes the PSOW.

Points to consider are:

When setting out a decision notice, state:

- what the committee decides are the key points and findings of fact,
- what arguments are put forward,
- what led you to that decision.

In other words, show your workings/reasoning.

- State who attended and if they left during the hearing. A summary of key points would be helpful.
- You cannot conflate two matters and only provide evidence of one e.g., you cannot state that there was bullying and harassment and just provide the reasoning for a finding of harassment. This could lead to an appeal.
- Helpful to state what are agreed facts and what are disputed and found by the committee.

- Remember the Sanctions Guidance is there to assist and it is sensible to refer to it – it will help the President to know if the correct process was followed.

APW cannot provide legal advice. All the information is on the website. Same as with the court service.

The judge was asked, if the standards committee meeting was recorded, would she look at the recording? She said that the appellant could forward it and it would be admissible however in reality she would not look at the whole meeting. Normally if it's key, a transcript should be provided, but that is unlikely at the permission to appeal stage. However, it was an option available if the recording was provided by the Appellant, and she would personally look at it if referred to the precise time code of whatever was being complained about and it related to an issue in the appeal. It is unlikely that the whole recording would be viewed.

Judge Meleri Tudur concurred with the points made and looked forward to taking up the role as president of the APW.

4. Paul Egan, Deputy Chief Executive of One Voice Wales (OVW) the principal organisation for community and town councils in Wales.

The presentation and Q&A were in response to a request made at a previous meeting of the Forum and included the following:

- Information about the support offered by One Voice Wales to its community and town councils.
- The resources and support it had to offer Town and Community Councils in relation to standards of behaviour.
- The training offered on behaviour / code of conduct for members. Including method of delivery, frequency of sessions held, and the cost.
- The support offered to community and town council clerks and members with reference to a local resolution protocol that is encouraged by the Public Services Ombudsman for Wales.

5. Michelle Morris, Public Services Ombudsman for Wales – Update

- Casework Update (2023/24 and Q1)

- Independent Review (update)
- Local Resolution Procedures (review)

Casework 2023/24

- Another busy year – more complaints than before across both Code and Public Service Complaints – but no additional resources to deal with them.
- Code Complaints form about 10% of total caseload for the office.
- 328 code complaints - 16% increase.
- Investigated a higher proportion of complaints than last year (48) up 13%.
- Referred 21 cases (most in one year) up 43%.
- 85% of breaches upheld (by SC or APW).
- Majority (55%) about 'Promotion of Equality & Respect' which is lower than last year (61%).

Current Year (end of May)

Caseload is 79 (highest caseload we have ever held) (10 Suspended e.g., police investigations, medical reasons).

Focus on reducing time taken to investigate (within 12 months) and closed significant number of Aged Cases last year.

However, caseloads remain high, and we are continuing to take action to reduce these and close cases within 12 months. (Bank Workers, Extra IOs).

Code Team also support Hearings & Appeals, so these too impact on investigation times.

Independent Review

- Terms of reference on PSOW Website.
- Lead by Dr Melissa McCullough (Standards Commissioner for NI Assembly).
- Aim to publish final report in Autumn.
- Final report to be presented to Senedd Finance Committee (likely report back to Senedd).
- Continue to engage with NSCF & MOG regarding outcomes and any actions arising – prior to publication of the report.

Local Resolution Procedures

- Plan to work with Councils and MOs to review existing LRPs and to review and reissue PSOW Guidance in Autumn.
- Intention is to ensure a consistent approach and understanding of issues which are appropriate for LR and the 'serious' issues which should be referred to PSOW.

6. **AOB**

Experiences to date indicated that the group leader's duty (and the need to report thereon) had been embraced. There was some complexity with independent members who were not part of a group.

7. **Date of next meeting**

- Monday, 27th January 2025, 2pm – 4pm on Teams.
- Monday 23 June 2025, 2pm – 4pm on Teams.

Fforwm Cadeiryddion y Pwyllgorau Safonau - Cymru
Dydd Llun, 24 Mehefin 2024 am 2pm, dros Teams
Nodiadau

1. Cyhoeddiadau'r Cadeirydd

Croesawodd y Cadeirydd:

- Y Barnwr Claire Sharp, llywydd presennol Panel Dyfarnu Cymru a oedd ar fin gadael, a'i holynydd, y Barnwr Meleri Tudur.
- Paul Egan, Dirprwy Brif Weithredwr Un Llais Cymru, y prif sefydliad ar gyfer cynghorau tref a chymuned yng Nghymru.
- Michelle Morris - Ombwdsman Gwasanaethau Cyhoeddus Cymru (OGCC).

Cadeiryddion Pwyllgorau Safonau newydd eu penodi.

- Peter Easy, a oedd wedi cael ei benodi'n ddiweddar fel Cadeirydd Pwyllgor Safonau Cyngor Sir Fynwy.
- Sue Maughan, a oedd wedi cael ei phenodi'n ddiweddar fel Cadeirydd Safonau Cyngor Rhondda Cynon Taf.
- Rhys Davies, a oedd wedi cael ei benodi'n ddiweddar fel Cadeirydd Pwyllgor Safonau Cyngor Sir Ynys Môn.

2. Nodiadau o'r cyfarfod blaenorol - 29 Ionawr 2024.

Cytunwyd ar y nodiadau ar gyfer y cyfarfod blaenorol, a chadarnhawyd bod y camau gweithredu wedi'u cwblhau. Amlygwyd y pwyntiau a ganlyn:

- Gwahodd Cadeiryddion Pwyllgorau Safonau Cydbwyllgorau Corfforedig i'r Fforwm os nad ydynt eisoes yn mynychu fel aelod o un o bwyllgorau safonau eu cynghorau cyfansoddol.

- Roedd taliadau i aelodau cyfetholedig yn fater i'w benderfynu'n lleol ac roedd angen i'r Fforwm weithio o fewn ei gylch gorchwyl.
- Nid oedd angen i aelodau'r Pwyllgor Safonau gael gwiriad y Gwasanaeth Datgelu a Gwahardd (GDG).

3. Y Barnwr Claire Sharp, llywydd presennol Panel Dyfarnu Cymru a oedd ar fin gadael a'i holynydd, y Barnwr Meleri Tudur.

Soniodd y Barnwr Claire Sharp am y materion yr oedd hi'n chwilio amdanynt wrth benderfynu p'un a ddylid caniatáu apêl yn erbyn penderfyniad a wnaed gan bwyllgor safonau a methiannau cyffredin.

Ni thrafododd y rhesymau dros feirniadaethau penodol. Eglurodd bod y prawf cyfreithiol yn ymwneud â'r gobraith rhesymol o lwyddiant, ond nododd nad oedd hyn yn cael ei ddiffinio o fewn deddfwriaethau neu reoliadau PDC. Roedd y Barnwr Sharp wedi mabwysiadu'r profion gan awdurdodaethau eraill gan ddefnyddio'r un geiriad. Nododd y Barnwr Sharpe hefyd ei bod yn cymryd achos yr Apelydd ar ei uchaf wrth adolygu cais i apelio, oni bai bod yr achos yn cael ei wrthbrofi gan y dystiolaeth o'i blaen, heb gefnogaeth drwy ddadl neu dystiolaeth resymol neu'n cael ei ystyried yn honiadau ffansiol.

Ni ellir apelio ei phenderfyniad gan eithrio Adolygiad Barnwrol. Mae PDC wedi argymhell i'r Adolygiad Penn y dylid addasu'r broses gan nad yw'r amserlenni'n ymarferol ac yn eithrio Ombwdsmon Gwasanaethau Cyhoeddus Cymru.

Pwyntiau i'w hystyried:

Wrth amlinellu rhybudd o benderfyniad, nodwch:

- benderfyniad y pwyllgor, y pwyntiau allweddol a chanfyddiadau ffeithiol,
- pa ddadleuon a gyflwynwyd,
- beth wnaeth arwain at y penderfyniad.

Mewn geiriau eraill, dangoswch eich cyfrifiadau/rhesymau.

- Nodwch pwy oedd yn bresennol a ph'un a wnaethant adael yn ystod y gwrandawriad. Byddai crynodeb o'r pwyntiau allweddol yn ddefnyddiol.

- Ni allwch gyfuno dau fater a gallwch ond darparu tystiolaeth o un e.e., ni allwch nodi achos o fwlio ac aflonyddwch a darparu rheswm ar gyfer aflonyddwch yn unig. Gallai hyn arwain at apêl.
- Byddai'n ddefnyddiol nodi beth yw'r ffeithiau y cytunwyd arnynt a'r pethau sy'n destun dadl ac wedi cael eu nodi gan y pwyllgor.
- Cofiwch fod y Canllawiau ar Gosbau ar gael i helpu a byddai'n synhwyrol cael golwg ar y rhain - bydd yn helpu'r Llywydd i wybod a gafodd y broses gywir ei dilyn.

Ni all PDC ddarparu cyngor cyfreithiol. Mae'r holl wybodaeth ar y wefan. Mae hyn hefyd yn wir am y gwasanaeth llys.

Gofynnwyd i'r barnwr, os oedd cyfarfod y pwyllgor safonau'n cael ei recordio, a fyddai hi'n gwylio'r recordiad? Dywedodd y gallai'r apelydd anfon y recordiad ymlaen ati hi ac y byddai hynny'n dderbyniadwy, fodd bynnag, ni fyddai hi'n gwylio'r cyfarfod llawn mewn gwirionedd. Fel arfer, os yw'n allweddol, dylid darparu trawsgrifiad, ond roedd hynny'n annhebygol ar y cam hawl i apelio. Fodd bynnag, roedd yr opsiwn ar gael os yw'r Apelydd yn darparu'r fideo, a nododd y byddai hi'n cael golwg arno'n bersonol os oes cyfeiriad at yr amser penodol ar gyfer testun y gwyn a'i fod yn ymwneud â mater yn yr apêl. Dywedodd ei bod yn annhebygol y byddai hi'n gwylio'r recordiad cyfan.

Roedd y Barnwr Meleri Tudur yn cytuno â'r pwyntiau a wnaed ac yn edrych ymlaen at ymgymryd â'r rôl fel llywydd y PDC.

4. Paul Egan, Dirprwy Brif Weithredwr Un Llais Cymru, y prif sefydliad ar gyfer cynghorau tref a chymuned yng Nghymru.

Roedd y cyflwyniad a'r sesiwn holi ac ateb mewn ymateb i gais a wnaed mewn cyfarfod blaenorol o'r Fforwm ac yn cynnwys y canlynol:

- Gwybodaeth am y gefnogaeth a gynigwyd gan Un Llais Cymru i'w gynghorau tref a chymuned.

- Yr adnoddau a'r gefnogaeth a gynigwyd i Gyngorau Tref a Chymuned mewn perthynas â safonau ymddygiad.
- Yr hyfforddiant a gynigwyd ar y Cod Ymddygiad i Aelodau, gan gynnwys dulliau darparu, amllder y sesiynau, a'r costau.
- Y gefnogaeth a gynigwyd i glercod ac aelodau cyngorau tref a chymuned mewn perthynas â gweithdrefn ddatrys leol a gaiff ei hannog gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru.

5. Michelle Morris - Ombwdsmon Gwasanaethau Cyhoeddus Cymru - Y wybodaeth ddiweddaraf.

- Y wybodaeth ddiweddaraf am waith achos (2023/24 a C1)
- Adolygiad Annibynnol (y wybodaeth ddiweddaraf)
- Gweithdrefn Ddatrys Leol (adolygiad)

Gwaith achos 2023/24

- Blwyddyn brysur arall - mwy o gwynion nag erioed ar draws Cwynion Cod a Gwasanaethau Cyhoeddus - ond dim adnoddau ychwanegol i ymdrin â hwy.
- Mae Cwynion Cod yn ffurfio oddeutu 10% o gyfanswm y gwaith achos ar gyfer y swyddfa.
- 328 o gwynion cod - cynnydd o 16%.
- Ymchwiliwyd i gyfran uwch o gwynion o'i gymharu â'r llynedd (48), cynnydd o 13%.
- Atgyfeiriwyd 21 o achosion (y mwyaf mewn un flwyddyn), cynnydd o 43%.
- Cynhaliwyd 85% o achosion o dorri rheolau (gan Bwyllgorau Safonau neu PDC).
- Roedd y mwyafrif (55%) yn ymwneud â 'Hyrwyddo Cydraddoldeb a Pharch' sy'n is na'r llynedd (61%).

Y Flwyddyn Gyfredol (diwedd Mai)

Roedd y llwyth achosion yn 79 (y llwyth achosion uchaf erioed i ni) (10 wedi'u hoedi, e.e. ymchwiliadau heddlu, rhesymau meddygol).

Roedd ffocws ar leihau'r amser mae'n ei gymryd i ymchwilio (o fewn 12 mis) a chaewyd nifer uchel o Achosion Hŷn y llynedd.

Fodd bynnag, roedd llwythi achosion yn parhau i fod yn uchel, ac roedd gwaith yn parhau i gymryd camau i leihau'r rhain a chau achosion o fewn 12 mis. (Gweithwyr Banc, Swyddogion Ymchwil ychwanegol).

Mae'r Tîm Cod hefyd yn cefnogi Gwrandawiadau ac Apeliadau, gan fod y rhain hefyd yn cael effaith ar amseroedd ymchwil.

Adolygiadau Annibynnol

- Roedd y Cylch Gorchwyl ar wefan Ombwdsmon Gwasanaethau Cyhoeddus Cymru.
- Caiff ei arwain gan Dr Melissa McCullough (y Comisiynydd Safonau ar gyfer Cynulliad Gogledd Iwerddon).
- Anelir at gyhoeddi adroddiad terfynol yn yr Hydref.
- Byddai'r adroddiad terfynol yn cael ei gyflwyno i Bwyllgor Cyllid y Senedd (gan adrodd yn ôl i'r Senedd mae'n debyg).
- Parhau i ymgysylltu â NSCF ac MOG mewn perthynas â chanlyniadau ac unrhyw gamau gweithredu sy'n codi - cyn cyhoeddi'r adroddiad.

Gweithdrefn Ddatrys Leol

- Roedd cynlluniau i weithio gyda Chynghorau a Swyddogion Monitro i adolygu'r Gweithdrefnau Datrys Lleol presennol ac adolygu ac ailgyflwyno Canllawiau Ombwdsmon Gwasanaethau Cyhoeddus Cymru yn yr hydref.
- Y bwriad oedd sicrhau dull cyson a dealltwriaeth o faterion sy'n briodol ar gyfer Gweithdrefnau Datrys Lleol a'r materion 'difrifol' y dylid eu cyfeirio at Ombwdsmon Gwasanaethau Cyhoeddus Cymru.

6. Unrhyw Fater Arall

Roedd y profiadau hyd yma'n awgrymu bod dyletswydd yr arweinydd grŵp (a'r angen i adrodd wedi hynny) wedi cael ei groesawu. Roedd rhywfaint o gymhlethdod ag aelodau annibynnol nad oeddent yn rhan o grŵp.

7. Dyddiad y Cyfarfod Nesaf

- Dydd Llun, 27 Ionawr 2025, 2pm - 4pm dros Teams.
- Dydd Llun, 23 Mehefin 2025, 2pm - 4pm dros Teams.



One Voice Wales

Code of Conduct

Presentation to the National
Standards Committee Chairs
Forum on 24 June 2024



Presentation Content

- **Civility and Respect Support for Councils**
- **Type of Resources Shared with Councils**
- **Training Provision**
- **Local Resolution Protocol**
- **Mediation Training**
- **Advisory Service to Councils**

Documentation and Resources

- **Member/Officer Protocol**
- **Bullying and Harassment Guide**
- **Recruitment and Retention Guide**
- **Civility and Respect Pledge**
- **Model Informal Resolution Protocol**
- **Finance and Governance Self-Assessment Toolkit**



When signing the pledge, the Council must agree the following statements.

That the Council:

✓has put in place a training programme for councillors and staff

✓has signed up to the Code of Conduct for Councillors

✓has good governance arrangements in place including staff contracts

✓will Seek professional help at early stages should civility and respect issues arise

✓will commit to calling out bullying and harassment when it happens

✓will continue to learn from best practice in the sector and aspire to Being a Role Model

Sharing of Information

- **Website – new site being designed**
- **Area Committees/Larger Council's Committee**
- **Training of Councillors**
- **Investigations – Consultancy Service**
- **Joint work with the Society of Local Council Clerks**
- **Conferences**



Training Provision

- **Code of Conduct Training Module – significant number of councillors trained – Welsh Government funds two free places per council**
- **Mainly webinars but can offer face to face training for councils on a bespoke basis**
- **Have delivered training for councils funded by some county (borough) councils**
- **Code of Conduct sessions delivered on a regular ongoing basis – between £40 and £60 per training place**

Local Resolution Protocol

- **Latest version published in 2021**
- **All member councils provided with the protocol for adoption**
- **Practice Development Guidance planned**
- **Mediation Training available – take-up is low**

Other Types of Support

- **Advisory Service**
- **Member of National Civility and Respect Group**
- **Range of training course available through NALC**





National Civility and Respect Group

- **Too many Councillors and Clerks were leaving the sector due to being treated with disrespect / bullying and worse.**
- **Impacted well-being of all involved**
- **The problem was hidden – nobody talked about it.**
- **Councillors left**
- **Clerks paid off with NDA (Non-Disclosure Agreement)**
- **Detrimental to the local community**



Any Questions?

Un Llais Cymru



One Voice Wales

Un Llais Cymru

Cod Ymddygiad

Cyflwyniad i Fforwm y
Cadeiryddion Pwyllgor Safonau
Cenedlaethol ar 24 Mehefin
2024



Cynnwys y Cyflwyniad

- **Cefnogaeth Cwrteisi a Pharch i Gynghorau**
- **Math o Adnoddau a Rennir gyda Chynghorau**
- **Darpariaeth Hyfforddiant**
- **Protocol Penderfyniadau Lleol**
- **Hyfforddiant Cyfryngu**
- **Gwasanaeth Cyngtori i Gynghorau**

Dogfennaeth ac Adnoddau

- Protocol Aelodau / Swyddogion
- Canllaw Bwlio ac Aflonyddu
- Canllaw Recriwtio a Chadw
- Addewid Cwrteisi a Pharch
- Model o Brotocol Datrysiad Anffurfiol
- Pecyn Gwaith Hunanasesu Cyllid a Llywodraethu



**Wrth arwyddo'r llw mae'n rhaid i'r
Cyngor gytuno i'r datganiadau canlynol.**

Bod y Cyngor:

**✓ yn rhoi rhaglen hyfforddiant yn ei le ar
gyfer cynghorwyr a staff**

**✓ yn cytuno i'r Cod Ymddygiad ar gyfer
Cynghorwyr**

**✓ gyda threfniadau llywodraethu da yn
eu lle yn cynnwys contractau staff**

**✓ yn gofyn am gymorth proffesiynol yn y
cyfnodau cynnar os bydd problemau yn
codi gyda chwarteisi a pharch**

**✓ ymrwmo i fynd i'r afael ag achosion o
fwlio ac aflonyddu**

**✓ yn parhau i ddysgu o arfer da yn y
sector ac yn anelu i fod yn Fodel Rôl**

Rhannu Gwybodaeth

- **Gwefan - wrthi'n dylunio safle newydd**
- **Pwyllgorau Ardal/Pwyllgor Cyngor Mwy**
- **Hyfforddiant ar gyfer Cyngorwyr**
- **Ymchwiliadau - Gwasanaeth Ymgynghori**
- **Cydweithio gyda Chymdeithas Clercod Cyngorau Lleol**
- **Cynadleddau**





Darpariaeth Hyfforddiant

- **Modiwl Hyfforddiant Cod Ymddygiad – nifer sylweddol o gynghorwyr wedi hyfforddi - Llywodraeth Cymru yn ariannu dau le am ddim ar gyfer pob cyngor**
- **Gweminarau yn bennaf ond gellir cynnig hyfforddiant wyneb yn wyneb i gynghorau ar sail wedi'i deilwra**
- **Wedi darparu hyfforddiant i gynghorau wedi'u hariannu gan rai cynghorau (bwrdeistref) sir**
- **Sesiynau Cod Ymddygiad yn cael eu darparu'n rheolaidd - rhwng £40 a £60 ar gyfer lle ar hyfforddiant**

Protocol Penderfyniadau Lleol

- **Cyhoeddwyd y fersiwn diweddaraf yn 2021**
- **Holl gynghorau sy'n aelodau wedi'u darparu â'r protocol i'w fabwysiadu**
- **Canllaw Datblygu Ymarfer wedi'i gynllunio**
- **Hyfforddiant Cyfryngu ar gael - diddordeb yn isel**



Mathau Eraill o Gefnogaeth

- **Gwasanaeth Cynghori**
- **Aelod o Grŵp Cwrteisi a Pharch Cenedlaethol**
- **Amrywiaeth o gyrsiau hyfforddiant ar gael trwy NALC**



Aelod o Grŵp Cwrteisi a Pharch Cenedlaethol

- **Gormod o Gynghorwyr a Chlercod yn gadael y sector oherwydd diffyg parch / bwlio a gwaeth**
- **Wedi cael effaith ar les pawb**
- **Yn broblem guddiedig - neb yn siarad amdano**
- **Cynghorwyr wedi gadael**
- **Llwgrwobrwyo Clercod gyda Chytundeb Cyfrinachedd (NDA)**
- **Andwyol i'r gymuned leol**



Unrhyw gwestiynau?

Permission to appeal

PDC / APW PANEL DYFARNU CYMRU
ADJUDICATION PANEL FOR WALES

The power

- designed to stop meritless applications to appeal the decisions of standards committees
- the application is to the President (who can delegate to another legal member)
- Statutory basis is The Local Government (Standards Committees, Investigations, Dispensations and referral)(Wales)(Amendment) Regulations 2016 No.85 (W. 39)
- Test is “does the appeal or part of it have a reasonable prospect of success” – take the Cllr’s case at its highest, which includes assuming that the Cllr’s version is correct unless conclusively disproved, entirely unsupported by reasonable argument or evidence, or can reasonably be viewed as fanciful allegations.
- done on the papers (a hearing is possible if special circumstances render a hearing desirable) – APW05 and Standards committee decision. No involvement by PSOW or committee. Future change to process?
- It cannot be appealed, other than judicial review.

Points to consider

- The reasons for what the committee decides are key - explain
- What happened at the hearing?
- Sanctions Guidance – and remember APW can recommend an increase...
- Generally sanction is up for debate (only refused three permissions historically)

Potential issues for standards committees

- Bias? By committee or PSOW
- No or little reasoning in standards committee decision e.g. bullying and harassment
- No explanation of what the arguments before it were or what happened
- Agreed facts and disputed facts – record carefully
- If Cllr has resigned, say what you would have done if they were still in post
- Failure to attend committee meeting by Cllr
- monitoring officers asking the APW for advice (remember we cannot extend time or give advice)

Hawl i apelio

PDC / APW

PANEL DYFARNU CYMRU
ADJUDICATION PANEL FOR WALES

Y pŵer

- wedi'i ddylunio i atal ceisiadau heb deilyngdod i apelio penderfyniadau'r pwyllgor safonau
- mae'r cais ar gyfer yr Arlywydd (a all ddirprwyo i aelod cyfreithiol arall)
- Y sail statudol yw Rheoliadau Gorchymyn Llywodraeth Leol (Pwyllgorau Safonau, Ymchwiliadau, Gollyngiadau ac Atgyfeirio) (Cymru) (Diwygio) 2016 Rhif 85 (W.39)
- Prawf yw "a oes gan yr apêl, neu ran ohoni ragolwg rhesymol o lwyddiant" - cymryd achos y Cynghorydd ar ei uchaf, sy'n tybio bod fersiwn y Cynghorydd yn gywir, ac eithrio ei fod wedi cael ei anghytuno'n derfynol, heb ei gefnogi o gwbl drwy ddadl neu dystiolaeth resymol, neu'n cael ei ystyried yn rhesymol i fod yn honiadau ffansiöol.
- wedi'i wneud ar y papurau (mae gwrandawriad yn bosibl os yw amgylchiadau arbennig yn nodi bod gwrandawriad yn ddymunol) - penderfyniad APW05 a'r pwyllgor safonau. Dim cyfranogiad gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru na'r pwyllgor. Newid i'r broses yn y dyfodol?
- Nid oes modd apelio, ac eithrio adolygiad barnwrol.

Pwyntiau i'w hystyried

- Mae'r rhesymau dros beth mae'r pwyllgor yn ei benderfynu'n allweddol - esboniwch
- Beth ddigwyddodd yn y gwrandawriad?
- Canllawiau ar Gosbau - a chofiwch, gall PDC argymell cynnydd...
- Yn gyffredinol gellir trafod cosbau (tri chaniatâd yn cael eu gwrthod yn hanesyddol)

Problemau posib ar gyfer y pwyllgor safonau

- Rhagfarn? Gan y pwyllgor neu'r Ombwdsmon Gwasanaethau Cyhoeddus Cymru
- Dim neu ychydig iawn o resymu o ran penderfyniad y pwyllgor safonau e.e. bwlio neu aflonyddu
- Dim esboniad o ran beth oedd y ddadl flaenorol neu beth ddigwyddodd
- Ffeithiau y cytunwyd neu anghytunwyd arnynt - cofnodwch yn ofalus
- Os yw Cynghorydd wedi ymddiswyddo, dweud beth fydddech wedi'i wneud petaent yn parhau yn y swydd
- Cynghorydd yn absennol o gyfarfod pwyllgor
- swyddogion monitro yn gofyn i'r PDC am gyngor (cofiwch nid oes modd i ni roi amser ychwanegol na chyngor)