

**ATODIAD / ENCLOSURE**  
**A**

<b>CYNGOR SIR YNYS MÔN</b>	
<b>CYFARFOD:</b>	<b>PWYLLGOR SAFONAU</b>
<b>DYDDIAD:</b>	<b>14 Mawrth 2012</b>
<b>TEITL YR ADRODDIAD:</b>	<b>YSTYRIED CWYN YN ERBYN Y CYNGHORYDD BARRIE DURKIN YN DILYN YMCHWILIAD GAN OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU</b>
<b>ADRODDIAD GAN:</b>	<b>PRIF WEITHREDWR</b>
<b>PWRPAS YR ADRODDIAD:</b>	<b>PENDERFYNU A DDYLAI'R MATER YN AWR FYND I WRANDAWIAD LLEOL</b>

## **DOGFENNAU SYDD YNGHLWM**

- 1 Adroddiad yr Ombwdsmon Gwasanaethau Cyhoeddus

### **1 CEFNDIR**

- 1.1 Paratowyd yr adroddiad hwn gan Peter Keith-Lucas, Partner Llywodraeth Leol Bevan Brittan LLP ar ran y Prif Weithredwr.
- 1.2 Mae Ombwdsmon Gwasanaethau Cyhoeddus Cymru wedi ymchwilio i gwyn gan Mr David Lewis-Roberts am fethiant ar ran y Cynghorydd Barrie Durkin i lynu wrth Gôd Ymddygiad y Cyngor ar gyfer Aelodau drwy anfon e-bost at bobl gan gynnwys Cynghorwyr Sir a Staff y Cyngor pryd dywedodd fod Mr David Lewis-Roberts wedi medru llygru'r Pwyllgor Cynllunio ar nifer o achlysuron heb unrhyw gosb.

### **2 YR OPSIYNAU SYDD AR GAEL I'R PWYLLGOR SAFONAU**

- 2.1 Yn unol â Rheoliadau Ymchwiliadau Llywodraeth Leol (Swyddogaethau Swyddogion Monitro a Phwyllgorau Safonau) 2001, rhaid i'r Pwyllgor Safonau benderfynu naill ai -
  - a. nad oes unrhyw dystiolaeth o unrhyw fethiant ar ran y Cynghorydd Durkin i gydymffurfio gyda Chôd Ymddygiad y Cyngor Sir, neu
  - b. y dylid rhoi cyfle i'r Cynghorydd Durkin gyflwyno sylwadau naill ai ar lafar neu ar bapur mewn perthynas â chanfyddiadau'r ymchwiliad ac unrhyw haerid ei fod o bosib, wedi methu â chydymffurfio gyda Chôd Ymddygiad y Cyngor Sir.

- 2.2 Mewn geiriau eraill, oni bai fod adroddiad OGCC yn dod i'r canlyniad nad oedd unrhyw fai ar y Cynghorydd Durkin, rhaid i'r Pwyllgor Safonau gyfeirio'r mater i wrandawriad lleol.

### **3 ADRODDIAD YR OMBWDSMON GWASANAETHAU CYHOEDDUS**

- 3.1 Dyma'r rhannau perthnasol o adroddiad yr OGCC –

Paragraff 108 “I am therefore satisfied that Councillor Durkin’s comments about Mr. Lewis Roberts in both the email and blog entry are capable of demonstrating a failure to show respect and consideration and may be capable of breaching 4(b) of the Code.”

Paragraff 110 “I am therefore satisfied that Councillor Durkin’s comments about Mr. Lewis Roberts and most importantly the Planning Committee could be capable of bringing the Council into disrepute and thus are suggestive of a breach of Paragraph 6(1)(a) also.”

- 3.2 O'r herwydd, mae OGCC Cymru wedi canfod tystiolaeth o un neu ragor o fethiannau ar ran y Cynghorydd Durkin i gydymffurfio gyda Chôd Ymddygiad y Cyngor Sir. Felly, rhaid i'r Pwyllgor Safonau wneud penderfyniad yn unol â Pharagraff 2.1(b) uchod.

### **4 ARGYMHELLIAD**

**Rwy'n argymhell bod y Pwyllgor Safonau yn gwneud penderfyniad yn awr i gyfeirio'r mater i wrandawriad lleol lle caiff y Cynghorydd Durkin y cyfle i wneud sylwadau mewn perthynas â chanfyddiadau'r ymchwiliad ac unrhyw haerid iddo fethu o bosib â chydymffurfio gyda Chôd Ymddygiad y Cyngor.**

<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>MEETING:</b>	<b>STANDARDS COMMITTEE</b>
<b>DATE:</b>	<b>14 March 2012</b>
<b>TITLE OF REPORT:</b>	<b>TO CONSIDER A COMPLAINT AGAINST COUNCILLOR BARRIE DURKIN FOLLOWING INVESTIGATION BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES</b>
<b>REPORT BY:</b>	<b>CHIEF EXECUTIVE</b>
<b>PURPOSE OF REPORT:</b>	<b>TO DETERMINE WHETHER THE MATTER SHOULD NOW PROCEED TO LOCAL HEARING</b>

## **DOCUMENTS ENCLOSED**

- 1            The Public Services Ombudsman's report

## **1 BACKGROUND**

- 1.1    This report has been prepared by Peter Keith-Lucas, Local Government Partner of Bevan Brittan LLP on behalf of the Chief Executive.
- 1.2    The Public Services Ombudsman for Wales has investigated a complaint by Mr. David Lewis-Roberts that Councillor Barrie Durkin failed to observe the County Council's Code of Conduct for Members by sending an email to persons including County Councillors and Council staff in which he asserted that Mr. David Lewis-Roberts had been able to corrupt the Planning Committee on a number of occasions and with complete impunity.

## **2 THE OPTIONS AVAILABLE TO THE STANDARDS COMMITTEE**

- 2.1    Under the Local Government Investigations (Functions of Monitoring Officers and Standards Committees Regulations 2001, the Standards Committee must determine either –
- a.    that there is no evidence of any failure by Councillor Durkin to comply with the County Council's Code of Conduct; or
  - b.    that Councillor Durkin should be given an opportunity to make representations, either orally or in writing in respect of the findings of the investigation and any allegation that he may have failed to comply with the County Council's Code of Conduct.

- 2.2 In other words, unless the PSOW's report exonerates Councillor Durkin, the Standards Committee must refer the matter for a local hearing.

### **3 THE PUBLIC SERVICES OMBUDSMAN'S REPORT**

- 3.1 The relevant passages from the PSOW's report are as follows –

Paragraph 108 "I am therefore satisfied that Councillor Durkin's comments about Mr. Lewis Roberts in both the email and blog entry are capable of demonstrating a failure to show respect and consideration and may be capable of breaching 4(b) of the Code."

Paragraph 110 "I am therefore satisfied that Councillor Durkin's comments about Mr. Lewis Roberts and most importantly the Planning Committee could be capable of bringing the Council into disrepute and thus are suggestive of a breach of Paragraph 6(1)(a) also."

- 3.2 Accordingly, the PSOW has found evidence of one or more failures by Councillor Durkin to comply with the County Councils Code of Conduct. The Standards Committee must therefore determine in accordance with Paragraph 2.1(b) above.

### **4 RECOMMENDATION**

**I recommend that the Standards Committee resolve that the matter now proceed to local hearing at which Councillor Durkin will be given the opportunity to make representations in respect of the findings of the investigation and any allegation that he may have failed to comply with the County Council's Code of Conduct.**