Pwyllgor :	**Pwyllgor Safonau**
Dyddiad :	**11 Chwefror 2009**
Teitl :	**Honiadau yn erbyn aelodau**
Awdur :	**Swyddog Monitro**
Gweithredu :	**Er gwybodaeth**

1. Cefndir

1.1 Pwrpas yr adroddiad hwn yw hysbysu aelodau'r Pwyllgor o fanylion honiadau a dderbyniwyd drwy law'r Ombwdsmon ers i mi adrodd ar y sefyllfa y tro diwethaf.

2. Crynodeb o'r Honiadau

2.1 Cyfeirnod Ombwdsmon 200800546

Cyhuddwyd cynghorydd cymunedol wneud sylwadau anaddas mewn llythyr yn gwrthwynebu cais cynllunio.

Penderfynodd yr Ombwdsmon beidio ymchwilio. Er bod y cynnwys y llythyr yn anaddas ac yn medru cael ei ystyried fel rhywbeth oedd yn torri'r cod nid oedd yn ddigon difrifol i gyfiawnhau ymchwiliad.

2.2 Cyfeirnod Ombwdsmon 200800880

Cyhuddwyd cynghorydd tref o wneud sylwadau dilornus mewn cyfarfod o'r cyngor ynglŷn â chwyn a gyflwynodd yr achwynydd ar ran trigolion lleol. Hefyd, cyhuddodd yr achwynydd y cynghorydd o'i erlid ac o achosi difrod troseddol i'w gar.

Penderfynodd yr Ombwdsmon beidio ymchwilio. Hyd yn oed petai'r cynghorydd wedi gwneud y sylwadau a honnwyd, nid oeddynt yn ddigon difrifol i dorri'r cod. Gan fod yr heddlu wedi penderfynu peidio cymryd camau pellach, a gan nad oedd tystion annibynnol i'r digwyddiad, ni allai'r Ombwdsmon ddod i unrhyw gasgliad ynglŷn â'r honiad o ddifrod troseddol.

2.3 Cyfeirnod Ombwdsmon 20081190

Cyhuddwyd aelod sirol o wneud ensyniadau maleisus, di-sail yn y wasg leol, gan gynnwys ei fod yn y broses o wneud cwyn i'r Ombwdsmon. Hefyd, cyhuddwyd yr aelod o wneud sylwadau maleisus yn ystod etholiadau llywodraeth leol 2008.

Penderfynodd yr Ombwdsmon beidio ymchwilio. Nid oedd yn ystyried fod y sylwadau a wnaed yn y wasg yn torri'r cod. Mae gan aelod yr hawl i gyfeirio pryderon at yr Ombwdsmon ac nid oes rhaid rhoi gwybod i aelod am ei

bryderon ymlaen llaw. O safbwynt y sylwadau a wnaed yn ystod yr etholiad, nid oedd yr aelod wedi ei ethol fel cynghorydd bryd hynny ac nid oedd yn rhwym i'r cod ymddygiad. Fel canlyniad ni allai fod wedi torri'r cod ymddygiad.

2.4 Cyfeirnod Ombwdsmon 200801622

Cyhuddwyd aelod o gyngor cymuned o ymddwyn yn anystyriol tuag at aelodau o'r cyhoedd mewn cyfarfod cyhoeddus.

Penderfynodd yr Ombwdsmon beidio ymchwilio oherwydd nad oedd wedi ei berswadio fod y gwyn yn datgelu tystiolaeth ddigonol o dorri'r cod.

2.5 Cyfeirnod Ombwdsmon 200801843

Cyhuddir aelod o gyngor cymuned o ysgrifennu llythyr maleisus, difenwol, gwahaniaethol a ffeithiol anghywir at weinidog o Lywodraeth y Cynulliad. Roedd y llythyr yn benodol yn cyfeirio at fywyd personol yr achwynydd.

Mae'r Ombwdsmon wedi penderfynu ymchwilio i'r gŵyn.

2.6 Cyfeirnod Ombwdsmon 200802179

Mae clec cyngor tref wedi gwneud cwyn am ymddygiad aelod o'r cyngor tuag ati.

Nid yw'r Ombwdsmon eto wedi penderfynu os yw am ymchwilio i'r gŵyn.

2.7 Cyfeirnod Ombwdsmon 200802180

Mae cadeirydd cyngor tref wedi cwyno am ymddygiad aelod a'i gyhuddo o ddiffyg parch a bwlio.

Nid yw'r Ombwdsmon eto wedi penderfynu os yw am ymchwilio i'r gŵyn.

3. <u>Argymhelliad</u>

Gofynnir i'r Pwyllgor nodi'r adroddiad er gwybodaeth.

Committee :	**Standards Committee**
Date :	**11 February 2009**
Title :	**Allegations made against councillors**
Author :	**Monitoring Officer**
Action :	**Note for information**

1. <u>Background</u>

1.1 This Report is to inform members of allegations received from the Ombudsman since I last reported on the situation.

2. <u>Summary of the Allegations</u>

2.1 Ombudsman's reference 200800546

A community council member was accused of making inappropriate remarks in a letter objecting to a planning application.

The Ombudsman decided not to investigate. Although the content of the letter was inappropriate and may be considered to amount to a breach of the Code of Conduct, the breach was not considered to be sufficiently serious to warrant investigation.

2.2 Ombudsman's reference 200800880

A town councillor was accused of making disparaging remarks in a meeting of the council concerning a complaint that the complainant had presented on behalf of local residents. Also, the complainant accused the councillor of harassing him and of causing criminal damage to his car.

The Ombudsman decided not to investigate. Even if the Councillor had made the alleged remarks, they were not sufficiently serious to be a breach of the code. As the Police had decided not to take any further steps, and that there were no independent witnesses, the Ombudsman could not come to any conclusion regarding the allegation of criminal damage.

2.3 Ombudsman's reference 20081190

A county council member was accused of making malicious and false insinuations in the local press including the fact that he was in the process of making a complaint to the Ombudsman. He was also accused of making malicious comments during the local government elections in 2008.

The Ombudsman decided not to investigate. He did not consider that the remarks made in the press were a breach of the code. A member has the right to inform the Ombudsman of his concerns and he does not have to

inform the member in question of his concerns beforehand. As far as the comments made in the election were concerned, the member had not been elected as a councillor at that time and was not bound by the code of conduct. Consequently he could not have breached the code.

2.4 Ombudsman's reference 200801622

A member of a community council was accused of inconsiderate behaviour towards members of the public in a public meeting.

The Ombudsman decided not to investigate as he was not persuaded that the complaint revealed sufficient evidence of a breach of the code.

2.5 Ombudsman's reference 200801843

A member of a community council is accused of writing a malicious, defamatory, discriminatory and factually incorrect letter to a minister of the Welsh Assembly Government. The letter specifically referred to the complainant's personal life.

The Ombudsman has decided to investigate the complaint.

2.6 Ombudsman's reference 200802179

A clerk to a town council has complained about the behaviour of a member towards her.

The Ombudsman has yet to decide whether or not to investigate the complaint.

2.7 Ombudsman's reference 200802180

The chairman of a town council has complained about the behaviour of a member, accusing him of lack of respect and bullying.

The Ombudsman has yet to decide whether or not to investigate the complaint.

3. Recommendation

3.1 The Committee is asked to note this report for information.