

## PANEL DYFARNU CYMRU

### HYSBYSIAD O BENDERFYNIAD

CYFEIRNOD Y TRIBIWNLYS: APW/002/2011-012/CT

YMATEBYDD: Y CYNGHORYDD BARRIE DURKIN

AWDURDOD PERTHNASOL: CYNGOR SIR YNYS MÔN

1. Mae Tribiwnlys Achos a alwyd gan Lywydd Panel Dyfarnu Cymru wedi ystyried achos yn ymwneud â'r Ymatebydd uchod a gyfeiriwyd i'w sylw.
2. Mewn llythyr dyddiedig 23 Awst 2011, cyfeiriodd Ombwdsmon Gwasanaethau Cymdeithasol Cymru ("yr Ombwdsmon") achos yn ymwneud â honiadau yn erbyn y Cyngorydd Durkin i sylw Panel Dyfarnu Cymru. Yn ôl yr honiadau roedd y Cyngorydd Durkin wedi torri Cod Ymddygiad Cyngor Sir Ynys Môn drwy wneud ymosodiadau personol mynych o natur sarhaus yn erbyn Miss Lynn Ball, y Cyfarwyddwr Gwasanaethau Cyfreithiol a Democrataidd a Mr David Bowles, y cyn Reolwr Gyfarwyddwr Dros Dro; a thrwy wneud ceisiadau niferus am wybodaeth gan roi pwysau gormodol a baich sylweddol ar ysgwyddau Mr Huw Pritchard, Prif Swyddog Gwybodaeth y Cyngor.
3. Mewn gwrandawiad yn cychwyn ddydd Mawrth 15 Mai 2012 ac yn parhau ar 16 ac 17 Mai 2012 yng Ngwesty Neuadd Tre-Ysgawen, Capel Coch, Llangefni, penderfynodd y Tribiwnlys Achos yn unfrydol fod y Cyngorydd Durkin wedi methu â chydymffurfio â Chod Ymddygiad Cyngor Sir Ynys Môn fel a ganlyn:
  - 4.1 Yn ôl paragraff 4(b) o'r Cod Ymddygiad "Rhaid i chi ddangos parch at eraill ac ystyriaeth ohonynt".
  - 4.2 Yn ôl paragraff 4(c) o'r Cod Ymddygiad "Rhaid i chi beidio ag ymddwyn fel bwli neu harasio unrhyw berson".
  - 4.3 Daeth y Tribiwnlys Achos i'r casgliad fod y Cyngorydd Durkin, yn sgil y ffordd y bu iddo ymddwyn tuag at Miss Ball a Mr Bowles, ac yn arbennig oherwydd yr iaith a ddefnyddiodd, wedi methu â dangos parch ac ystyriaeth a bod ei ymddygiad tuag at Miss Ball hefyd yn gyfystyr â bwlio ac aflonyddu. Ond nid oedd y Tribiwnlys o'r farn iddo dorri'r Cod yn sgil ei ymddygiad tuag at Mr Pritchard.
  - 4.4 Yn ôl paragraff 6(1)(a) o'r Cod Ymddygiad "Rhaid i chi beidio ag ymddwyn mewn ffordd y gellid yn rhesymol ei hystyried yn un sy'n dwyn anfri ar eich swydd neu ar eich awdurdod".
  - 4.5 Daeth y Tribiwnlys Achos i'r casgliad fod ymddygiad y Cyngorydd Durkin hefyd yn gyfystyr â thorri'r paragraff hwn.
5. Penderfynodd y Tribiwnlys Achos yn unfrydol y dylid gwahardd y Cyngorydd Durkin rhag gweithredu fel aelod o Gyngor Sir Ynys Môn am gyfnod o 12 mis, neu am weddill ei dymor y y swydd, os yw'r cyfnod hwnnw'n fyrrach, a hynny o ddyddiad yr hysbysiad hwn.
6. Gan hynny, hysbysir Cyngor Sir Ynys Môn a'i Bwyllgor Safonau.
7. Mae gan yr Apelydd hawl i geisio caniatâd yr Uchel Lys i apelio yn erbyn y penderfyniad uchod.

Llofnod.....Dyddiad: 17 Mai 2012.

Helen Cole

Cadeirydd y Tribiwnlys Achos

Emma Boothroyd

Aelod o'r Panel

Andrew Bellamy

Aelod o'r Panel

## ADJUDICATION PANEL FOR WALES

### NOTICE OF DECISION

TRIBUNAL REFERENCE NUMBER: APW/002/2011-012/CT

RESPONDENT: COUNCILLOR BARRIE DURKIN

RELEVANT AUTHORITY: ISLE OF ANGLESEY COUNTY 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 23 August 2011, the Adjudication Panel for Wales received a referral from the Public Services Ombudsman for Wales ("the Ombudsman") in relation to allegations made against Cllr Durkin. The allegations were that Cllr Durkin had breached the Isle of Anglesey County Council's Code of Conduct by making repeated personal attacks of an offensive nature against Miss Lynn Ball, the Director of Legal and Democratic Services and Mr David Bowles, the former Interim Managing Director; and by making numerous requests for information thereby placing excessive demands and significant burden upon Mr Huw Pritchard, the Council's Chief Information Officer.
3. At a hearing commencing on Tuesday 15 May 2012 and continuing on 16 and 17 May 2012 at the Tre-Ysgawen Hall Hotel, Capel Coch, Llangefni, the Case Tribunal found by unanimous decision that Cllr Durkin failed to comply with the Isle of Anglesey County Council's Code of Conduct as follows:
  - 4.1 Paragraph 4(b) of the Code of Conduct states that "You must show respect and consideration for others".
  - 4.2 Paragraph 4(c) of the Code of Conduct states that "You must not use bullying behaviour or harass any person".
  - 4.3 The Case Tribunal found that Cllr Durkin by his actions towards Miss Ball and Mr Bowles, in particular the language he used, failed to show respect and consideration and that his actions in relation to Miss Ball also amounted to bullying and harassment. But, the Tribunal found no breach in relation to his conduct towards Mr Pritchard.
  - 4.4 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".
  - 4.5 The Case Tribunal found that Cllr Durkin's actions also amounted to a breach of this paragraph.
5. The Case Tribunal decided by unanimous decision that Cllr Durkin should be suspended from acting as a member of the Isle of Anglesey County Council for a period of 12 months or, if shorter, the remainder of his term of office, with effect from the date of this notice.
6. The Isle of Anglesey County 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: 17 May 2012.

Helen Cole

Chairperson of the Case Tribunal

Emma Boothroyd

Panel Member

Andrew Bellamy

Panel Member