TRIBIWNLYS Y GYMRAEG

Achos Rhif: TyG/2024/03

CURON DAVIES

(Ceisydd)

v.

COMISIYNYDD Y GYMRAEG

(Atebydd)

PENDERFYNIAD

Ar ôl ystyried:

a) Hysbysiad Cais y Ceisydd dyddiedig 25ain Mawrth 2025;

b) Cŵyn gwreiddiol y Ceisydd i'r Comisiynydd dyddiedig 2ail Rhagfyr 2024;

c) Penderfyniad ar gŵyn gwreiddiol y Ceisydd oddi wrth y Comisiynydd, dyddiedig 25ain Chwefror 2025;

Mae'r Tribiwnlys o'r farn:

1. Nad oes disgwyliad rhesymol y byddai cais y Ceisydd am adolygiad o benderfyniad y Comisiynydd yn llwyddo; ac

WELSH LANGUAGE TRIBUNAL

Case No: WLT/2024/03

CURON DAVIES

(Applicant)

v.

WELSH LANGUAGE COMMISSIONER

(Respondent)

DECISION

Having considered:

a) The Applicant's Notice of Application dated 25th March 2025;

b) The Applicant's original complaint to the Commissioner dated 2nd December 2024;

c) The Commissioner's decision on the Applicant's original complaint dated 25th February 2025;

The Tribunal is of the opinion:

1. That the application for a review of the decision of the Commissioner would have no reasonable prospect of success; and

2. Nad oes unrhyw reswm cryf arall pam y dylai'r cais gael ei glywed.

3. Ar ôl ystyried cais y Ceisydd, felly, nid yw'r Tribiwnlys yn rhoi caniatâd i'r cais gael ei wneud dan adran 103 Mesur y Gynmraeg 2011.

Rhoddir isod rhesymau'r Tribiwnlys dros ddod i'w benderfyniad.

Rhodri Williams CB
Aelod Cyfreithiol Tribiwnlys y Gymraeg
22 Ebrill 2025

RHESYMAU

1. Y Mae'r Tribiwnlys wedi ystyried cais y Ceisydd am ganiatâd i adolygu, o dan adran 103 Mesur y Gymraeg, penderfyniad y Comisiynydd a wnaethpwyd ar 25ain Chwefror 2025 i beidio cynnal ymwchiliad i'w gŵyn, o dan adran 71 Mesur y Gymraeg.

2. Yn ei gŵyn gwreiddiol i'r Comisiynydd, dyddiedig 2ail Rhagfyr 2024 (CS1307 & CS1308), honnodd y Ceisydd fod Cyngor Bro Morgannwg a Heddlu De Cymru wedi methu cydymffurfio â Safonau'r Gymraeg ynglŷn â defnydd ap cyfrifiadurol *What3Words* ar arwyddion ar hyd Llwybr

2. That there is no other compelling reason why the application should be heard.

3. After a consideration of the application, therefore, the Tribunal does not grant permission, under section 103 of the Welsh Language Measure 2011.

The reasons for the Tribunals decision are noted below.

Rhodri Williams KC
Legal Member of the Welsh Language Tribunal
22 April 2025

REASONS

1. The Tribunal has considered the Applicant's application for permission to review, pursuant to section 103 of the Welsh Language Measure, the decision of the Commissioner made on 25th February 2025 not to hold an investigation into his complaint, pursuant to section 71 of the Welsh Language Measure.

2. In his original complaint to the Commissioner, dated 2nd December 2024 (CS1307 & CS1308), the Applicant claimed that Vale of Glamorgan Council

Arfordirol Bro Morgannwg, yr oedd y Cyngor yn gyfrifol amdano.

3. Cwynodd y Ceisydd fod *What3Words* yn trin y Gymraeg yn llai ffafriol na'r Saesneg; nad oedd y system *What3Words* yn safonol nac agored; fod systemau gwell ar gael, gan gynnwys cyfeirnod grid; ac bod cyfieithiad syml i mewn i'r Gymraeg o'r geiriau Saesneg yn *What3Words* ddim yn ddilys.

4. Yn ei phenderfyniad mewn llythyr dyddiedig 25ain Chwefror 2025, eglurodd y Comisiynydd fod, yn eu hymateb i'r gŵyn, Heddlu De Cymru wedi nodi taw cyfrifoldeb y Cyngor yw'r arwyddion, ac bod cyfeirnodau *What3Words* ar gael yn y Gymraeg, gan ddefnyddio tri gair yn y Gymraeg.

5. Esboniodd y Comisiynydd wedyn fod Cyngor Bro Morgannwg wedi nodi taw camgymeriad oedd cyfeirio'n unig at y fersiwn Saesneg o *What3Words,* gan nad oedd y Cyngor wedi deall bod fersiwn ar gael yn y Gymraeg, bod y Cyngor wedi ymrwymo i sicrhau bod y 3 gair Cymraeg yn cael eu hychwanegu pan fydd yr arwyddion yn cael eu newid erbyn 2029 ac, yn y cyfamser, y byddai'r Cyngor yn ychwanegu sticeri i'r platiau ar yr arwyddion i gynnwys y 3 gair Cymraeg

had failed to comply with the Welsh Language Standards in relation to the use of the computer ap *What3Words* on signs along the Vale of Glamorgan Coastal Path, for which the Council was responsible.

3. The Applicant complained that *What3Words* treated Welsh less favourably than English; that the *What3Words* system was neither Standard nor open; that there were better systems available, including grid references; and that the simple translation into Welsh of the English words in *What3Words* was not valid.

4. In her decision in a letter dated 25th February 2025, the Commissioner explained that in their response to the complaint, South Wales Police had noted that the signs were the responsibilty of the Council and that the *What3Words* references were available in Welsh, using three words in Welsh.

5. The Commissioner then explained that Vale of Glamorgan Council had noted that the reference to only the English language version of *What3Words* had been a mistake, as it had not understood that a version was available in Welsh, that the Council had undertaken to ensure that the 3 Welsh words were added when the signs

gan geisio gwneud y gwaith o Ebrill 2025 ymlaen.

6. Yn ei Hysbysiad Cais, mae'r Ceisydd yn gofyn am ganiatâd i adolygu'r penderfyniad i beidio cynnal ymchwiliad i weithredau'r Cyngor am ei fod yn honni nad yw'r Comsiynydd wedi ystyried yr holl ffactorau, ac yn benodol: (i) nad yw hunaniaeth y trydydd parti sydd wedi ei osod ar yr arwydd yn y Gymraeg (yn groes i Safon 61 Safonau'r Gymraeg); (ii) nad yw'r Cyngor wedi gwneud unrhyw newid ond dynodi ei bwriad o osod sticeri; (iii) nad oes sicrwydd byddai'r sticeri yn parhau yn yr hir dymor; (iv) nad yw'r tri gair cyfatebol i'r Gymraeg yn cyfeirio at yr un lleoliad ac felly yn cydymffurfio â Safon 63; (v) fod defnyddio *Pa3Gair* ar arwyddion yn groes i Safon 63; (vi) bod y Cyngor wedi methu defnyddio gwasanaeth ymgynghori'r Comisiynydd; (vii) bod gan i'r Cyngor ddyletswydd i gydymffurfio â Rheoliadau Inspire 2009, sydd yn golygu defnyddio cyfesurynnau penodol; ac (viii) bod dim ond System Gyfeirio Cyfesurynnau Arolwg Ordnans fyddai'n cydymffurfio â gofynion Safon 63.

7. Yn ôl ymateb y Comisiynydd, yn ei llythyr dyddiedig 25ain Chwefror 2025, fe benderfynnodd i beidio cynnal ymchwiliad oherwydd bod y Cyngor wedi ymrwymo i gymryd camau i gywirio'r methiant gan roi

were changed by 2029 and that, in the meantime, the Council would add stickers to the plates on the signs to include the 3 Welsh words, commencing this work from April 2025 onwards.

6. In his Notice of Application, the Applicant asks for permission to review the decision not to conduct an investigation into the actions of the Council, as he claims that the Comissioner had not considered all the factors and, in particular,: (i) that the identity of the third party had not been placed on the sign in Welsh (contrary to Standard 61 of the Welsh Language Standards); (ii) that the Council had not made any changes but had only indicated its intention to install stickers; (iii) that there was no certainty that the stickers would continue to be on the signs in the long term; (iv) that the corresponding three words in Welsh did not refer to the same location and therefore did not comply with Standard 63; (v) that using *Pa3Gair* on signs was contrary to Standard 63; (vi) that the Council had failed to use the Commissioner's consulting Service; (vii) that the Council had a duty to comply with the Inspire Regulations 2009, which meant using specific references; and (viii) that only the Ordnance Survey System of Referencing Coordinates would comply with the requirements of Standard 63.

cynllun byr a hir dymor mewn lle o ran sicrhau bod y 3 gair Cymraeg i'w gweld ar yr arwyddion.

8. Yn ôl y Comisiynydd, yn y tymor byr, bydd y Cyngor yn defnyddio sticeri ar y platiau sydd ar yr arwyddion ac, yn y tymor hir, bod y Cyngor wedi cadarnhau y bydd y platiau ar yr arwyddion yn cael eu newid am blatiau cwbl ddwyieithog pan fydd yr arwyddion yn cael eu newid yn ystod y pedair blynedd nesaf. Nid oedd angen felly cymryd camau pellach i orfodi'r Cyngor i newid eu hymddygiad gan ei bod eisoes wedi cydnabod y methiant ac yn mynd i gymryd camau o'i gwirfodd i ddatrys y sefyllfa. Ym marn y Comisiynydd, ni fyddai cynnal ymchwiliad yn dod â budd i ddefnyddwyr yr iaith yn ychwanegol i'r hyn mae'r Cyngor wedi ymrwymo'n barod i'w gyflawni ac byddai cynnal ymchwiliad statudol yn ddefnydd anghymesur o adnoddau'r Comisiynydd.

9. Ym marn y Tribiwnlys, does dim rheswm i gwestiynu bod penderfyniad y Comisiynydd yn un rhesymol a chyfreithlon o dan amgylchiadau'r achos. Byddai'r system *What3Words* yn cael ei osod ar yr arwydd yn y Gymraeg mewn cyfnod cymharol fyr.

7. According to the response of the Commissioner, in her letter dated 25th February 2025, she decided not to conduct an investigation, because the Council had undertaken to take steps to correct the failure by putting in place a short and long term plan as regards ensuring that the Welsh 3 words would be seen on the signs.

8. According to the Commissioner, in the short term, the Council will use stickers on the plates which are on the signs and, in the long term, the Council has confirmed that the plates on the signs will be changed for wholly bilingual ones when the signs are changed in the next four years. There was therefore no need to take further steps to compel the Council to change its behaviour as it had already acknowledged the failure and was voluntarily going to take steps to resolve the situation. In the view of the Commissioner, conducting an investigation would bring no benefit to users of the Welsh language over and above that which the Council had already committed to complete and holding such a statutory investigation would be a disproportionate use of the Commissioner's resources.

9. In the view of the Tribunal, there was no reason to doubt that the Commissioner's decision was a reasonable and lawful one in all the circumstances of the case. The *What3Words* system would be on the signs

10. Yn ychwanegol, mae'r Comisiynydd yn cadarnhau ei bod hi wedi rhoi argymhelliad i'r Cyngor o dan adran 4(j) Mesur Y Gymraeg 2011 bod y Cyngor yn sicrhau bod y testun ar y sticeri ddim yn trin y Gymraeg yn llai ffafriol na'r Saesneg, yn benodol o ran maint ac ansawdd y testun ar y platiau drwy ddefnydd o'r sticeri. Mae hi hefyd wedi rhoi argymhelliad bod y gwaith o osod y sticeri yn cael ei gwblhau erbyn diwedd Awst 2025 ac i'r diben hwn, byddai hyn yn cael ei fonitro gan swyddfa'r Comisiynydd fel rhan o'r gwaith monitro arferol. Roedd penderfyniad y Comisiynydd i roi cyngor yn unig, yn hytrach na chynnal ymchwiliad swyddogol, o fewn ei disgresiwn yn y mater.

11. Byddai'r tri gair sydd yn cael eu defnyddio gan fersiwn Gymraeg o *What3Words* yn cyfateb i leoliad pob arwydd, ac nid yn gyfieithiad o'r tri gair sydd yn eu defnyddio yn y fersiwn Saesneg. Cyfesurynnau yw'r tri gair o leoliad ar fap ac nid testun sydd i'w gyfieithu. Felly does dim amheuaeth o fethu cydymffurfio â Safon 63, na'r Côd Ymarfer.

in Welsh in a comparatively short period of time.

10. In addition, the Commissioner confirmed that she had made a recommendation to the Council under section 4(j) of the Welsh Language Measure 2011 that the Council should ensure that the text on the stickers did not treat Welsh less favourably than English, in particular as regards the size and quality of the text on the plates through the use of the stickers. She had also made a recommendation that the work of installing the stickers should be completed by the end of August 2025 and, to that end, this would be monitored by the Comissioner's Office as part of the usual monitoring exercise. The Commissioner's decision only to give advice, rather than hold an official investigation, was within her discretion in the matter.

11. The three words which are used by the Welsh language version of *What3Words* would correspond to the location of each sign, and would not be a translation of the three words which were used in the English language version. The three words are coordinates of a location on a map and not a text to be translated. Therefore, there was no suspicion of any failure to comply with Standard 63, or with the Code of Practice.

12. Nid yw'r Rheoliadau Inspire 2009, sydd yn trosglwyddo i'r gyfraith Cyfeireb Ewropeaidd 2007/2/EC ac yn ymwneud â chreu a gweithredu seilwaith cenedlaethol a'r Undeb Ewropeaidd at bwrpas polisiau amgylcheddol yr UE sydd yn cael effaith ar yr amgylchedd, ddim yn berthnasol at ddyletswydd y Comisiynydd o dan Fesur y Gymraeg 2011. Yn bellach, nid System Gyfeirio Cyfesurynnau Arolwg Ordnans yw'r unig system sydd yn gallu cydymffurfio â gofynion Safon 63 o dan Reoliadau Safonau'r Gymraeg (Rhif 1) 2015.

13. Felly mae'r Tribiwnlys yn gwrthod dadleuon y Ceisydd bod penderfyniad y Comisiynydd yn anghyfreithlon am ei bod hi ddim wedi ystyried yr holl ffactoru ac mae'r Tribiwnlys yn gwrthod rhoi caniatâd i'r Hawlydd i adolygu penderfyniad y Comisiynydd o dan adran 103 o'r Mesur. Seilir y penderfyniad hwn ar y rhesymau a roddwyd gan y Comisiynydd yn ei llythyr dyddiedig 25ain Chwefror 2025 yn ogystal ag ar ddadleuon yr Hawlydd yn ei Hysbysiad Cais.

12. The Inspire Regulations 2009, which transpose into law European Directive 2007/2/EC and which involve creating and implementing a National and European Union infrastructure for the purposes of the EU's Environmental policies, which have an effect on the environment, are not relevant to the Commissioner's duty under the Welsh Language Measure 2011. Moreover, the Ordnance Survey Coordinate Referencing System was not the only system which was capable to complying with the requirements of Standard 63 under the Welsh Standards (No. 1) Regulations 2015.

13. Therefore, the Tribunal rejects the Applicant's arguments that the Commissioner's decision was unlawful because she had not considered all the factors and the Tribunal refuses permission to the Applicant to review the Commissioner's decision under section 103 of the Measure. This decision is based on the reasons given by the Commissioner in her letter dated 25th February 2025, as well as on the arguments of the Applicant in his Notice of Application.