

Planning Service Review – Newport City Council

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Report summary

Report summary

Exhibit 1: report summary

The exhibit below summarises the reason we undertook this audit, our key findings and recommendations for the Council.

Why the Planning Service is important.

- 1 The Planning Service including enforcement and the Planning Policy team are key services for a Council. The Planning Service manages the development and use of land in the public interest. It contributes to improving the economic, social, environmental, and cultural wellbeing of Wales. The Planning Service must reconcile the needs of development and conservation, securing economy, efficiency, and amenity in the use of land. Thereby, ensuring the sustainable management of natural resources and protecting, promoting, conserving, and enhancing the built and historic environment.

The focus of our audit

- 2 We looked at the extent to which the Planning Service supports the Council in the delivery of its well-being objectives; the arrangements in the Planning Service to support delivery of its objectives; whether there are clearly defined roles and responsibilities in the Planning Service, including the Planning Committee, and adherence to them; and how the Planning Service reviews and monitors the effectiveness of its arrangements.
- 3 This audit also reviewed the performance of the Planning Service.
- 4 This audit did not review the decisions of individual planning applications.

Our key findings

- 5 We found that the Planning Service is flexible in its use of resources in supporting the delivery of the Council's well-being objectives but there are opportunities to strengthen service planning and data quality.

Our recommendations for the Council

Service Planning

- R1 The Planning Service should strengthen its service planning arrangements to reflect the breadth of the service's activity and contribution to the Council. This would help it better demonstrate its value to the Council and provide a clear focus for future service improvements. It would also help the Council monitor

the performance of the Planning Service and facilitate greater accountability for performance.

Performance reporting

- R2 The Planning Service should improve its performance reporting by:
- reinstating as intended its annual planning performance report to allow members and the public to gain a better and more thorough understanding of the performance of the service; and
 - restructuring as intended its Section 106 annual report to allow members and the public to gain a better and more thorough understanding of the allocation of Section 106 monies across the Council and city.

Data Quality

- R3 The Council needs to assure itself that the Planning Service has robust data quality arrangements to ensure that it reports accurate performance data so that staff, members, the Welsh Government, and the public can place reliance on the integrity of the data.

Planning Service IT system

- R4 The Council needs to improve staff training on the Planning Service's IT system to ensure full use of the system's functionality, to improve recording and reporting of performance data and to improve efficiency.

Governance arrangements

- R5 The Council should strengthen its Planning Service's governance arrangements by:
- ensuring the Planning Committee arrangements and procedures as stated in the Planning Committee Code of Practice align with the arrangements stated within the Council's constitution;
 - reviewing the balance of time local ward members have to speak on planning applications at committee meetings as compared to applicants and objectors;
 - clarifying the role and voting rights of a Planning Committee member when addressing the Committee in their capacity as a Local Ward Member who has called a planning application to the committee, to reduce the risk of a conflict of interest or pre-determination; and
 - providing all Members with training on Planning Committee procedures and an overview of planning matters.

Detailed report

What we looked at and why – the scope of this audit

- 1 Our objective for this audit was to gain assurance as to whether the Planning Service has in place proper arrangements to deliver value for money in its use of resources.
- 2 Our findings are based on document reviews, Planning Committee meeting observations and interviews with elected members and officers. The evidence we used to inform our findings is limited to these sources.
- 3 We set out to answer the question ‘Does the Planning Service have proper arrangements to deliver value for money in the use of its resources?’
- 4 We did this by exploring the following questions:
 - Is the Planning Service supporting the Council in delivery of its Well-being Objectives?
 - Does the Planning Service have arrangements to deliver its objectives?
 - Does the Planning Service have clearly defined roles and responsibilities which are adhered to?
 - Does the Planning Service review and monitor the effectiveness of its arrangements?
- 5 **Appendix 1** sets out the detailed questions we set out to answer along with the audit criteria we used to arrive at our findings.
- 6 We undertook this review in February 2024.

Why we undertook this audit

- 7 This audit was undertaken to help fulfil the Auditor General’s duties under section 17(2)(d) of the Public Audit (Wales) Act 2004 and Section 15 of the Well-being of Future Generations Act (Wales) 2015.

What we found: The Planning Service is flexible in its use of resources in supporting the delivery of the Council's well-being objectives but there are opportunities to strengthen service planning and data quality

The Planning Service is supporting the Council in its delivery of its well-being objectives and reviews and uses its resources to enable this

- 8 The Planning Service is a key enabler in supporting the Council in its delivery of its well-being objectives. The Planning Service has a presence on several of the Council's major project and programme groups. Examples include the Strategy and Asset Management Group (SAMG), Empty Property Enforcement Group, and Sustainable Communities for Learning Group. The involvement of the service in these groups means the Council is receiving professional planning advice at the appropriate time before the allocation of potentially significant resources on developing major developments that may not meet relevant planning policies.
- 9 While the Planning Service is supporting delivery of the Corporate strategic priorities, operationally there are differing levels of awareness across Council services as to the role and support provided by the Planning Service. Some services may not always seek professional planning advice at a project development stage. This could result in the inefficient use of Council resources to develop projects that may not meet relevant Planning policies, and lead to delays.
- 10 At the time of our review, the Planning Policy team were working on a replacement Local Development Plan (RLDP) with the intention to present this to full Council for adoption by Spring 2026. Producing an RLDP is both time intensive and costly. The Planning Service has planned for the need for additional resource when developing this. The service has been prudent with its historical budget management with budget underspends moved into a dedicated reserve. The service is now drawing on this reserve to fund the additional costs associated with developing its RLDP. This medium-term approach to budget management demonstrates prudent financial future planning by the service.
- 11 The service has also been flexible in its use of resources to address emerging issues in other areas. In 2023, the Planning Service created a new role within planning enforcement (a senior strategic enforcement officer) to specifically address strategically important issues for the Council. This role primarily focuses on Gypsy and Traveller sites, and empty or derelict priorities within Newport that require a planning enforcement focus and commitment. The service realigned its resources to reflect these corporate priorities and committed dedicated officer time to address them.

- 12 At the time of our review, the service had a vacant enforcement officer position. This role had remained vacant for several months and the Planning Service had been unsuccessful in filling it. The Council proposed to remove the enforcement role from its structure and create an additional Student Planner role with a focus on enforcement. This approach demonstrates flexibility in how to best use Council resources. An approach which may create a more sustainable solution, assist with succession planning and enhance value for money in the use of its resources.
- 13 The Council understands the importance of having a dedicated officer responsible for overseeing S106¹ monies into the Council. The Council has a Planning Contributions Manager who is responsible for managing, monitoring, and reporting on the amount of S106 monies received. This includes money allocated both to local communities and other Council services. Following a review of S106 reports and learning from other Local Planning Authorities (LPAs), the service intends to change the content and structure of its own annual report. This should provide greater detail as to where S106 monies are allocated throughout the city. Presenting more detailed information as to how S106 funding benefits the Council and communities would better demonstrate the impact and value for money of this role.

There is a positive and supportive culture within the Planning Service, but there are gaps in its service planning arrangements, and it is not maximising the functionality of its IT system

- 14 Officers in the Planning Service are performance driven and focussed on delivering against the national performance indicators set by the Welsh Government for LPAs. Officers have individual objectives with performance targets where applicable. This provides each staff member with a focus and the ability to be held to account.
- 15 The Council's Corporate Performance Management Framework is clear that each Head of Service will have a service plan. It is, however, at the discretion of each service to determine if there is a requirement for an operational or team plan.
- 16 The Regeneration and Economic Development service plan closely aligns with the Council's Corporate Plan and has a specific objective for the Planning Service. However, the objective, the five key supporting actions and three performance measures for the Planning Service do not encompass the breadth of the contributions of the Planning Service to both the Council and the public.
- 17 The Planning Service does not have a Team Plan so there is a gap between the Regeneration and Economic Development service plan and the individual officers' objectives and performance targets. The Planning Service has not articulated its key challenges and priorities or identified risks and mitigating actions. For example,

¹ A [Section 106 agreement \(S106\)](#) is a legally binding private contract between a developer (or a number of interested parties) and a Local Planning Authority (LPA) that operates alongside a statutory planning permission.

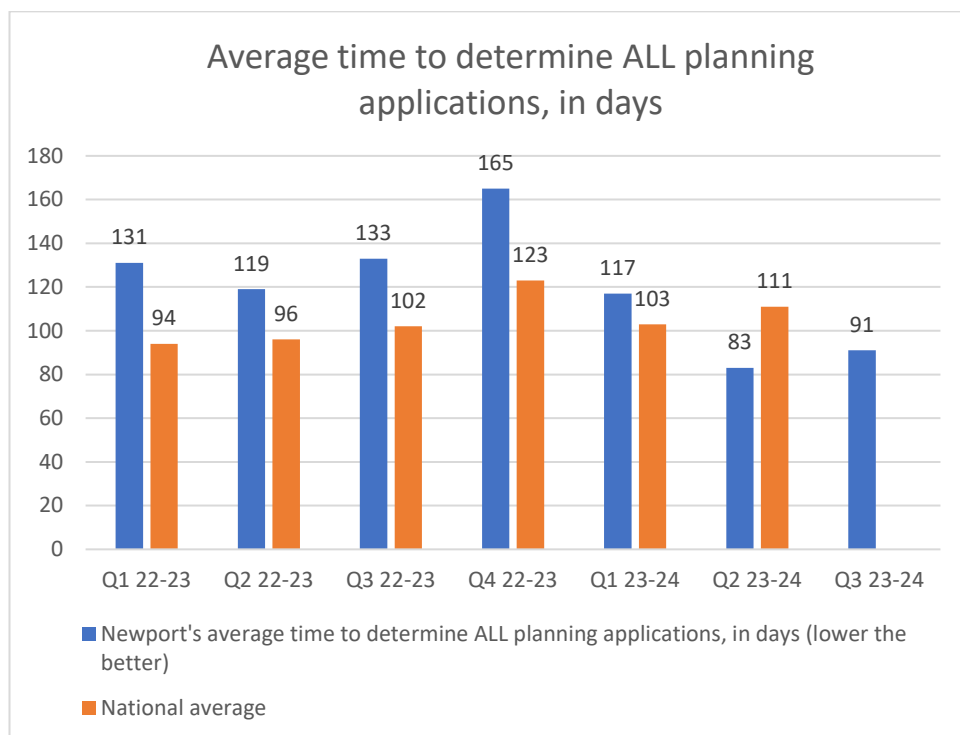
the Planning Service has not been at full capacity and there have been difficulties with its IT system, but these issues and actions to address them are not captured to help monitor their impact and progress in addressing them. A Team Plan or equivalent could demonstrate the service's value to the Council and set out its forward plan, providing a structure for performance reporting and monitoring.

- 18 The Planning Service has good arrangements for the four individual teams and managers within the service to meet regularly. Individual teams meet every two or three weeks, with the East and West Development Management teams jointly meeting every three weeks. Officers generally feel well supported and well connected with their colleagues in their respective teams.
- 19 There is a positive culture in addressing any differences of opinion when determining planning applications. Positively, officers do not feel under pressure to determine or recommend a certain outcome for planning applications. Individual officers draft recommendations for each planning application. The Planning Managers meet weekly to discuss the recommendations and to determine each planning application. If the Planning Managers have a different professional view to the officer submitting the recommendation, the manager will discuss the reasons for their different viewpoint with the officer. This communication ensures everybody is professionally satisfied with the final planning decision or recommendation to Planning Committee.
- 20 Officers within the Planning Service feel well supported and clearly understand their roles and responsibilities. The Regeneration and Economic Development service has a staff training budget and officers in the Planning Service have benefitted from this budget and feel supported in respect of their learning and development.
- 21 The Planning Service is well supported by the Council's legal service and the Council employs a Senior Solicitor with an expertise in Planning. However, the legal service is under staffing pressure, and this could have future repercussions for the support available to the Planning Service.
- 22 Despite positive working cultures, there is ongoing frustration with the Planning Service IT system. The service introduced a new IT system in 2020, just prior to the pandemic, and without a comprehensive training package in place. New members of staff have not received any formal training on the system and its functionality. As a result, at the time of our review, officers were not using the system to its full capacity. This resulted in officers establishing their own Excel spreadsheets to monitor and report work, and this is not an efficient use of officers' time. This essential IT system would be more beneficial to officers and improve its value in both practical and financial terms if staff are supported to maximise its potential.

The Planning Service is taking action to improve its performance, but there has been incorrect reporting of performance, which raises concerns about data accuracy

23 There are several national performance indicators for planning which LPAs report quarterly to the Welsh Government. We have reviewed the Planning Service’s quarterly returns for the period April 2022 to December 2023 and performance data published by the Welsh Government for the period April 2022 to September 2023. At the time of our fieldwork, the Welsh Government had not published performance data for October to December 2023.

Exhibit 2: average time to determine all planning applications in days



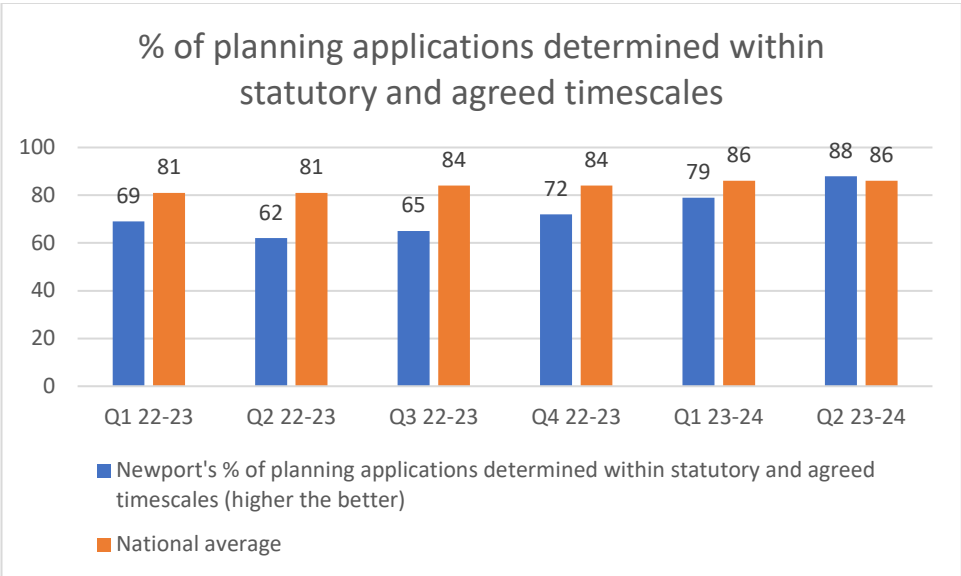
Source: Newport City Council’s Development Management Quarterly returns to the Welsh Government, and [Development management quarterly surveys \(gov.wales\)](https://gov.wales)

24 As **Exhibit 2** shows, between Quarter 1 2022-23 and Quarter 4 2022-23, the Planning Service consistently performed below the Wales average for the average time in days to determine planning applications. In Quarter 1 2023-24, the Council’s performance improved, albeit it remained below the Wales average. In Quarter 2 2023-24 the Council’s performance improved significantly to above the Wales average.

25 Significant staffing issues in the Planning Service have affected its performance in the timeliness in determining planning applications. The recruitment of Student

Planners in 2023 is a positive contributory factor in improving performance. The recruitment of a new Development and Planning Manager in late 2022 is providing management stability. The Council has indicated that sustaining the recent improved performance is, however, dependent on the successful annual recruitment of new Student Planners and being able to retain current staff.

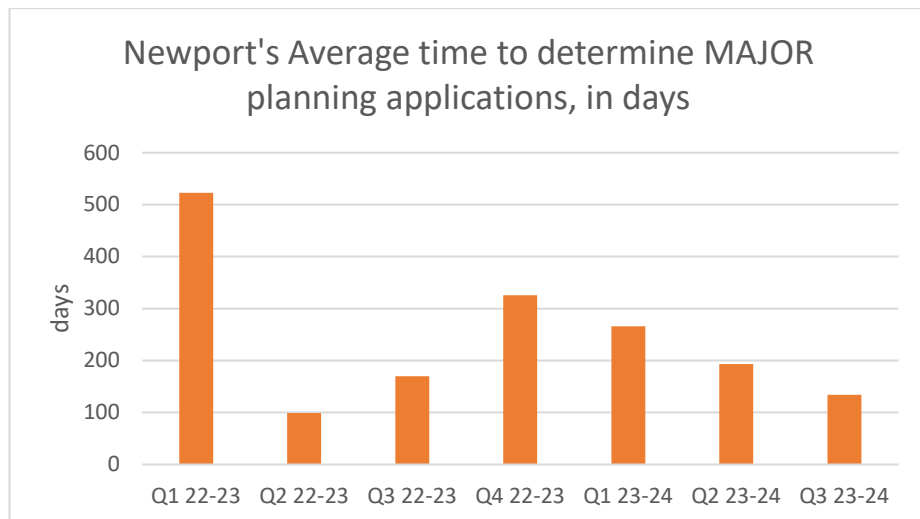
Exhibit 3: Percentage of planning applications determined within statutory and agreed timescales



Source: Newport City Council's Development Management Quarterly returns to the Welsh Government, and [Development management quarterly surveys \(gov.wales\)](https://gov.wales/development-management-quarterly-surveys)

- 26 As **Exhibit 3** shows, between Quarter 1 2022-23 and Quarter 4 2022-23, the Planning Service was consistently performing below the Wales average for the percentage of planning applications determined within statutory and agreed timescales. In Quarter 1 2023-24, the service's performance improved, albeit it remained below the Wales average. However, in Quarter 2 2023-24, the Council's performance improved to above the Wales average.
- 27 The Planning Service attributes this improvement in performance to tightening its controls by highlighting the importance of agreeing extensions of time with planning applicants. This allows more time for officers to determine planning applications. The improvement has been linked to reinforcing an expected working practice and should be sustainable despite current staff recruitment challenges.

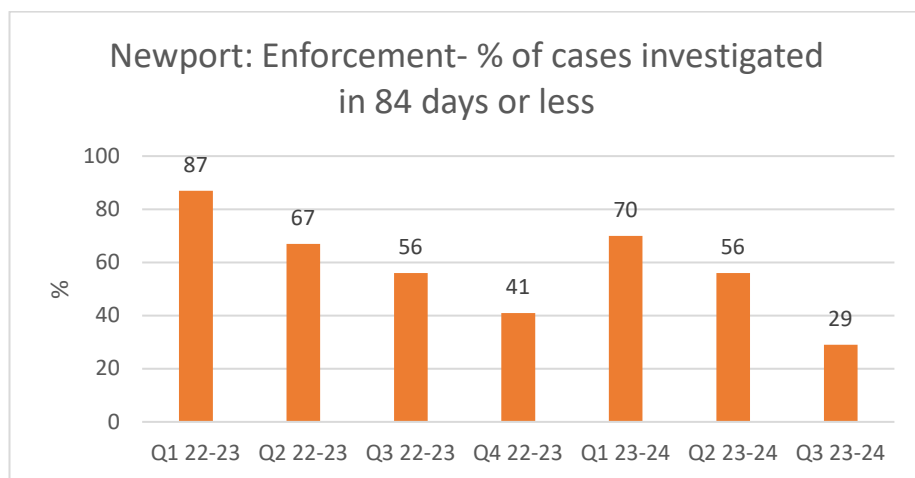
Exhibit 4: Average time to determine major planning applications, in days



Source: Newport City Council's Development Management Quarterly returns to the Welsh Government

28 As **Exhibit 4** shows, the performance in determining major planning applications has fluctuated over recent years but improved in 2023-24. It is important to note that fluctuations within this indicator can be due to major planning applications generally being more complex. Rather than ask the applicant to withdraw the scheme or for officers to refuse, the service works with applicants to resolve issues. This collaborative approach and willingness to engage is one reason why the timeliness in determining major planning applications can vary.

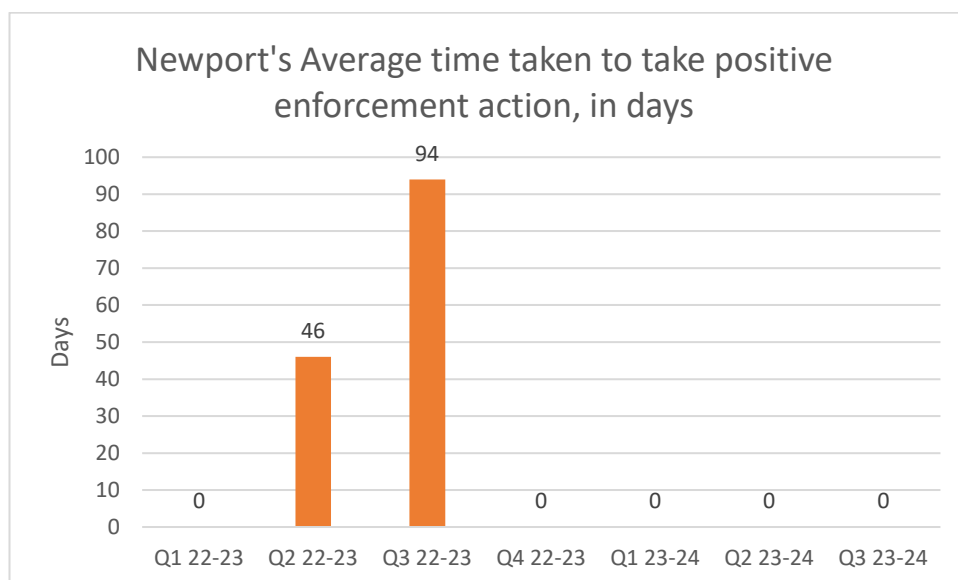
Exhibit 5: Percentage of enforcement cases investigated in 84 days or less.



Source: Newport City Council's Development Management Quarterly returns to the Welsh Government

29 The Welsh Government states that 84 days is reasonable for LPAs to respond to complaints. As shown in **Exhibit 5**, the Planning Service’s performance has fluctuated from a high of 87% of cases investigated within 84 days or less in Quarter 1 2022-23 to 29% in Quarter 3 2023-24. During this period, there has been a long-standing senior enforcement officer vacancy. To create a more permanent and sustainable solution, the service is proposing to create a new Student Planner role with a focus on enforcement. Successful recruitment into this role should help the service improve its performance as the recruitment of the current Student Planners has helped the service improve the timeliness in determining planning applications.

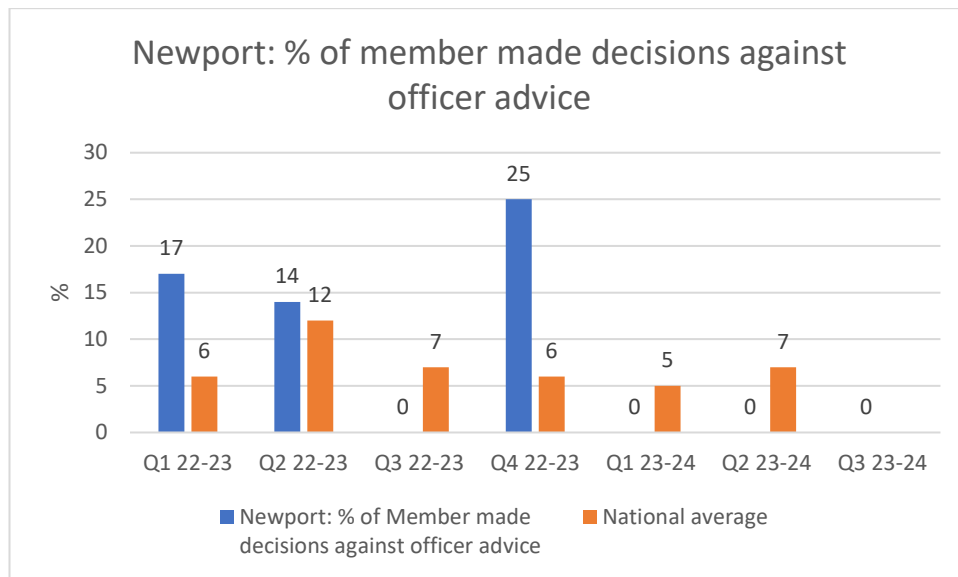
Exhibit 6: Average time taken to take positive enforcement action, in days



Source: Newport City Council’s Development Management Quarterly returns to the Welsh Government

30 The figures in **Exhibit 6** set out that the Planning Service had not undertaken any positive enforcement action in Quarter 1 2022-23 and since Quarter 4 2022-23. This is incorrect. The service has been undertaking positive enforcement action, but this was not recorded accurately on the service’s IT system and, therefore, not reported correctly to the Welsh Government. The service has now addressed this error and is putting in place arrangements to ensure the service records and reports correct performance going forward. However, the service has been incorrectly reporting data on this indicator for a year.

Exhibit 7: % of member made decisions against officer advice



Source: Newport City Council's Development Management Quarterly returns to the Welsh Government and [Development management quarterly surveys \(gov.wales\)](https://gov.wales)

- 31 As **Exhibit 7** shows, with the exception of Quarter 4 2022-23, the Planning Committee does not often make decisions contrary to Planning Officers' advice (for context, 25% in Quarter 4 2022-23 is two member-made decisions against officer advice, from a total of eight).
- 32 However, a further data recording and reporting discrepancy has been identified relating to this indicator. A review of the Planning Committee decisions in 2023 shows the committee did make a decision against officer recommendation in Quarter 1 2023-24. This was not accurately recorded and reported to the Welsh Government. This, alongside the incorrect recording and reporting of positive enforcement action, does raise concerns as to the accuracy of the Planning Service's performance data and robustness of the related quality assurance arrangements.

While there is some reporting of the performance of the Planning Service, the service has identified opportunities to enhance its performance reporting arrangements

- 33 Currently, members receive several reports throughout the year, which gives them an opportunity to understand and challenge aspects of the performance of the Planning Service. These include the mid-year and end-of-year performance reports on the Regeneration and Economic Development service plan to the relevant scrutiny committee, the annual Council self-assessment report 2022-23, and the mid-year Council's self-assessment 2023-24. However, these reports only include

a couple of Planning related performance measures so only provide a snapshot of the service's performance. The limited performance measures being reported to members do not portray the extent of the work of the Planning Service.

- 34 The requirement from the Welsh Government for LPAs to produce a Planning Annual Performance Report ended during the pandemic. As a result, there is no standalone report which pulls all Planning Service performance, successes and challenges into one place for review. However, the Planning Service sees value in producing an annual report outlining its activity. Reinstating an annual performance report could help to fill the current gap in service-wide performance monitoring and allow Planning officers and members to gain a more thorough understanding of the performance of the service. It would also facilitate scrutiny and challenge of the performance of the service.

Members understand their role and responsibilities, however, there are inconsistencies between the Planning Committee Code of Practice and the Council's constitution and there are some gaps in the Planning Committee procedures

- 35 The Council has a publicly available Planning Committee Code of Practice which provides a clear description as to the role, procedural arrangements, and expectations of the Planning Committee. In addition, the Council has a clear scheme of delegation for the Planning Service and Planning Committee included in its constitution. A review of all planning applications to the Planning Committee in 2023 demonstrates the Council adheres to its scheme of delegation.
- 36 Planning Committee members display respect of the Planning Committee process and there is good support provided by legal and planning officers at committee meetings and outside of committee proceedings.
- 37 The Planning Committee received a comprehensive full day induction delivered by Planning Aid Wales following the 2022 Local Government Elections. New members joining the Planning Committee in 2023 also received comprehensive training. Officers are approachable if Planning Committee members feel they need further training or briefings to supplement their induction. This demonstrates the Council's commitment to supporting its Planning Committee members.
- 38 Non-planning committee members can call in planning applications for Planning Committee to determine and attend Planning Committee. However non-planning committee members have not received any training on Planning Committee procedures or planning matters to support them to do this. The Council cannot be assured that all Members have sufficient understanding of planning matters in line with their role and responsibilities.
- 39 Planning Committee members understand the risks of making a decision at Planning Committee, which is contrary to Planning Officers' recommendations. The committee routinely receives the outcomes of appeals and has received specific

training on Houses of Multiple Occupancy (HMOs) as the committee had previously refused a few HMO applications which had gone to appeal. The Council also has an arrangement for Planning Committee members to be involved in appeals to defend the committee's decision. While Planning Committees can determine planning applications contrary to Planning Officer advice, the committee is aware of the potential risks in doing so and will consider these when making its final decisions. This is evident in **Exhibit 7** which generally shows a low number of decisions made contrary to Officer advice when taken as an average over the last 18 months.

- 40 Overall, we found that members understand their roles and responsibilities relating to planning, but clarity of these is undermined by some inconsistencies and inaccuracies in some key documents, which could create confusion about the Council's arrangements:
- a. the Council updated the Code of Practice in late 2022, however, it still refers to the Data Protection Act 1998 rather than the Data Protection Act 2018.
 - b. the Council's constitution does not accurately reflect the Planning Committee's current Code of Practice. The constitution refers to a Planning Site sub-committee, however, the 2022 updated Code of Practice does not refer to this sub-committee.
 - c. officer job titles and Council services in the constitution appear to be outdated when referring to the Planning Service and Planning Committee.
- 41 The Planning Committee Code of Practice sets specific time limits for planning applicants, their supporters, and any objectors to address the Planning Committee. The Council does not set a time limit for local ward members who wish to speak at Planning Committee meetings. There is a risk, therefore, that local ward members may be given more opportunity to influence Planning Committee decisions. This could be addressed if the Code of Practice provided a time limit for local ward members who also wish to comment on planning applications at Committee meetings.
- 42 The Planning Committee Code of Practice does not define the duties of a Planning Committee member when addressing the Committee in their capacity as a Local Ward Member who has called a planning application to the committee. This also includes clarity around their subsequent voting rights. By not clarifying these arrangements, there is a risk of conflicts of interest and pre-determination of planning applications. Strengthening this guidance would further safeguard the Council and its Members.

Appendix 1

Audit questions and audit criteria

Below are the questions we sought to answer in carrying out this audit, along with the audit criteria we used to arrive at our findings.

Main audit question: **Does the Planning Service have proper arrangements to deliver value for money in the use of its resources?**

Exhibit 8: audit questions and audit criteria

Level 2 Questions	Audit Criteria
1. Is the planning service supporting the Council in the delivery of its well-being objectives?	<ul style="list-style-type: none">• Senior Officers and Members understand the role of the Planning Service as a key enabler to support delivery of the Council's well-being objectives and this can be demonstrated.• Senior officers in the Planning Service are members of corporate/strategic groups to ensure the service is involved in corporate developments.• The Planning Service is well-connected to other Council services which support and advise on planning matters.• The Local Development Plan (LDP) is a relevant document which is adhered to and understood by those involved in planning decisions in the Council.• The Council has a clear direction for planning enforcement with resources aligned to deliver the Council's chosen intention.• The Planning Service including Planning Policy is resourced to enable the service to support the delivery of the Council's well-being objectives.

Level 2 Questions	Audit Criteria
<p>2. Does the Planning Service have arrangements to deliver its objectives?</p>	<ul style="list-style-type: none"> • The Planning Service has a business plan (or equivalent) with service objectives aligned to the Council's well-being objectives which are understood by those involved in the Planning Service. • The Planning Service has set out how the service business plan will be resourced over the medium to longer term as far as is practical (eg plans to support developments such as Developments of National Significance and the Replacement LDP etc). • The Planning Service has performance measures including baseline data, targets and milestones that reflect progress as appropriate, which planning officers understand. • The Council understands the reasons for its Planning Service performance and takes action to manage the performance. • The Planning Service has effective internal communication including regular team meetings within the service. • There is a supportive culture to address any differences of professional opinion when determining planning applications and planning enforcement cases. • There are positive working relationships with consultees (statutory and internal). • The Planning Service has a planning system (IT) which supports delivery of the service.

Level 2 Questions	Audit Criteria
<p>3. Does the Planning Service have clearly defined roles and responsibilities which are adhered to?</p>	<ul style="list-style-type: none"> • There are clear terms of reference for the Planning Committee. • The Council has a planning committee protocol (or equivalent) containing a code of conduct and planning committee procedural arrangements which officers and members understand and adhere to. • Planning Committee members and planning staff receive appropriate training and support to understand the service objectives, planning policies, the role of a committee member and planning committee procedural arrangements, and this is updated when required. • The Council guides non-Planning Committee members on local and national planning policies and committee procedural arrangements. • The Council has a clear and transparent scheme of delegation which is adhered to. • The planning service has clear and transparent processes for determining planning applications. • The Planning Service clearly identifies risks, opportunities and a clear rationale for any planning application decisions made against professional officer advice, and this is recorded.

Level 2 Questions	Audit Criteria
<p>4. Does the Planning Service review and monitor the effectiveness of its arrangements?</p>	<ul style="list-style-type: none"> • The Planning Service demonstrates how it involves staff and key partners in designing future service delivery. • The Planning Service uses complaints and compliments (both internal and external) to improve. • There is a supportive culture of learning and development for planning staff and Members which is regularly reviewed. • The Planning Service and Planning Committee have a culture of continuous development and observe best practice from other Local Planning Authorities. • The Planning Service can demonstrate it works with support services such as legal services to review and monitor its arrangements and conduct. • There are arrangements for the Planning Service to report its performance against its objectives and the Council's well-being objectives to senior management and members.



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