

SOUTH WEST WALES CORPORATE JOINT COMMITTEE

Overview and Scrutiny Committee

16th May 2024

Report of the Chief Executive

Report Title: Welsh Language Standards – Compliance Notice 24th April 2024

Purpose of Report	To advise the members of South West Wales Corporate Joint Committee Overview and Scrutiny Committee (SWWCJC) that the Welsh Language Standards Compliance Notice was received on 24 th April 2024, therefore, the SWWCJC will need to implement the standards within the timescales (imposition date).
Recommendation(s)	It is recommended that Members endorse the Welsh Language Standards Compliance Notice for onward approval by the South West Wales Corporate Joint Committee and note that the South West Wales Corporate Joint Committee will request the Chief Executive to review and implement the Compliance Notice to demonstrate the Committee's acceptance of the Welsh Language Standards applicable to the South West Wales Corporate Joint Committee (SWWCJC).
Report Author	Will Bramble, Corporate Joint Committee Chief Executive
Finance Officer	Chris Moore
Legal Officer	Craig Griffiths

1. Introduction / Background

A report was presented to Members on 24th October 2022 detailing contact with the Welsh Language Commissioner's Office regarding the application of Welsh Language Standards and the issuing of a compliance notice.

The Welsh Government have confirmed that CJsCs are required to comply with the same Welsh Language Standards duties as local authorities - The Welsh Language Standards (No. 1) Regulations 2015 ("the No. 1 Regulations"). The No. 1 Regulations also authorise the Welsh Language Commissioner to issue compliance notices, which set out the duties that each individual body must comply with.

In accordance with the recommendations of Item 9 Welsh Language Standards of the meeting held on 5th December 2023, it was resolved the Chief Executive would confirm acceptance of the standards with the Welsh Language Commissioner, noting that there

are no standards which the Committee considers unfavourable and/or disproportionate and that the Committee is content to proceed to the next stage of the process.

2. Compliance Notice

On the 24th April 2024, the compliance notice in accordance with section 44 Welsh Language (Wales) Measure 2011 was received. The implementation date is within six months. Ongoing discussions will be maintained with officers of Carmarthenshire County Council and Standards Setting and Compliance Officer Catrin Gough on behalf of the Welsh Language Commissioner, to ensure a pragmatic approach to discharge duties and promote the Welsh language so far as is reasonably practicable as part of the SWWCJC activities.

3. Standards Not Imposed (draft compliance notice WLS145 and WLS146)

The Welsh Language Commissioner will not impose the following standards that were referenced within the draft compliance notice;

WLS 145 Promotion –

To produce, and publish on the organisation website (SWWCJC), a 5-year strategy that sets out how you (SWWCJC) propose to promote the Welsh language and to facilitate the use of the Welsh language more widely in your (SWWCJC) area.

WLS 146 Promotion –

Five years after publishing a strategy in accordance with WLS 145 assess and publish the assessment findings on your website (SWWCJC).

Justification (Appendix 1 – Standards 145 & 146 Not Imposed (Bilingual))

Extract.

These standards are not to be imposed on any of the four CBC's for the following reasons:

The geographical area of the CBC includes an area served by 4 local authorities who have already adopted promotion strategies and have already set a target for increasing Welsh speakers in their areas.

Imposing these standards on the CBC would duplicate much of the work already being done by the local authorities. There is a risk that any target set by the CBC would be an artificial one and would conflict with local authority targets.

The full extent of the joint committees' responsibilities is currently unknown. It is unclear whether the role and responsibilities of the joint committees extends to issues that would enable them to address issues that contribute to the creation of Welsh speakers, and towards promoting and facilitating the use of Welsh. It will be possible to re-visit this issue in the future if there appeared to be a role for the joint committees in that regard.

4. Financial Impacts

It is considered that the cost of meeting the Welsh Language Standards can be met within the existing budget set for the CJC where provision for translation costs is already made.

5. Integrated Impact Assessment

The CJC is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.

Advance equality of opportunity between people who share a protected characteristic and those who do not.

In recognition of the above duties, the CJC has adopted an Integrated Impact Assessment (IIA) Tool which allows for a two stage approach to be undertaken to measure any potential impact of its decisions. It is not considered that an Integrated Impact Assessment (IIA) is required for this report as it does not seek a substantive policy decision from Members.

The CJC approved its Corporate Plan 2023-2028 in March 2023. The Corporate Plan includes the CJC's Equality Objective which is set out below for ease of reference:

“To deliver a more equal South West Wales by 2035 by contributing towards:

- (a) The achievement of the Welsh Government's long-term equality aim of eliminating inequality caused by poverty;
- (b) The achievement of the Equality statement set out in Llwybr Newydd which is to make our transport services and infrastructure accessible and inclusive by aiming to remove the physical, attitudinal, environmental, systemic, linguistic and economic barriers that prevent people from using sustainable transport, and
- (c) The achievement of the Welsh Government's long-term equality aims of cohesive communities that are resilient, fair and equal and where everyone is able to participate in political, public and everyday life. There will be no room for racism and / or discrimination of any kind.”

Well-being of Future Generations (Wales) Act 2015

Alignment with CJC Corporate Plan 2023-2028 and the identified CJC Well-being objectives:

The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'. Members will note that in respect of the Wellbeing of Future Generations (Wales) Act 2015 one of the seven Well-being Goals is "A Wales of vibrant culture and thriving Welsh language".

6. Workforce Impacts

There are minimal workforce impacts for the CJC to be concerned with in relation to this report.

7. Legal Impacts

The Compliance Notice is the means by which the Welsh Language Commissioner sets the Welsh Language Standards that will be legally applied to corporate joint committees and other relevant bodies.

8. Risk Management Impacts

The Committee voluntarily adopted the standards applied to Carmarthenshire County Council at an early stage in its work – those standards being the most stringent across South West Wales. There have been no material problems in applying those standards in practice.

There are very low risks anticipated from agreeing to the same standards being legally applied by the Welsh Language Commissioner.

A review of the draft compliance notice is ongoing, with the support and guidance from Carmarthenshire County Council, working to satisfy the imposition dates (six months). This work will continue striving to satisfy the new imposition date/s for October 2024.

9. Consultation

No formal consultation required for the purpose of this report.

10. Reason for Decision

To advise the members of South West Wales Corporate Joint Committee (SWWCJC) that the Welsh Language Standards Compliance Notice was received 24th April 2024, therefore, the SWWCJC will need to implement the standards within the timescales (imposition date). This will demonstrate Committee's acceptance of the Welsh Language Standards applicable to South West Wales CJC.

11. Recommendation

It is recommended that Members endorse the Welsh Language Standards Compliance Notice for onward approval by the South West Wales Corporate Joint Committee and note that the South West Wales Corporate Joint Committee will request the Chief Executive to review and implement the Compliance Notice to demonstrate the Committee's acceptance of the Welsh Language Standards applicable to the South West Wales Corporate Joint Committee (SWWCJC).

12. Implementation of Decision:

This report will be subject to onward referral to the South West Wales Corporate Joint Committee and subject to approval by them will be implemented following the conclusion of the 3 day call in period.

13. Appendices:

Appendix 1 – Standards 145 & 146 Not Imposed (Bilingual)
Appendix A WLS Commissioner Correspondence (Bilingual)
Appendix B WLS S44 Compliance Notice (Welsh)
Appendix C WLS S44 Compliance Notice (English)

14. List of Background Papers:

[Welsh Government Statutory Guidance on CJsCs](#)

[Carmarthenshire County Council – Welsh Language Standards](#)

[Welsh Language Standards, Interim Policy Position, Corporate Joint Committee - 11th October 2022](#)

[Agenda for South West Wales Corporate Joint Committee on Tuesday, 5th December, 2023, 10.00 am: NPT CBC](#)