

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

POLICY AND RESOURCES CABINET BOARD

15TH FEBRUARY 2017

**REPORT OF THE HEAD OF CORPORATE STRATEGY AND
DEMOCRATIC SERVICES – K.JONES**

SECTION A- MATTER FOR DECISION

WARDS AFFECTED-ALL

WELSH LANGUAGE STANDARDS

Purpose of Report

1. To update Members on the outcome of meetings between officers and the Welsh Language Commissioner's representatives in relation to the Council's Challenge to a number of standards and to seek Members' authorisation to submit a response reflecting those discussions.

Background

- 2.. The Council received correspondence from the Welsh Language Commissioner on 6th June 2016 which detailed the Commissioner's initial consideration of the Challenge to 54 standards that were included in the Council's Compliance Notice. The Commissioner was, at that time, considering make one minor modification to one of the standards but offered the Council an opportunity to make further representations to her in relation to the other standards that we had challenged.
3. On 14th July 2016, the Policy and Resources Scrutiny Committee and the Cabinet Board considered a proposed response to the Commissioner's letter. Following detailed consideration of the issues, some changes to the proposed response were agreed by Members and that response was forwarded to the Commissioner on 18th July 2016.

4. On 24th October 2016 the Council received a response to its letter and accompanying evidence submitted on 18th July 2016. That letter is attached at Appendix 1.
5. Additionally, the Chief Executive met with the Commissioner on 25th October 2016 to discuss the reasons why the Council feels unable to fully comply with all of the standards it has been proposed should be applied to it.
6. Follow up meetings between officers and the Commissioner's representatives to try and agree a resolution to this work took place on 15th November and 19th December 2016, with Cllr Arwyn Woolcock also attending the latter meeting.

Welsh Language Standards Update

7. At the meetings the Council's position was explored and officers were encouraged in the effect that progress could be made on a number of standards.
8. The comparison attached at Appendix 2 identifies the current position in respect of each of the standards that have been challenged, which for completeness includes those that have been withdrawn etc.
9. Following further deliberation the Council's challenge to Standards 30, 33 and 131 was withdrawn in July.
10. In light of the further comments made by the Council in July 2016 the Commissioner in her letter dated 24th October 2016 advised that Standards 126, 128 and 129 will not be imposed.
11. The Commissioner has indicated her intention to modify a number of standards, with modifications ranging from extended imposition dates to clauses for clarification/exemption. In discussion with representatives from the Commissioner's office it was apparent that the Commissioner would be open to considering further variations.
12. There remain standards where on points of principle it is considered that the Council is unable to accept.
13. The proposed letter to accompany the response is attached at Appendix 3.

Financial Impact

14. There are a number of standards that the Council is challenging on the basis that there is a cost to achieving the standards that cannot be met within the existing budgets of the Council. No additional financial resources have been made available by the Welsh Government to implement the Welsh Language Standards however, the Welsh Language Commissioner has been provided with discretion to identify which standards should be applied in the Council's local circumstance.

Equality Impact Assessment

15. The introduction of the Welsh Language Standards is intended to ensure that Welsh is dealt with on an equal basis as the English language.
16. People affected by the standards may also share other protected characteristics but there is presently no data to provide further analysis.

Workforce Impacts

17. There are a number of standards that are subject of Challenge because the Council does not have the linguistic capability to deliver a bilingual service as required by the standards in the way that the standards require. The Council's ability to impact on the linguistic profile is limited in the short term as there is a moratorium on external recruitment unless essential in order protect existing staff members from compulsory redundancy.
18. There are also standards that relate to the use of Welsh in the workplace that are subject of Challenge. These standards are challenged because there is a cost associated with compliance which cannot be met within existing budgets, or whether it is considered the consequences of meeting the standards would disproportionately affect other staff members.

Legal Impacts

19. The Welsh Language Standards have been introduced by the Welsh Government by virtue of the Welsh Language (Wales) Measure 2011.

Risk Management

20. If the Council's Challenge is unsuccessful there is a risk of non-compliance with standards which could attract complaints from members of the public with a consequential adverse impact on the Council's reputation and the potential for fines of £5,000 per standard not complied with.

Consultation

23. There is no requirement under the Constitution for external consultation on this item.

Recommendations

24. That Members note the update provided in respect of the Council's Challenge to the Welsh Language Commissioner and authorise the Chief Executive to submit the proposed response, subject to any changes agreed at committee, with the stipulation that dialogue continues to seek a mutually acceptable agreement.
25. That the Chief Executive is given delegated authority to make any further minor presentational changes in addition to any change suggested at Scrutiny Committee and agreed by the Cabinet Board prior to submission of the response to the Welsh Language Commissioner.

Reason for Proposed Decision

26. To authorise a response along with additional information to be provided to the Welsh Language Commissioner, together with the Council's proposals for the Final Compliance Notice to be modified in order that the Welsh Language Standards to be applied to the Council in the first instance are reasonable and proportionate.

Implementation of Decision

27. The decision is an urgent one for immediate implementation, subject to the consent of the Scrutiny Chair (and is therefore not subject to the call in procedure).

Appendices

28. Appendix 1 – Welsh Language Commissioner’s letter dated 24th October 2016
29. Appendix 2 – Comparison of Council’s Submission to the Welsh Language Commissioner and the Commissioner’s Response
30. Appendix 3 - Letter to Welsh Language Commissioner February 2017

List of Background Papers

31. Policy and Resources Cabinet Board, October 2015, Welsh Language Standards Compliance Notice
32. Policy and Resources Cabinet Board, July 2016, Welsh Language Standards
33. Letter to the Welsh Language Commissioner providing further evidence in supporting of the Council’s Challenge to the Compliance Notice, 18th July 2016
34. Policy and Resources Cabinet Board, December 2016, Welsh Language Standards

Officer Contact:

35. Mrs Karen Jones, Head of Corporate Strategy and Democratic Services Tel: 01639 763284 e-mail: k.jones3@npt.gov.uk