

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

POLICY AND RESOURCES CABINET BOARD

14 JUNE 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 Welsh Language Commissioner's response to the Council's submission, in February 2017, in relation to its Challenge to a number of standards and to seek Members' authorisation to submit a response as a consequence of the correspondence.

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.
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.
7. Following consideration of these discussions the Council submitted a further response on 15th February 2017 to which the Commissioner responded on 4th April 2017, Appendix 1.

Welsh Language Standards Update

8. As a result of ongoing dialogue with the Commissioner's representatives a number of the issues identified in the Council's challenge to several standards have been resolved.
9. The table attached at Appendix 2 provides Members with a brief account of the Council's submission and the Commissioner's responses since July 2016.
10. Of the 54 standards, which were challenged in January 2016, the Council accepted three standards in July 2016 and the Commissioner determined that a further three standards would not be imposed.
11. In her latest correspondence the Commissioner confirms that the Council has accepted an additional 19 standards, some with modifications, including extended imposition dates. The revised compliance notice, included at Appendix 1, indicates that 29 standards continue to be challenged.
12. The Council is minded to accept these remaining standards with modification and or qualification. The suggest approach is contained in the table at Appendix 2.

13. There remains some concern in respect of a few standards but the Council is mindful of the time and effort that has been spent on the process to date and is clear that continuing with the challenge would result in Tribunal. As stated previously this is considered neither a good use of public money nor an ideal position for public bodies to be in.

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.

Workforce Impacts

16. 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.
17. 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

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

Risk Management

19. 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

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

Recommendations

21. 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.
22. 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

- 23.. 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

24. 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

25. Appendix 1 – Welsh Language Commissioner’s letters dated 4th April 2017, including the revised Compliance Notice,
26. Appendix 2 – Table highlighting the Council’s submissions and the Welsh Language Commissioner’s subsequent response.

List of Background Papers

27. Policy and Resources Cabinet Board, October 2015, Welsh Language Standards Compliance Notice
28. Policy and Resources Cabinet Board, July 2016, Welsh Language Standards
29. Letter to the Welsh Language Commissioner providing further evidence in supporting of the Council’s Challenge to the Compliance Notice, 18th July 2016
30. Policy and Resources Cabinet Board, December 2016, Welsh Language Standards
31. Policy and Resources Cabinet Board, February 2017, Welsh Language Standards

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