

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Streetscene & Engineering Cabinet Board

22nd February 2019

Report of the Head of Engineering & Transport – D. W. Griffiths

Matter for Decision

Wards Affected: Port Talbot, Neath North

Harbourside Car Park – Welsh Language Standard

Purpose of Report

1. To bring to members attention the requirement to upgrade certain pay and display machines within the authority's car parks

Executive Summary

2. To advise Members on the Welsh Language Commissioner's recent determination that the Council failed to comply with Welsh Language Standard 60 in relation to a parking ticket machine in Harbourside Car Park, Port Talbot.

Background

3. In June 2017, the Welsh Language Commissioner informed the Council that a complaint was to be investigated.
4. The Commissioner found that the Council had failed to comply with Standard 60 with a requirement that all parking machines would treat the Welsh language no less favourably than the English language. At this time, it was considered that replacement of all parking machines would be required, incurring significant cost.
5. Following further correspondence and a meeting with representatives of the Commissioner to explore the issues faced by the Council, including the significant cost complete replacement would entail. As a result, officers submitted alternative proposals which were agreed and included in the Commissioner's final decision notice as an enforcement action.

6. Attached for information, is the letter and report sent to the Chief Executive on 12th December 2018 outlining the Commissioner's decision and the enforcement action.

The Decision

7. The enforcement action as included in the decision notice is set out below:

Standard 60 – requirement for Neath Port Talbot County Borough Council to take action in accordance with section 77(3)(b) of the Welsh Language Measure (Wales) 2011

This requires Neath Port Talbot County Borough Council to prepare an action plan that will show the steps taken to change the default language to Welsh in parking ticket machines which can accommodate an alternative language indicator (button). The action plan should include the following information:

- *The main stages of the process when planning the work*
- *The timetable for completing the work (it should not exceed 12 months to complete the task)*
- *The budget for completing the work*
- *The name of the person who has responsibility for the project*

Timetable:

The Council must prepare the draft action plan within 12 weeks of receiving the investigations' final report. I will act in accordance with section 80 of the Welsh Language Measure in relation to the action plan.

Neath Port Talbot County Borough Council must prepare an action plan that will show the steps taken to comply with standard 60 in relation to screens on the parking ticket machines which are too small to accommodate an alternative language indicator (button) these would be replaced within 3 years. The action plan should include the following information:

- *The main stages of the process when planning the work*
- *The timetable for completing the work*
- *The budget for completing the work*
- *The name of the person who has responsibility for the project*

Timetable:

The Council must prepare the draft action plan within 12 weeks of receiving the investigations' final report.

Current Situation

8. Work has already been undertaken to address the non-compliance. Set out below is a breakdown of work already completed this financial year together with a breakdown that needs to be completed over the three years.

Financial Impact

9. Financial Expenditure (2018/19)

<u>Car Parks</u>	<u>Number</u>	<u>Cost Per Machine & Installation</u>	<u>Total Cost</u>	<u>Timescale</u>
Engineering & Transport				
Aberavon Seafront	7	£3,890.00	*£27,230.00	Complete
Pontardawe Car Parks	4	£3,890.00	*£15,560.00	Complete
Harbourside Car Park	2	£3,890.00	*£7,780.00	Complete
Milland Road Car Park	4	£3,890.00	*£15,560.00	Complete
			£66,130.00	
Streetcare Services				
Gnoll Country Park	2	£4,345.00	**£8,690.00	31/03/2019
			£8,690.00	
Property & Regeneration				
Afan Forest Park	1	£3,890.00	***£3,890.00	Complete
			£3,890.00	
Total Expenditure 2018/19			£78,710.00	

*Funded by Parking Services 2018/19

** Funded by Parking Services 2018/19

*** Funded by Estates Section 2018/19

Future actions to meet requirements

10. To change the default language to Welsh.
11. Parking Services have obtained a quotation from the supplier (Metric) of the current parking machines for the creation of tariff software to default the 14 pay and display machines with larger screens to Welsh as the primary language. This will be undertaken during 2019-2020.
12. The quotation is for the sum of £1,666.20.

Replacement of Remaining Ticket Machines

13. Set out below are the costs for replacing the remaining 19 pay and display machines with the smaller display screens over a three year period.
14. It should be noted that some of these pay and display machines would need to be upgraded due to wear and tear and to accommodate the provision of contactless payments.
15. A net figure of circa 40K is a realistic estimate of the cost of complying with the Welsh language commissioner's recommendation.

Financial Estimate for Compliance (2019/20)

<u>Car Parks</u>	<u>Number</u>	<u>Cost Per Machine & Installation</u>	<u>Total Cost</u>	<u>Timescale</u>
Engineering & Transport				
Surface Car Parks	6	£4,345.00	£26,070.00	31/03/2020
Property & Regeneration				
Afan Forest Park	1	£4,345.00	£4,345.00	31/03/2020
			£30,415.00	

Financial Estimate for Compliance (2020/21)

<u>Car Parks</u>	<u>Number</u>	<u>Cost Per Machine & Installation</u>	<u>Total Cost</u>	<u>Timescale</u>
Engineering & Transport				
Port Talbot Multi-storey Car Park	10	£4345.00	£43,450.00	31/03/2021

Next Steps

16. Officers will develop action plans to satisfy the requirements of the enforcement action which will be submitted to the Commissioner within the set timescales.

Equality Impact Assessment

17. An Integrated Impact Assessment has been undertaken to assist the council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standard (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016).

Workforce Impacts

18. There are no workforce impacts associated with this report.

Legal Impacts

19. The Welsh Language Measure 2011 (the Measure) sets out a legal framework for imposing a duty on the Council to comply with standards relating to the Welsh language and for the enforcement of the standards imposed.
20. The Council was issued with a compliance notice under the Measure which requires compliance with the specified standards by the imposition dates set. Standard 60 specifies that the Council must ensure that any self-service machines that it has function fully in Welsh, and the Welsh language must be treated no less favourably than the English language in relation to that machine. The imposition date for Standard 60 was 30th March 2016.

21. Whilst the compliance notice is in force the Council is required to comply with the standards specified in that notice.
22. The Welsh Language Commissioner (the Commissioner) through the exercise of her enforcement powers under the Measure determined that the Council's car park ticket machines fail to comply with Standard 60. The Commissioner now requires the Council to take steps for the purpose of preventing the continuation or repetition of its failure to comply with the standard.
23. The Commissioner possesses powers in relation to continued/repeated failure to comply with standards, in particular, publicising the failure to comply and imposing civil penalties. The Commissioner can also apply to court for a court order to enforce compliance.
24. There is a right of challenge of existing standards under section 55 of the Measure on the basis that complying with a standard is unreasonable or disproportionate. However it would be necessary to demonstrate that there has been a material change in the Council's circumstances since the day the Council was first required to comply with the standard. The challenge is made to the Welsh Language Commissioner in the first instance.

Risk Management

25. There are no risk management issues associated with this report

Consultation

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

Recommendations

27. It is recommended that:-

That members approve the expenditure as set out in the circulated report for the financial years 2019/20 and 2020/21 in order for the authority to comply with the Welsh Language Measures (Wales) 2011

Reason for Proposed Decision

28. To comply with the Welsh Language Commissioners determination on this matter.

Implementation of Decision

29. The decision is proposed for implementation after the three day call in period.

Appendices

30. None.

List of Background Papers

31. Covering letter from Welsh Language Commissioner
Terms of Reference

Officer Contact

32. Steve Cook, Parking Manager, Engineering & Transport
Tel. No. : 01639 763968
Email: s.cook@npt.gov.uk