

## **RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

### **CABINET**

**19<sup>TH</sup> JULY 2016**

### **WELSH LANGUAGE STATUTORY STANDARDS: APPEAL UNDER S54 OF THE WELSH LANGUAGE (WALES) MEASURE 2011**

### **REPORT OF THE EDUCATION AND LIFELONG LEARNING DIRECTORATE IN DISCUSSIONS WITH CLLR GERAINT HOPKINS**

**AUTHOR(s):** Wendy Edwards, Head of Community Learning

#### **1. PURPOSE OF THE REPORT**

The purpose of the report is to:

- 1.1 Provide Members with an update on the current position relating to the appeal submitted by the Council against 14 of the 171 standards imposed on the Council by the Welsh Language Commissioner's Final Compliance Notice issued on 30<sup>th</sup> September 2015.

#### **2. RECOMMENDATIONS**

It is recommended that the Cabinet:

- 2.1 Notes the content of the report;
- 2.2 Considers and comments on the information provided.

#### **3. REASONS FOR RECOMMENDATIONS**

- 3.1 The report is to ensure that Cabinet members are fully aware of the current situation in respect of the Welsh Language Standards.

#### **4. BACKGROUND**

- 4.1 On 30<sup>th</sup> September 2015 Rhondda Cynon Taf County Borough Council received its Final Compliance Notice from the Welsh Language Commissioner which indicated 171 standards it is required to comply

with and the imposition dates for compliance. 144 required compliance by 30<sup>th</sup> March 2016, 25 need to be complied with by 30<sup>th</sup> September 2016 and 2 by 30<sup>th</sup> March 2017.

- 4.2 Chapter 7, Part 4 Welsh Language (Wales) Measure 2011 provides a mechanism to enable relevant persons to challenge the duties noted in the Compliance Notice, either before or after the imposition date has come into force. This enables the relevant person to apply to the Welsh Language Commissioner to request a determination whether or not the requirement to comply with one or more standards, or to comply with one or more standards in a specific way, is unreasonable or disproportionate.
- 4.3 Analysis of the potential impact of the standards across service areas indicated that 14 of the standards are unachievable and furthermore the cumulative effect of trying to address these 14 standards would be to undermine the Council's ability to meet other standards included in the Final Compliance Notice. Accordingly, the Council submitted an appeal against the imposition of these 14 standards, or imposition of these standards within the timescale indicated in the notice, on 30<sup>th</sup> March, 2016 as recommended by the Welsh Language Cabinet Steering Group and approved by Cabinet.

## **5 THE CURRENT SITUATION**

- 5.1 A letter was sent to the Chief Executive on 6<sup>th</sup> June indicating that, having considered the appeal submission, the Commissioner's initial response was to determine against the council's appeal in each instance. However, the Council was provided with an opportunity to provide further evidence to support its case within 10 working days before the Commissioner comes to a final determination.
- 5.2 Further evidence was submitted to the Commissioner within the specified time period and we are currently waiting for the Commissioner's final determination.
- 5.3 In the meantime work has continued to try to ensure that the Council meets the requirements of the 157 standards that are not disputed and to provide staff across the Council with training and advice on how to deal with enquiries in Welsh, and how to amend procedures to ensure that we actively offer a Welsh language service to customers.

## **6 EQUALITY AND DIVERSITY IMPLICATIONS**

- 6.1 The Standards are being introduced as part of the Welsh Language

Measure 2011, designed to put the Welsh language on an equal footing with the English language. An Equality Impact Assessment (EQIA) screening was prepared as part of the previous report considered on 17<sup>th</sup> March 2016. A full report was deemed not to be required.

## **7 CONSULTATION**

- 7.1 A consultation process has been undertaken with residents across Rhondda Cynon Taf to gather feedback on their priorities for Welsh Language services. The feedback is currently being collated and a report will be prepared for consideration.

## **8 FINANCIAL IMPLICATION(S)**

- 8.1 Although there are no financial implications aligned to this report, Members are reminded that there are potentially significant cost and resource implications in delivering the Standards which are still to be ascertained. Non compliance to the standards could potentially incur penalties to the Council which could be of a cost of up to £5,000 per breach.

## **9 LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED**

- 9.1 Welsh Language Statutory Standards: Appeal under s54 of the Welsh Language (Wales) Measure 2011

## **9 LINKS TO THE COUNCILS CORPORATE PLAN / OTHER CORPORATE PRIORITIES/ SIP.**

- 9.1 Links to the Council / SIP Themes:
- Welsh Language - Accessing services in the language of your choice.
  - Valuing difference - Making sure that everybody has an equal opportunity to get the most out of their life. This means that everybody is able to access the services they need, in the language of their choice and make their voice heard.

## **10 CONCLUSION**

- 10.1 The Council has a good track record of implementing its Welsh Language Scheme and providing opportunities for residents to access services through the medium of Welsh. Nevertheless implementation

of the Final Compliance Notice as it stands will pose a significant challenge.

- 10.2 If the Commissioner determines that the 14 standards under dispute are to remain as they stand on the Final Compliance Notice, the Council will need to decide whether to take its case to the Welsh Language Tribunal for consideration.
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**Other Information:-**

***Relevant Scrutiny Committee***

Public Service Delivery, Communities & Prosperity Committee

***Contact Officer***

Wendy Edwards, Head of Community Learning.

**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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**Item:**

**Background Papers**

Cabinet Report – 17<sup>th</sup> March, 2016

Welsh Language Cabinet Steering Group – 7<sup>th</sup> March, 2016

Officer to contact: Wendy Edwards, Head of Community Learning.