

**BRIDGEND COUNTY BOROUGH COUNCIL**  
**REPORT TO CABINET EQUALITY COMMITTEE**

**23 MAY 2011**

**REPORT OF THE ASSISTANT CHIEF EXECUTIVE – PERFORMANCE**

**WELSH LANGUAGE (WALES) MEASURE 2011**

**1. Purpose of Report**

To update the Cabinet Equality Committee on the position as regards the Welsh Language (Wales) Measure 2011.

**2. Connection to Corporate Improvement Plan / Other Corporate Priority**

The Welsh Language (Wales) Measure 2011 will replace Welsh Language Schemes with a set of enforceable national 'standards'. These national standards will impact upon the work of the whole council. They will be linked to the equalities agenda, and will form a key component of the council's Customer Care Programme.

**3. Background**

The proposed Welsh Language (Wales) Measure was introduced by the Welsh Assembly Government in March 2010. The intention of the proposed Measure was to modernise the existing legal framework from the 1993 Welsh Language Act – promoting consistency in Welsh language service provision throughout Wales, bringing a number of private sector organisations who provide services to the public under the scope of the new law, and establishing the office of a Welsh Language Commissioner with a stronger enforcement role than the Welsh Language Board which it would replace.

The Cabinet Equality Committee received a report and presentation on the proposed Measure on 12 April 2010, and contributed to the response which was submitted on behalf of the council in reply to the public consultation on the proposed Measure.

**4. Current situation / proposal**

- 4.1** Although the Welsh Language (Wales) Measure 2011 has now been passed, the exact content and nature of the standards is yet to be established, and the associated codes of practice are still to be developed by the yet to be appointed Welsh Language Commissioner. There is therefore much uncertainty over how the duties on local authorities in respect of the Welsh Language will change. Until such

time as the standards become operational, the Council's Welsh Language Scheme remains an active document.

**4.2** The public consultation period on the introduction of the proposed measure closed on 11 May 2010. A total of 273 individual responses were received from private companies, public bodies as well as from members of the public. Responses were submitted by three local authorities - Carmarthenshire County Council, Anglesey County Council and Bridgend County Borough Council.

**4.3** The consultation response from this council was positive in that it welcomed developments in legislation which would offer a more consistent level of service to Welsh speakers and ease some of the bureaucratic and administrative burden. However the response also commented that it was difficult to assess the appropriateness and understand exactly what the implications of the proposed Measure would be until the standards and codes of practice were produced. The response also raised a number of other key points and concerns, which are listed in the table below. An update further to the passing of the Measure has also been provided alongside each issue.

<b>BCBC consultation response</b>	<b>Update</b>
<p>The response stated that the potential increase in service delivery costs to local government which new duties may result in was of serious concern. The response commented that the new duties should reflect local demand for services and the capacity of local organisations and their workforces to deliver.</p>	<p>Although the financial implications of the Measure for local government are still unclear, due to the standards and codes of practice not yet having been produced, the Welsh Language (Wales) Measure 2011 does provide that the standards set for each organisation should be reasonable and proportionate. Organisations also have a right to challenge the duties placed on them if they believe they are not reasonable and proportionate.</p>
<p>The response stated that for the national approach promoting the Welsh language to become solely based around enforcement and compliance and sanctions, rather than around positive promotional work, would be of concern.</p>	<p>The Welsh Language (Wales) Measure 2011 as passed incorporates an amendment which clarifies that the principal aim of the Commissioner in exercising his or her functions is to promote and facilitate the use of the Welsh language.</p>
<p>The response commented that it was hoped that all the proposed functions of the Welsh Language Commissioner – advocacy, policy development, setting standards, enforcement – could be performed without conflicts of interest arising, and without creating unrealistic expectations for the office of the Commissioner.</p>	<p>The Welsh Language (Wales) Measure 2011 which strengthens the independence of the Commissioner from the Welsh Assembly Government. A further amendment was tabled following the consultation period which sought to separate the responsibilities for promoting and regulating the Welsh language, but this was not approved as the view was expressed that this would constrain the structure of the Commissioner's office and</p>

	the scope of his/her work.
The response remarked that BCBC would expect the office of the proposed new Welsh Language Commissioner to develop its own style of working with local organisations and to consult them about proposed changes.	The Welsh Language (Wales) Measure 2011 does not specify a duty for the standards to be consulted upon, however it does specify a duty for the codes of practice which will support the standards to be consulted upon.

**4.4** The Welsh Language (Wales) Measure was passed in plenary on 7 December 2010 and received Royal Approval on 9 February 2011. It meets the three One Wales commitments:

- confirms the official status of the Welsh language;
- creates a new system of placing duties on bodies to provide services through the medium of Welsh;
- creates a Welsh Language Commissioner with strong enforcement powers to protect the rights of Welsh speakers to access services through the medium of Welsh;
- establishes a Welsh Language Tribunal;
- gives individuals and bodies the right to appeal decisions made in relation to the provision of services through the medium of Welsh
- creates a Welsh Language Partnership Council to advise Government on its strategy in relation to the Welsh language;
- allows for an official investigation by the Welsh Language Commissioner of instances where there is an attempt to interfere with the freedom of Welsh speakers to use the language with one another.

**4.5** Guidance from the Welsh Assembly Government on the Welsh Language (Wales) Measure 2011 is currently awaited. It is expected to be published by January 2012, though this timescale may extend.

**4.6** It may be two or three years before the national standards become operational and can replace the existing Welsh Language Schemes. Local authorities are expected to continue to work with their existing Welsh Language Schemes in the meantime. Proposals to update Bridgend County Borough Council's current Welsh Language Scheme for 2011/12 will be developed and submitted to the Cabinet Equality Committee for consideration in August 2011.

**4.7** The standards will build on the existing Welsh Language Schemes in that they will broadly cover the same subject areas, however an additional duty to promote or facilitate the use of the Welsh language more widely will be placed upon local authorities.

**5. Effect upon Policy Framework & Procedure Rules**

As this is an information report, there are no proposed changes to the Policy Framework and Procedure Rules.

**6. Equality Impact Assessment**

No equality impact assessment has been carried out in relation to this report as it is an information report. The Welsh Language Scheme continues to support the authority's equality agenda and will do so until such time as the national standards become operational.

## **7. Financial Implications**

The Welsh Language (Wales) Measure 2011 may have financial implications for local government, but this will not be fully understood until the standards and accompanying codes of practice are produced.

## **8. Recommendation**

It is recommended that the Cabinet Equalities Committee receive and consider this report.

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**10 May 2011**

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## **Background documents**

Welsh Language (Wales) Measure 2011  
National Assembly for Wales (Legislative Competence) (Welsh Language) (Order) 2010  
Welsh Language Act (1993)