

REPORT OF ADMINISTRATION & DEMOCRATIC SERVICES MANAGER

SUBJECT: PROPOSED STANDARDS RELATING TO THE WELSH LANGUAGE

Purpose of report

To appraise Members of the publication of the Welsh Government's proposed standards relating to the Welsh language.

Background

The Welsh Language Act 1993 required public bodies to adopt the principle that, in the conduct of public business in Wales, they would treat the English and Welsh languages on a basis of equality. To this effect, all public bodies were required to publish a scheme in which they set out how they would give effect to that principle. The then Welsh Language Board approved the Pembrokeshire Coast National Park Authority's Welsh Language Scheme in 1997, and the Revised Version was approved in 2008. The Authority is required to publish an annual Monitoring Report on its performance against this Scheme to the Welsh Language Commissioner (previously to the Welsh Language Board).

Welsh Language Standards

The Welsh Language (Wales) Measure 2011 modernises the legal framework regarding the use of the Welsh language in the delivery of public services, in that it enables the Welsh Ministers to specify standards of conduct relating to the Welsh language. These standards will gradually replace the existing system of Welsh language schemes provided for by the Welsh Language Act 1993.

The first set of standards is focused on County Borough Councils and County Councils in Wales, the three Welsh National Park Authorities and the Welsh Ministers. It has been prepared with the principles which guided the development of the Welsh Language (Wales) Measure 2011 in mind and comprises five types of standard:

- Service delivery – a type of duty imposed to promote or facilitate the use of the Welsh language or to ensure that the Welsh language is treated no less favourably than English in the following circumstances:
 - When persons that are subject to the standard deliver services to others, or

- When they deal with others in connection with the delivery of those services.
- Policy making – a type of duty which will require persons to consider the effect of their policy decisions upon opportunities for other persons to use the Welsh language, or upon treating the Welsh language no less favourably than English.
- Operation standard – a type of duty imposed to promote and facilitate the use of the Welsh language in relation to the carrying out by a person of their functions, business or other undertaking.
- Promotion standard – a type of duty imposed in respect of taking steps to promote and facilitate the use of the Welsh language more widely.
- Record keeping standard – a duty imposed in respect of keeping and maintaining details regarding compliance with the other four standards as well as any other complaints concerning the language.

Implementation timetable

In brief, the under-mentioned process will be followed:

- 6th January: Exploration Notice issued by the Welsh Language Commissioner stating that a standards investigation will be carried out in the coming weeks to determine whether “a person”¹ should be liable to be required to comply with the standards and, if so, what standards should be specifically applicable to them.
- 27th January: Standards Investigation commences. Further documentation will be provided on this date, which will explain the investigation procedure and the evidence which will be requested as part of the investigation. In carrying out a standards investigation, the Commissioner must have regard to the need to secure that requirements for persons to comply with standards are not unreasonable or disproportionate.
- 18th April: Standards Investigation ends.
- May: Welsh Language Commissioner presents Standards Report to the Welsh Ministers in due course on the conclusions reached.
- September: Draft Welsh Language Standards published by Welsh Ministers. Welsh Ministers must have due regard to the Commissioner’s Standards Report in deciding whether, and how, to apply the standards to the organisations in question.

¹ Section 61(2) of the Welsh Language (Wales) Measure 2011 allows a standards investigation to be carried out in relation to a particular person, or a group of persons. The “person” concerned in this particular notification is the Pembrokeshire Coast National Park Authority.

November: Regulations relating to Welsh Language Standards come into force.

31st January

2015: Compliance Notice issued. Once the Welsh Ministers have agreed and laid the Welsh Language Standards through subordinate legislation, the Welsh Language Commissioner will issue a Compliance Notice, which sets out which standard(s) an organisation has a duty to comply with, and by when it is expected to comply.

Annual Monitoring Report – transitional arrangements

The Authority is required to publish a report each year on its performance against its Welsh Language Scheme. Until such time as the Welsh Language Standards have been set by the Welsh Ministers, the Authority will still be required to report as usual.

Financial considerations

Dependent upon the findings of the Standards Investigation and resultant Welsh Language Standards.

Risk considerations

There is a legal requirement for the Authority to comply with the resultant Welsh Language Standards and there is a financial penalty if it does not.

Compliance

The proposal complies with Outcome 8 of the Corporate Strategy: The Authority is recognised as meeting good practice standards in terms of governance, providing value for money and listening to the views of residents, visitors and partners.

Human Rights/Equality issues

The Authority has previously adopted the principle that, in the conduct of public business in Wales, it will treat the English and Welsh languages on a basis of equality and will continue to do so.

Biodiversity implications/Sustainability appraisal

No implications.

Welsh Language statement

The Authority has previously adopted the principle that, in the conduct of public business in Wales, it will treat the English and Welsh languages on a basis of equality and will continue to do so.

RECOMMENDATION:

That Members note the report.

Background papers:

Various letters from the Welsh Language Commissioner in relation to the implementation of Welsh Language Standards
The Pembrokeshire Coast National Park Authority's Welsh Language Scheme
The Welsh Language (Wales) Measure 2011

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