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Communities, Equality and Local Government Committee

Local Government (Wales) Bill: Stage 1

Response from: Welsh Language Commissioner  
Committee Clerk

Communities, Equality and Local Government Committee

National Assembly for Wales

Cardiff Bay

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13/03/2015

Dear Clerk

### **Consultation on the Local Government (Wales) Bill**

1. The Welsh Language Commissioner welcomes the opportunity to comment on the Local Government (Wales) Bill. The following comments specifically relate to the principles of the Bill and any unintended implications which could derive from the Bill. Also, attention is drawn to specific clauses in the context of the requirements of the Welsh Language (Wales) Measure 2011.
2. The principal aim of the Commissioner is to promote and facilitate the use of the Welsh language. This entails raising awareness of the official status of the Welsh language in Wales and by imposing standards on organizations. This, in turn, will lead to the establishment of rights for Welsh speakers.

Two principles underpin the work of the Commissioner:

- In Wales, the Welsh language should be treated no less favourably than the English language;
- People in Wales should be able to live their lives through the medium of Welsh if they choose to do so.

In due course, secondary legislation will introduce new powers allowing the setting and imposing of standards on organizations. Until then, the Commissioner will continue to inspect statutory language schemes through the powers inherited under the Welsh Language Act 1993.

The post of Commissioner was created by the Welsh Language (Wales) Measure 2011. The Commissioner may investigate failure to implement a language scheme; interference with the freedom to use Welsh in Wales and, in future, complaints regarding the failure of

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organizations to comply with standards.

One of the Commissioner's strategic objectives is to influence the consideration given to the Welsh language in policy and legislative developments. Thus, one of the Commissioner's principal roles is to provide comments in accordance with this remit, acting as an independent advocate on behalf of Welsh speakers in Wales who might be affected by these proposed changes. Such an approach is advocated to avoid any potential compromise of the Commissioner's regulatory functions and should the Commissioner wish to conduct a formal review of individual bodies' performance or the Welsh Government's performance in accordance with the provisions made in the Measure.

### 3. Welsh Language (Wales) Measure 2011 Standards

You will be aware that the Right Hon. Carwyn Jones AM, First Minister laid the Welsh Language Standards (No.1) Regulations 2015<sup>1</sup> before the Assembly on 3 March 2015, and a vote to approve them will be held at the Plenary Meeting of the National Assembly on 24 March 2015. If approved, the standards will come into force on 31 March 2015, enabling the Welsh Language Commissioner to issue Compliance Notices for the first set of standards to 26 organizations. These organizations will have to comply with the standards relevant to their organizations within a period of 6 months, commencing on the day the compliance notice is issued to them. The Welsh Government and the 22 current local authorities are among the 26 bodies. They will be required to comply with standards in 5 areas, namely:

- Service delivery
- Policy making
- Operational
- Promotion
- Record keeping

4. The Commissioner has already submitted comments to the Welsh Government on two consultations on local government reorganization namely on the *Welsh Government*

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<sup>1</sup> [http://www.assembly.wales/laid%20documents/sub-ld10115%20-%20the%20welsh%20language%20standards%20%20\(no.%201\)%20regulations%202015%20rheoliadau%20safonau%e2%80%99r%20gymraeg%20\(rhif%201\)%202015/sub-ld10115-e.pdf](http://www.assembly.wales/laid%20documents/sub-ld10115%20-%20the%20welsh%20language%20standards%20%20(no.%201)%20regulations%202015%20rheoliadau%20safonau%e2%80%99r%20gymraeg%20(rhif%201)%202015/sub-ld10115-e.pdf)



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*White Paper: Reforming Local Government*<sup>2</sup> and the *Public Services Staff Commission*<sup>3</sup>. Our comments regarding the reorganization of local government have focused on the impact of the reorganization on Welsh and bilingual workplaces and how to plan the workforce in order to facilitate compliance with the requirements of the Welsh Language (Wales) Measure 2011. Also, the implications of local government reorganization on the communities served should be taken into account, especially as there is a relationship between the use of language in the workplace and in the community.

The workplaces or sections of the workplaces of many local authorities operate either bilingually or in Welsh only. Therefore Welsh is the working language of many officers. This is the result of purposeful planning and policy decisions over a number of years. Also, as a result of the Welsh Language (Wales) Measure 2011, a number of organizations will be required to comply with operational standards, namely standards involving the use of the Welsh language within a body's internal administration. It is important that the changes resulting from the Local Government (Wales) Bill do not undermine people's ability to use the Welsh language at work and that rather, it provides an opportunity to increase bilingual workplaces and the opportunity for workers to work and use their skills in the Welsh language. Indeed, one of the Welsh Government's strategic areas in its strategy document on the Welsh language *A Living Language: A Language for Living*<sup>4</sup> is to increase opportunities for people to use Welsh in the workplace, also noting that 'the workplace also has a role in building the confidence of Welsh speakers to use the language in other areas of their lives'.

5. Welsh is spoken in every community in Wales, and it is the main natural daily language for many of those communities. The sustainability of the Welsh language as the main language of a number of these communities is a cause for concern, especially following the 2011 Census results, which show, not only a reduction in the number of Welsh speakers in Wales, but also a significant reduction in those communities where Welsh is spoken by over 70% of the population. This is as a result of inward migration and outward migration, especially of Welsh speaking young people migrating from their communities to find work. Local authorities are one of the main employers in Wales. It is therefore

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<sup>2</sup>

[http://www.comisiynyddygydraeg.org/English/Publications%20List/20141001%20LL%20C%20Ymateb%20i%20ymgynhoriad%20ar%20ddiwygio%20Llywodraeth%20Leol%20\(Terfynol\).pdf](http://www.comisiynyddygydraeg.org/English/Publications%20List/20141001%20LL%20C%20Ymateb%20i%20ymgynhoriad%20ar%20ddiwygio%20Llywodraeth%20Leol%20(Terfynol).pdf)

<http://www.comisiynyddygydraeg.org/English/Publications%20List/2015013%20LL%20S%20Response%20of%20Welsh%20Language%20Commissioner%20Public%20Services%20Staff%20Commission%20White%20Paper.pdf>

<sup>4</sup> <http://gov.wales/docs/dcells/publications/122902wls201217en.pdf>



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essential that any changes made to local authorities resulting from the Local Government (Wales) Bill should reinforce Welsh communities by ensuring employment and opportunities to use the Welsh language in the workplace.

6. In particular, we would like to submit comments on the following sections of the Local Government (Wales) Bill in this letter:

- i. Section 5 Guidance about merger applications
- ii. Section 10 Other consequential etc. provision
- iii. Section 13 Functions of transition committees
- iv. Section 16 (4) (d)
- v. Section 17 Directions and guidance to Commission

**7. Section 5 Guidance about merger applications, and specifically, guidance regarding 'matters that should be taken into account in formulating the proposal contained in an application under section 3(1)' Section 5 (1) (d)**

It is fair to note that local authority mergers could affect opportunities for people to use the Welsh language. We would expect that guidance issued by Welsh Ministers regarding merger applications would include guidance about taking into account matters involving the Welsh language, and especially statutory duties regarding the Welsh language.

**8. Section 10 Other consequential etc. provision and in particular Section 10(4) (a)**

Here, we would expect that the liabilities of merging authorities include liabilities to comply with the requirements of the Welsh Language (Wales) Measure 2011.

**9. Section 13 Functions of transition committees, and in particular 13(1)(a) and 13(1)(b)**

In accordance with 7 above, we would expect that transition committees will provide advice and recommendations to merging authorities regarding facilitating the transfer of liabilities involving compliance with the requirements of the Welsh Language (Wales) Measure 2011.

**10. Section 13 Functions of transition committees, and in particular 13(2) - giving direction**

Here, we would expect that the directions given by Welsh Ministers will require transition committees to consider local authority liabilities to comply with the requirements of the Welsh Language (Wales) Measure 2011. Also, in accordance with what is noted in 4 and 5 above, we consider that it would be positive for the transition committee to consider



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providing advice and recommendations to the merging authorities regarding how to extend the opportunities to work through the medium of Welsh and bilingually in the merging organizations, including taking into account the suitability of making the Welsh language the internal administration language of the merging organizations.

**11. Section 13 Functions of transition committees, and in particular 13(4) - giving directions**

From the explanatory memorandum, we understand that the guidance issued under the Bill requires that transition sub-committees ensure that matters involving the Welsh language are considered here. We expect that the guidance issued by Welsh Ministers would require transition committees to take into account local authority liabilities to comply with the requirements of the Welsh Language (Wales) Measure 2011. The explanatory memorandum also notes the need to ensure that awareness of matters involving the Welsh language is part of the work culture of new authorities from the onset. We consider that it would be positive for the transition committee to provide advice and recommendations to the merging authorities regarding how to extend the opportunities to work through the medium of Welsh and bilingually in the merging organizations, including considering the suitability of making the Welsh language the internal administration language of the merging organizations.

**12. Section 16 (4) (e)**

We consider that the name of any electoral ward or community ward would include a Welsh and English name, or a Welsh name only.

**13. Section 17 Directions and guidance to Commission**

We consider that the directions and guidance to the Commission would include directions and guidance in accordance with the policy making standards noted in 7 above.

Furthermore, we believe that they should also take into account the linguistic make up of the communities that they serve.

14. Thank you for the opportunity to submit written evidence to you regarding the Local Government (Wales) Bill. I would be happy to contribute further to the investigation, and provide oral evidence should you so wish.

Yours truly,

**Meri Huws**



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