

## Consultation Response Form

Your name: Welsh Language Commissioner

Organisation (if applicable): Welsh Language  
Commissioner

email / telephone number: 0345 6033221;  
lowri.williams@cyg-wlc.cymru

Your address:

## Summary of consultation questions

### *Consultation Question One:*

**a) *What are your views on CJCs being subject to broadly the same powers and duties as principal councils?***

We agree that the corporate joint committees should be considered members of the 'local government family' as this would ensure that they are subject to Welsh language standards in accordance with the Welsh Language (Wales) Measure 2011. This would avoid the current ambiguity that exists regarding the duties of many regional cross-border bodies such as education consortia and the growth / city deals in terms of compliance with Welsh language standards.

**b) *Do you agree that CJCs should have broadly the same governance and administrative framework as a principal council provided that this is proportionate? Please give your reasons.***

Some principal councils and/or council departments operate exclusively or mainly through the medium of Welsh and others are committed to increasing the use of Welsh as an administrative language within their organisations. As they are new bodies that will be newly established, this is an excellent opportunity to establish the practice of administering the Corporate Joint Committees through the medium of Welsh from the outset, following the practice already established within these councils. This practice should be incorporated into the governance framework and administrative arrangements of the Corporate Joint Committees from the outset.

**c) *Do you agree that members of CJCs should have appropriate discretion on the detail of constitutional and operational arrangements? Please give your reasons.***

No comment.

### *Consultation Question Two:*

***These CJC areas have been agreed by local government Leaders as the most appropriate to reflect the functions being given to CJCs by these Establishment Regulations. Do you have any comments or observations on these CJC areas in relation to these functions or the future development of CJCs?***

We understand that consultation has taken place to determine the functions of Corporate Joint Committees. However, we believe it would be useful to know what consideration was given to the Welsh language in determining these areas given the policy making standards that local authorities are subject to. In many cases these regions cover very different and diverse linguistic as well as economic and social areas. The collaboration between these joint committees must be a means of strengthening the Welsh language and increasing opportunities for its use in each region and must not lead to undermining its position at all. This is especially true in the context of the areas in which the joint committees will be collaborating such as planning, transport, economic well-being and education. As noted above, this is an opportunity to establish Welsh as the administrative language of these new bodies.

### **Consultation Question Three:**

- a) Do you agree with the approach to the development of the regulations for CJsCs as outlined in this consultation? Please give your reasons.**

No comment.

- b) We have indicated throughout this document what may be included in the Regulations of General Application, subject to the outcome of this consultation. Whilst the Regulations of General Application are not the subject of this consultation, in order to inform their development we would welcome your views on anything else which should be covered?**

We are very keen to receive clarity on how the Welsh Government will ensure that the corporate joint committees will operate in accordance with the Welsh Language Standards (No.1) Regulations 2015 from the outset. As the Corporate Joint Committees will be responsible for matters for which principal councils - who already operate in accordance with the Welsh language standards - are already responsible we do not see why this would not be possible. We understand from the comments of the Minister for Housing and Local Government<sup>1</sup> that this is intended through 'general regulations'. The regulations you are consulting on do not do this so we assume that the general qualifying regulations will make provision for the corporate joint committees to be brought under the Welsh language standards and that the corporate joint committees will therefore operate in accordance with the same regulations as county councils from the outset.

### **Consultation Question Four:**

- a) Do you agree with the proposed approach to membership of CJsCs including co-opting of additional members? Please give your reasons.**

No comment.

- b) What are your views on the role proposed for National Park Authorities on CJsCs, as described above?**

No comment.

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<sup>1</sup> [Plenary 10/11/2020 - Welsh Parliament \(assembly.wales\)](https://www.assembly.wales/plenary/10/11/2020)

### **Consultation Question Five:**

- a) What are your views on the proposed approach of 'one member one vote' and the flexibility for CJsCs to adopt alternative voting procedures?**

No comment.

- b) What are your views on the proposed quorum for CJsCs?**

No comment.

- c) What are your views on the proposed approach to voting rights for co-opted members to a CJC?**

No comment.

### **Consultation Question Six:**

**What are your views on CJsCs being able to co-opt other members and/or appoint people to sit on sub-committees?**

No comment.

### **Consultation Question Seven:**

- a) Do you agree that the approach to co-option of members would enable wider engagement of stakeholders in the work of a CJC?**

No comment.

- b) What might be needed to support CJC members in the involvement and engagement of appropriate stakeholders in their work?**

In the context of the well-being objective 'A Wales with a vibrant culture in which the Welsh language thrives' it must be ensured that corporate joint committees across Wales engage with local and national bodies working to promote the Welsh language, such as the Mentrau Iaith, the Urdd etc. This is particularly the case when corporate joint committees are required to operate in accordance with policy making standards which means that they will need to consider the effects of their policy decisions on the Welsh language when formulating a new policy, or reviewing or modifying an existing policy.

### **Consultation Question Eight:**

- a) **Do you agree that members and staff of a CJC should be subject to a Code of Conduct and that the code should be similar to that of Principal Councils? Please give your reasons.**

No comment.

- b) **What are your views on the adoption of a Code of Conduct for co-opted members?**

No comment.

- c) **Should all co-opted members be covered by a code i.e. those with and without voting rights?**

No comment.

### **Consultation Question Nine**

- a) **What are your views on the proposed approach for determining the budget requirements of a CJC?**

No comment.

- b) **What are your views on the timescales proposed (including for the first year) for determining budget requirements payable by the constituent principal councils?**

No comment.

### **Consultation Question Ten**

- a) **Do you agree that CJsCs should be subject to the same requirements as principal councils in terms of accounting practices? Please give your reasons.**

No comment.

- b) **Do you agree that the detail of how a CJC is to manage its accounting practices should be included in the Regulations of General Application? If not what more would be needed in the Establishment Regulations?**

No comment.

### **Consultation Question Eleven:**

#### **What are your views on the proposed approach to staffing and workforce matters?**

The consultation documents states that ‘the aim is to ensure that CJsCs do not adopt significantly different arrangements to the majority of their constituent principal councils, supporting the interchange of staff and collaborative working where possible. This approach will also ensure that a CJC is not used as a vehicle to erode (or indeed inflate) pay structures through the transfer of staff / functions to a CJC and where there is deviation / difference such deviation / difference is clear and transparent’ and ‘that where a member of staff appointed by a CJC has been transferred to a CJC from a constituent council, TUPE principles will apply’. In this respect it is important to note that some councils and / or departments of

councils operate exclusively or mainly through the medium of Welsh and others are committed to increasing the use of Welsh as the administrative language of the organisation. There is a need to ensure that transferring to work for a corporate joint committee does not erode opportunities for individuals to work through the medium of Welsh and requirements should be included in these regulations or the general qualifying regulations that protect this. In addition, it must be ensured that corporate joint committees have procedures in place that enable principal council officers with whom they work to continue to work through the medium of Welsh both when writing and orally without placing an additional burden on them.

### ***Consultation Question Twelve:***

***What are your views in relation to CJCs being required to have or have access to statutory “executive officers”?***

No comment.

### ***Consultation Question Thirteen:***

***Do you have any other views on provision for staffing or workforce matters within the establishment regulations?***

No comment but please see our response to question 11 on staffing matters also.

### ***Consultation Question Fourteen:***

***a) Is it clear what functions the CJCs will exercise as a result of these establishment regulations? If not, why?***

We understand the current proposed functions of Corporate Joint Committees with regards to development, transport and economic well-being. However, at present the accountability of a number of regional bodies including education consortia and Regional Partnership Boards (established in accordance with the Social Care and Well-being (Wales) Act 2014, in relation to Welsh language standards is unclear and the consultation document does not provide clarity on these matters.

***b) Do the establishment regulations need to say more on concurrence, if so what else is needed, or should that be left to local determination?***

It is not clear how the CJC’s work will relate to the work and priorities of local authorities in areas directly influenced by development, transport and economic well-being. For example, local authorities are required by the Welsh language standards to produce, and publish on their websites, a 5 year strategy that explains how they intend to promote the Welsh language and facilitate the wider use of the Welsh language in their area. It is reasonable to think that there would be a direct link between matters relating to development, transport, economic well-being and education and opportunities to use Welsh in these fields. The same is true for example in terms of the statutory requirement on all local authorities to publish Welsh in Education Strategic Plans. There must therefore be a direct link between the principal councils’ priorities in relation to the Welsh language and the policies and work of the Corporate Joint Committees. More clarity is needed on this as the linguistic nature of many of the local authorities covered by the joint corporate committees varies considerably.

- c) ***In your view are there any functions which might be appropriate to add to these CJs in the future? If yes, what?***

No comment.

#### ***Consultation Question Fifteen:***

- Do you think the regulations should provide for anything to be a decision reserved to the CJC rather than delegated to a sub-committee? If so what?***

No comment.

#### ***Consultation Question Sixteen:***

- What are your views on the approach to transfer of the exercise of functions to these CJs?***

Please see our response to question 14b.

#### ***Consultation Question Seventeen:***

- What are your views on CJs being subject to wider public body duties as described above?***

We fully support the intention that CJs will operate in accordance with the same Welsh language standards as those of existing local authorities as stated by the Minister for Housing and Local Government on 10 November 2020. The Welsh Language (Wales) Measure 2011 sets out a framework and specific steps for setting standards and we ask you to ensure that you allow sufficient time for the CJs to operate in accordance with the standards immediately from the day that they come into existence in order to ensure that there are no gaps in compliance with Welsh language standards. We note however that the Establishment Regulations will require each of the established Joint Corporate Committees to hold its first meeting by the end of September 2021. We therefore look forward to working with the Welsh Government and the prospective CJs very early in 2021 to ensure that they comply with the Welsh Language Standards (No.1) Regulations 2015 by that date. We will be writing to the Minister to discuss the timetable that will enable this.

#### ***Consultation Question Eighteen:***

- a) ***The Welsh Government is keen to continue working closely with local government and others on the establishment and implementation of CJs. Do you have any views on how best we can achieve this?***

No comment.

- b) ***In your view, what core requirements / components need to be in place to ensure a CJC is operational, and exercising its functions effectively?***

As noted above, corporate joint committees should operate in accordance with the Welsh Language Standards (No.1) Regulations 2015 from the first day of their existence.

- c) ***In particular, what do you think needs to be in place prior to a CJC meeting for the first time, on the day of its first meeting and thereafter?***

Please see our response to 18b above.

#### ***Consultation Question Nineteen:***

**a) Do you think it would be helpful for the Welsh Government to provide guidance on the establishment and operation of CJsCs?**

Yes, please see below.

**b) Are there any particular areas which should be covered by the guidance?**

Guidelines should encompass matters relevant to the Welsh language which include the following:

- How to administer in Welsh internally, with encouragement for these new bodies to administer through the medium of Welsh in order to achieve the Welsh Government's objectives of increasing the number of people who use the Welsh language on a daily basis and work through the medium of Welsh. The Welsh Government in the 2050 Welsh Language Strategy<sup>2</sup> states: 'Some bodies are already leading the way in this respect and use the Welsh language as the language of internal administration, subsequently increasing the demand for, and opportunities to use, Welsh language skills. As the main employer of front-line public services in Wales, increasing the use of Welsh within the workplaces of local government and the health and social care sector will be very important in this regard'
- Ensuring that staff who transfer to working for corporate joint committees continue to be able to work through the medium of Welsh when
- Enabling and protecting the Welsh language administration practices of existing councils when they work with corporate joint committees.
- How the priorities and duties of local councils in relation to the promotion of the Welsh language will be considered and respected in the operation of corporate joint committees.

**Consultation Question Twenty:**

**a) How can the Welsh Government best support principal councils to establish CJsCs?**

No comment.

**b) Are there areas the Welsh Government should prioritise for support?**

Matters in relation to the Welsh language, please see our response to question 19.

**c) Is there anything that CJsCs should/should not be doing that these Establishment Regulations do not currently provide for?**

No comment.

**Consultation Question Twenty One:**

**a) Do you agree with our approach to, and assessment of, the likely impacts of the regulations? Please explain your response.**

It is noted that 'It is not expected that establishing CJsCs will have a negative impact on the use of the Welsh language or on Welsh language communities'. However, we should draw your attention to the importance of protecting and promoting the practice of internal administration through the medium of Welsh. We believe that more detailed guidance on this must be provided so that the establishment of the corporate joint committees does not undermine the practice of administering organisations internally

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<sup>2</sup> [Cymraeg 2050: A million Welsh speakers \(gov.wales\)](https://gov.wales/cymraeg-2050)



through the medium of Welsh, which would be contrary to the Welsh Government's own objectives in the Welsh Language Strategy 2050 as already noted.

**b) Do you have any additional/alternative data to help inform the final assessment of costs and benefits contained within the Regulatory Impact Assessment? If yes, please provide details.**

No comment.

## Welsh Language Questions

### *Consultation Question Twenty Two:*

**a) We would like to know your views on the effects that establishment of CJsCs would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.**

We have highlighted a number of potential impacts on opportunities to use the Welsh language that could result from the establishment of joint corporate committees. These include:

- The potential impact on opportunities to work through the medium of Welsh, and the importance of promoting opportunities for internal administration in Welsh and continuing to enable organizations and individuals already working in Welsh to do so
- That the joint committees will serve areas that vary linguistically and that there is a need to ensure that the Welsh language is given full consideration as the joint committees make policy decisions that apply to the whole region. n served.
- The importance of ensuring that the work of the joint committees reflects the priorities of all councils in promoting opportunities to use the Welsh language

**b) What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?**

Above all, it must be ensured that the corporate joint committees operate in accordance with the Welsh Language Standards (No.1) Regulations 2015. The standards would mean that CICs would have to operate in accordance with policy making standards which means that they would have to consider the impact of their policy decisions on the Welsh language. They would also make some provisions for the use of Welsh internally.

We have stated in our answer to question 19 that it would be possible to provide guidance on internal administration as one way of supporting the work of the corporate joint committees. This would be in addition to requiring them to comply with Welsh language standards. As they are new bodies that will be set up from scratch, this is also a great opportunity to establish new language practices from the outset, including specifying that Welsh will be the administrative language of the corporate joint committees. We believe that this suggestion should be given serious consideration in line with the Welsh Government's vision for internal administration as set out in the Cymraeg 2050 Strategy.

Consideration should also be given to the potential for developing corporate joint committees in areas that share many similar characteristics economically, linguistically and socially and face similar economic and planning challenges, such as north west and west



Wales. We have noted that it would be good to receive further clarity on the consideration given to the impact of the designation of these regions on the Welsh language.

**Consultation Question Twenty Three:**

***Please also explain how you believe the proposed policy for the establishment of CJsCs could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.***

Please see our response to question 22.

**Consultation Question Twenty Four:**

***We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:***

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**Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:**