
LANGUAGE COMMITTEE, 10.10.13

Present: Councillor Liz Saville Roberts (Chair).

Councillors: Craig ab Iago, Elwyn Edwards, Tom Ellis, Alan Jones Evans, Alwyn Gruffydd, Dyfrig Jones, Eric Merfyn Jones, Mair Rowlands, Gareth Thomas, Eirwyn Williams, Elfed Williams, Gruffydd Williams and Mandy Williams-Davies.

Officers: Gareth Jones (Senior Planning Service Manager), Sion Huws (Compliance and Language Manager), Nia Davies (Planning Manager – Policy), Ruth Richards (Equality and Language Officer) and Eirian Roberts (Member Support and Scrutiny Officer).

Observer: Councillor Ioan Thomas (Cabinet Member – The Welsh Language).

Apology: Councillor Gweno Glyn.

1. VICE-CHAIR

RESOLVED to elect Councillor Gweno Glyn as Vice-chair of this committee for 2013/14.

2. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any members present.

3. URGENT ITEM – PROCUREMENT SCRUTINY INVESTIGATION – INPUT OF THE LANGUAGE COMMITTEE

This item had not been included on the agenda but the Chair agreed to discuss it as an urgent item under Section 100B (4) (b) of the Local Government Act 1972 as the Sustainable Procurement Scrutiny Investigation would be recommending to the Corporate Scrutiny Committee and the Cabinet Member in January that the Language Committee examines the use of the Welsh language within the main departments which prepared tenders.

By virtue of her post as Group Chairman, Councillor Mair Rowlands explained that the group had been examining the appropriateness of the sustainable procurement policies and guidance and that the group were of the opinion that the current position did not reflect the importance of the language guidance.

RESOLVED to include the matter on the agenda of the Language Committee for the January meeting.

4. MINUTES

The Chair signed the minutes of the previous meeting of this committee held on 27 June, 2013 as a true record.

5. THE LANGUAGE COMMITTEE'S WORK PROGRAMME

Submitted – the report of the Equality and Language Officer requesting the committee to approve the work programme and to add to it as required.

During the ensuing discussion on the item, the following main points were noted:-

- (i) It was noted that things were not improving and that something major was wrong on a corporate level with the current attitude towards the Welsh language. The most recent statistics showed clearly that the Council's care of the linguistic and cultural heritage of the county had deteriorated and that there was a wave of apathy towards the language within the Council. As examples of this, it was noted that the application form to close the square in Tremadog for the Christmas Fair had been received in English only and the forms for registration of electors sent out recently had been folded so that the English version was uppermost. The message this was giving the public demeaned the Welsh language and the Council should always put the Welsh language first.
- (ii) It was suggested that a letter be sent to the Cabinet encouraging them to appoint a Welsh Language Champion within the Council.
- (iii) It was suggested that the housing allocation policy in Gwynedd should give priority to Welsh speakers as the influence of non-Welsh speaking children playing on estates was far more destructive to the future of the language than a few non-Welsh letters arriving through the post. The Compliance and Language Manager agreed to examine the legal position alongside housing allocation management and he would bring information back to the committee.
- (iv) It was noted that outsiders were given priority over Welsh people for housing and also the construction of unnecessary housing would kill the Welsh language.
- (v) It was noted that the Council continued to use meaningless English versions of street names, e.g. West End for Maes Aberesistedd in Cricieth.
- (vi) The proposal for the committee to receive presentations from departments was welcomed.
- (vii) It was emphasised that grants and licences given to businesses / companies etc. should be the subject of conditions regarding the use of the Welsh language. As an example of this, it was noted that every sign for Caernarfon market all the way from Bangor to Pwllheli, were in English only. The Welsh language had to be made more visible and it was the little things that were important. The Chair suggested that the item on "*third parties using Council assets*" which had been programmed for the meeting next June, could examine the wider use made of conditions. In response to a suggestion that people were not being held to account for not complying with grant conditions, the Equality and Language Officer explained that conditions could only be imposed in connection with whatever the money was being used for. However, every company / organisation receiving any type of grant was encouraged to see the value of bilingualism and to see the value of the Welsh language as a marketing tool. She noted also that efforts were being made to push the boundaries as far as possible but money was not given directly to anything that would not comply with the Council's language requirements.

RESOLVED to accept the revised work programme.

6. THE WELSH LANGUAGE COMMISSIONER'S RESPONSE TO GWYNEDD COUNCIL'S ANNUAL LANGUAGE MONITORING REPORT 2012-2013

Submitted – the report of the Equality and Language Officer, presenting the Commissioner's comments on Gwynedd Council's Annual Language Monitoring Report 2012-13, and the Council's response to the request for further information on some aspects of the report.

Specific attention was given to the following matters:-

- (i) In response to a question, the Equality and Language Officer noted that there was no formal procedure for monitoring the success of the language awareness training sessions for staff, however, no complaints had been received about the service of the Youth Justice Team since their staff had received the training in June 2012. The Chair suggested that a procedure could be established of asking staff who had received the training, say within six months, to explain how that training had influenced their behaviours / what they did.
- (ii) It was noted that the procedure of monitoring Social Services contracts was not working as there were non-Welsh speaking carers visiting people who had different linguistic needs. It was enquired how this could be overcome and whether it was proposed to provide a linguistic skills determination tool for businesses which offered services for the Council. The Equality and Language Officer responded that the Social Services Department had identified this as a priority field and that they were currently implementing the recommendations of the review commissioned by the Language Planning Centre of the Council's requirements and practice in providing care homes and home care services. She added that it was rather soon to be able to say how much difference this would make but it was something that should be re-visited. In terms of the tool, she noted that she was not in a position to make any comment on that as the pilot had only been held recently. However, she was of the opinion that it had merit and she suggested that this would be something that could be raised with the Head of Human Resources Department at the next meeting.

It was suggested that if the tool had been developed for a pilot and that it had worked, then there was a need to proceed urgently to use it in the Council as it was crucial that people received care in their own language. The Chair responded by stating that the tool was owned by the WJEC and it was they who were piloting it but this Council could raise the point of the need for it to be expanded.

It was suggested that if the Council had piloted the tool for the WJEC, then it should ask for it to be used again.

RESOLVED to accept the response of the Welsh Language Commissioner and the Council's response to the request for information.

7. PLANNING AND THE WELSH LANGUAGE

The Senior Planning Service Manager and the Planning Manager – Policy were welcomed to the meeting.

Prior to providing an overview of the content of the report of the Head of the Regulatory Department, the Senior Planning Service Manager informed members that the new Technical Advice Note (TAN) 20 had been published the previous day. He explained that

the new TAN 20 provided more flesh on the bones than the original TAN 20. He noted that the new TAN 20 did not go as far as the officers had anticipated but preparing the Joint Local Development Plan provided an opportunity, if there is sufficient evidence, to challenge a few things and to try to push the boundaries in terms of planning. The emphasis in the new TAN 20 was on ensuring that the linguistic considerations were addressed in the process of preparing the Joint LDP in the context of Gwynedd. In terms of individual planning applications, the new TAN 20 stated, as the Council had given consideration to the language when preparing the plan, that there was no need to give further consideration to this when planning applications were submitted. The planning officers had concerns regarding this and the situation would have to be examined in the context of the Joint LDP and also the Supplementary Planning Guidance which ultimately would provide flesh on the bones whatever that policy would be. However, the timing was ideal in terms of the process of preparing the Joint LDP as there was an opportunity to address these matters in the plan.

The Senior Planning Service Manager noted further that he had sought the opinion of the Council's Legal Department regarding how to deal with planning applications in the context of the new TAN 20 and he had had a verbal opinion noting that although the new TAN 20 would be a material planning consideration, the Joint LDP had not yet been adopted and that the Gwynedd Unitary Development Plan was the adopted plan. Therefore, the method of dealing with planning applications would remain the same and the information in Part 1 of the report of the Head of Regulatory Department would continue to be relevant until the Joint LDP had been adopted, hopefully in 2016. In the context of the new TAN 20, Part 2 of the report was the most important because this was an opportunity to influence Gwynedd's policy for the next 15 years up until 2026.

Members were given an opportunity to ask questions and to offer their observations. During the discussion the following main matters were highlighted:-

- (i) In response to an enquiry, the Senior Planning Service Manager noted that the statement in the original TAN 20 that the occupancy of houses should not be given for linguistic reasons was still relevant in the new TAN 20 and was included in paragraph 3.7.4. He explained that there were legislative matters in the context of this statement and no one could be forced or directly influenced on the grounds of language, race etc. He added that the new TAN 20 placed more emphasis on the fact that the Welsh language was a material planning consideration and he explained what planning authorities were expected to do in order to address language matters. He did not explain how this should be achieved but it was understood that there were other guidelines in the pipeline that would provide more details regarding this as part of the process of preparing the Joint LDP. He added that the way in which the Joint LDP had been prepared thus far in the context of language and community impact assessments complied with the requirements of the new TAN 20.
- (ii) Concern was expressed that there would be no change in the way planning applications were dealt with for at least two to three years and in the meantime the detrimental effect on the language would have been done. In response, the Senior Planning Service Manager noted that the Council had an adopted plan and during the next two years, until the Joint LDP had been adopted, the Welsh language would be a material planning consideration in the context of every planning application, subject to the thresholds in the Supplementary Planning Guidance. Consequently, in view of what was stated in TAN 20, perhaps there was no urgency in bringing TAN 20 into force for dealing with planning applications because it stated that language matters should not be re-assessed in the context of planning

applications after the Joint LDP had been adopted. Therefore, for the next two years, the current procedure would continue with linguistic matters assessed side by side with all the other planning considerations for each individual application where that was relevant.

- (iii) Concern was expressed that the new TAN 20 stated clearly that language impact assessments should not be undertaken on individual applications as it duplicated work. However, the advice given was that the language impact assessments undertaken on individual applications were right until the Joint LDP had been adopted. Therefore, the language assessments were not being discarded but it was very important that the content of the Joint LDP was in place properly for Gwynedd.
- (iv) Concern was expressed that the language assessments were not independent assessments and it was emphasised that they should be commissioned by the Council so that they were unbiased. In response, the Senior Planning Service Manager noted that there was no policy which sought an independent assessment and even if that were the case, who would undertake the independent assessment? He added that there were several planning considerations associated with every application and several assessments were part of those applications. He explained that the Service, through the Joint Planning Policy Unit, which specialised in the field of language and community, assessed and challenged linguistic and community statements, and in the same manner, the Service assessed and challenged, if necessary, all the information submitted by each applicant in the context of all the other relevant material planning considerations. He explained that dealing with planning applications meant weighing up several relevant planning considerations in the context of the UDP in arriving at a recommendation.

It was enquired whether the Council had a legal right to ask for an independent assessment. It was noted also that members never saw the assessments or had an opportunity to challenge them. In response, the Senior Planning Service Manager noted that the current policies did not state that it was expected for the applicant to bear the cost of an independent assessment. He noted also that all the assessments for each planning application were available for every member of the Planning Committee and every member of the Council and for anyone who had an interest in an application. It was not practical to include the entire assessments in the Planning Committee's agendas and the planning reports were detailed and included all the relevant planning matters, including language and community matters. In terms of the legal right to ask for an independent assessment, the Compliance and Language Manager agreed to look into the matter and to report back at the next meeting.

- (v) It was noted, although welcoming the new TAN 20 in general, the Welsh Local Government Association had stated that the Council did not scrutinise planning policies sufficiently.
- (vi) Discontent was expressed because the language would not be relevant to individual applications according to the latest TAN 20. In response, the Senior Planning Service Manager noted that the timing was good in terms of preparing the Joint LDP and methods had to be examined of ensuring that the new TAN 20 worked to satisfy the aspirations of Gwynedd people. He added that evidence was needed to establish grounds for considering individual planning applications after the Joint LDP had been adopted, with supplementary information to be included in a new Supplementary Planning Guideline. He referred to the work of collecting evidence for the LDP referred to in paragraph 3.13 of the report, such as the housing and

language project and the local market housing project, as examples of the work on-going to address linguistic and community matters.

- (vii) Referring to the Housing and Language Project (second bullet point under paragraph 3.13 of the report), the local member noted that she had not been informed beforehand that the ward of Diffwys a Maenofferen had been chosen to receive a questionnaire and she expressed her concern that an opportunity had been missed here to raise awareness locally of the importance of returning the questionnaires. The Senior Planning Service Manager apologised for this oversight.
- (viii) It was emphasised that it was important to secure planning policies that promoted the Welsh language in the strongholds.
- (ix) It was noted that although attempts could be made to push the boundaries by means of the legal procedure, they had to be realistic about what could be achieved.
- (x) It was suggested that the Cabinet Member should be asked to establish a working group to develop a planning policy to safeguard the Welsh language within the communities in the Joint LDP in view of the new TAN 20 and the results of the 2011 Census.
- (xi) It was noted that the Council had a duty to establish a baseline and that there was an opportunity for the working group, under the leadership of the Cabinet Member, to use experiences to contribute towards this.

The Planning Manager – Policy noted that there was a methodology for assessing the effect of the Joint LDP on the Welsh language and culture of the area in place and that it was being applied. The timetable was challenging in terms of establishing the whole plan and if it was intended to establish a working group, this had to be done immediately and a procedure had to be in place for planning officers to be able to contribute to the information for that working group.

In response to an enquiry, the Planning Manger – Policy explained that the new TAN 20 required authorities to undertake a sustainability assessment of their plans and that the language assessment would be included in the sustainability assessment. She noted that Gwynedd had undertaken this already as the sustainability framework and aims had already been established. One of those aims was to maintain, safeguard and enhance the opportunities to promote and develop the Welsh language in the area and as the Joint LDP was already being developed, this question would be asked at every step.

The Chair noted that this was the starting point of the working group's work and she suggested that members of the working group should be members of this committee who had a background in the planning field.

RESOLVED in view of the new TAN 20 and the results of the 2011 Census, to ask the Cabinet Member to establish a working group to contribute towards meeting the strategic aims of Gwynedd Council with regard to the Welsh language by providing an input into the process of developing the Joint Local Development Plan's planning policies.

8. LANGUAGE COMPLAINTS

Submitted – the report of the Equality and Language Officer detailing the latest complaints to hand involving the Council, partners or third party organisations.

The Equality and Language Officer noted that an additional complaint had been received since the agenda was prepared that self-addressed envelopes sent out by the Council's Elections Unit referred to "Registration Officer" and "Shirehall Street". After discussing this with the officers, it was understood that an old supply of envelopes had been sent out in error. To avoid such a situation in future, the envelopes would be addressed from now on for the attention of the Elections Unit, Council Offices, Caernarfon LL55 1SH, without any reference to the street name.

Specific attention was given to the following matters:-

- (i) Dissatisfaction was expressed regarding the response to a complaint that planning officers had presented their case to a planning appeal through the medium of English and the documents prepared by them were also in English only. It was noted that the decision to hold the appeal in question had been made five months beforehand and that there was no excuse for not preparing the documents in Welsh.

The Senior Planning Service Manager noted that he had nothing to add to what had been included in the response.

The Compliance and Language Manager suggested that the various departments could be asked to state when making their presentations to this committee, whether they had any policies regarding bilingualism, for example, in courts.

It was noted that there was a need to examine the whole issue of the Welsh language on a corporate level in the Council and there was a need to urgently change the policy of sending documents in English if the appellant was a monoglot English person. People should not have the choice of receiving everything in English and every document should be in Welsh rather than the chosen language of the person.

The Compliance and Language Manager noted that this was a matter that this committee could examine, either when a specific department came before it, or as a separate matter.

Concern was also expressed that the planning officers had submitted their case in English although there was a translator present. It was suggested that staff should be reminded that they should take advantage of the translation service. It was noted that this was a constant message to be given to people as they came before the committee.

- (ii) It was noted that the Electoral Register continued to list the English version of street names in the Cricieth, Porthmadog and Pwllheli areas.

RESOLVED to accept the report.

The meeting commenced at 10.30am and concluded at 12.10pm.