

The Local Government and Elections (Wales) Act 2021: Draft Statutory Guidance for Community and Town Councils

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This consultation is seeking views on draft statutory guidance for community and town councils.

Questions

1. Generally, is the structure and coverage of the guidance presented clearly and in a way which is practical for community and town councils?

No comment.

Chapter 1

2. Does Chapter 1 provide sufficient and appropriate guidance on the eligibility conditions for exercising the general power of competence? Is it clear how the general power of competence should be applied? What additional information would be helpful?

The conditions that community councils must meet in order to become competent community councils and exercise the general power are discussed. One of the conditions relates to the qualification of the clerk to the council. Reference is made to a module provided by the Society of Local Council Clerks. In that context, we would like to refer to our response in September 2021 to the Government's consultation on the community council clerk qualifications regulations. We encouraged the Government to discuss with the Society how to ensure clerks' understanding of the status and situation of the Welsh language in Wales, including:

- the official status of the Welsh language in Wales following the Welsh Language (Wales) Measure 2011 and the situation of Welsh as a language spoken in all communities in the country
- bilingual administration
- Welsh language schemes (held by a number of community councils)
- the Welsh language standards deriving from the Welsh Language (Wales) Measure 2011 (although community councils are not subject to them, the standards are relevant to public services in Wales)

In the summary of the consultation response, published in December 2021, the Government explained that it had found that full bilingual support was not available for all aspects of the Certificate in Local Council Administration (CiLCA) course, of which the proposed module will be part. It noted that the Welsh language provision would be equal to the English language provision from May 2022. We are pleased that the Government has addressed this issue. However, it does not appear to have responded to our comments on the content of the training. We urge the Government again to make the most of the opportunity to promote understanding of the situation of the Welsh language through the new training provided for community council clerks.

3. What additional information would be helpful to illustrate or clarify how the general power of competence could be applied to community councils? Do you have any case studies which could support this?

No comment.

Chapter 2 and 3

4. Do Chapters 2 and 3 provide sufficient and appropriate guidance on the requirements relating to multi-location meetings and on how the public may participate in council meetings?

These chapters do not discuss the language of meetings. In Chapter 2 we urge the Government to refer to the importance of facilitating the use of Welsh in the 'What should the arrangements consider' section. Those wishing to use Welsh should be encouraged and enabled to do so at community council meetings, with the help of simultaneous translation for anyone who does not understand Welsh.

We are aware of cases where councils that used to hold their meetings through the medium of Welsh have turned to English because a non-Welsh-speaking member joined and no simultaneous translation service was provided. The Welsh language should be included in the reference to the use of technology to facilitate multi-location meetings, as simultaneous translation technology is also relevant to this consideration.

Chapter 3 should discuss how members of the public and councillors could be encouraged to participate in meetings through the medium of Welsh, if they wish to do so. The Commissioner has issued advice relevant to these situations, *Bilingual drafting, translation and using Welsh face to face*¹ and *Holding bilingual video meetings*².

Chapter 4

5. Does Chapter 4 provide sufficient and appropriate guidance on meeting the duty to prepare and publish annual reports? What additional specific information would be helpful?

¹ [bilingual-drafting-translation-and-using-welsh-face-to-face.pdf \(welshlanguagecommissioner.wales\)](https://www.welshlanguagecommissioner.wales/bilingual-drafting-translation-and-using-welsh-face-to-face.pdf)

² [Holding bilingual video meetings \(welshlanguagecommissioner.wales\)](https://www.welshlanguagecommissioner.wales/holding-bilingual-video-meetings)

Chapter 4 does not discuss the language of annual reports. Some community councils with a Welsh language scheme are committed to publishing material aimed at the public in Welsh. Those community councils therefore have a statutory duty to publish their annual reports in Welsh and that duty should be referred to in the guidance. In addition, those community councils that have not adopted a Welsh language scheme should be encouraged to publish their reports in Welsh in order to provide a language choice for those who wish to learn about their work.

Chapter 5

6. Does Chapter 5 provide sufficient and appropriate guidance on meeting the duty to prepare and publish training plans? What additional information would be helpful?

Please see our response to question 2 above.

Community councils with Welsh language schemes should have training plans that ensure that they have the skills needed to fulfill the statutory obligations of the language scheme. Community councils should be encouraged to consider training through the medium of Welsh as well as the need to develop the Welsh language skills of their councillors and clerks. We note that the National Training Advisory Group for the community and town council sector is updating its strategy on ensuring adequate training for councils, including course information and support materials. The Government should ensure that this strategy takes account of the Welsh language.

7. We would like to know your views on the effects that this guidance 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. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

The guidelines do not refer to the Welsh language and we consider that they therefore at present miss an opportunity to have a positive impact on the language and on opportunities for people to use it. They should be amended to include guidance on the Welsh language, and that guidance should be of equal status as the rest of the document. The guidance should include the Welsh language in the following contexts:

- conducting meetings in Welsh
- Welsh language annual reports
- training through the medium of Welsh
- Welsh language skills training

8. Please also explain how you believe the proposed guidance 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 7 above.

9. 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:

There is no question asked about Chapter 6 but we would like to note that some community councils with a Welsh language scheme are committed to publishing the notice of meetings and minutes in Welsh. Those community councils therefore have a statutory duty to publish those documents in Welsh and that duty should be referred to in the guidance. In addition, those community councils that have not adopted a Welsh language scheme should be encouraged to publish notices and proceedings of their meetings in Welsh.

We would like to refer to our response in June 2021 to the Government's consultation on Local Authority Power to Trade. We noted that community councils are not subject to Welsh language standards (although they are open to doing so). Some have a Welsh language scheme but at present they vary in the way that they deal with the Welsh language. This underlines the importance of making appropriate reference to the Welsh language in the proposed statutory guidance. It should be emphasized that the Welsh Language (Wales) Measure 2011 made Welsh an official language in Wales and introduced the principles that the Welsh language should be treated no less favourably than the English language and that people who wish to use the Welsh language have the freedom to do so with each other.

Attention should also be drawn to the *Cymraeg 2050* strategy and the Welsh Government's vision of a million Welsh speakers and a ten per cent increase in the percentage of people who speak the language daily. As the strategy states: 'Opportunities and services in Welsh must be offered proactively, so that the individual does not have to request the Welsh language. Ultimately the vision is for people to use it at every opportunity, with opportunities available everywhere.'