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Via email:

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9 September 2016

Dear Mr Bradshaw

Challenging future duties: Determining an application by Rhondda Cynon Taf County Borough Council [section 57 Welsh Language (Wales) Measure 2011]

The purpose of this letter is to inform Rhondda Cynon Taf County Borough Council of the Welsh Language Commissioner's determination in connection with applications made by the Council and to inform the organisation of the next steps.

Applications were made in relation to 14 standards on 29/3/2016. The Commissioner has already consulted with Rhondda Cynon Taf County Borough Council in a letter dated 01/04/2016 where it was given an opportunity to provide further information in relation to the application and by sharing the Welsh Language Commissioner's initial considerations with the Council on 6/6/2016. In an effort to come to an agreement further consultation followed on 12/08/2016. The Council responded to the Commissioner's latest correspondence stating it was completely satisfied with the variations made. Based on the response the Welsh Language Commissioner informs you that she has determined in line with conclusions shared with you to date and in relation to all standards subject to challenge.

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5-7 Heol Eglwys Fair
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0845 6033 221
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Correspondence welcomed in Welsh and English

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Rhif Safon	Rhif Achos	Dyfarniad	Camau dilynol
24	268-20160329-CBSRCT-24	That the requirement to comply with the standard, is not unreasonable or disproportionate	No Action
24A	269-20160329-CBSRCT-24A	That the requirement to comply with the standard, is not unreasonable or disproportionate	No Action
27	270-20160329-CBSRCT-27	That the requirement to comply with the standard, is not unreasonable or disproportionate	No Action
27A	271-20160329-CBSRCT-27A	That the requirement to comply with the standard, is not unreasonable or disproportionate	No Action
27D	272-20160329-CBSRCT-27D	That the requirement to comply with the standard, is not unreasonable or disproportionate	No Action
30	273-20160329-CBSRCT-30	That the requirement to comply with the standard, is not unreasonable or disproportionate	No Action
32	274-20160329-CBSRCT-32	That the requirement to comply with the standard, is not unreasonable or disproportionate	No Action
41	275-20160329-CBSRCT-41	That the requirement to comply with the standard, is unreasonable or disproportionate	Vary the existing compliance notice



33	276-20160329-CBSRCT-33	That the requirement to comply with the standard, is not unreasonable or disproportionate	No Action
52	277-20160329-CBSRCT-52	That the requirement to comply with the standard, is unreasonable or disproportionate	Vary the existing compliance notice
58	278-20160329-CBSRCT-58	That the requirement to comply with the standard, is unreasonable or disproportionate	Vary the existing compliance notice
64	279-20160329-CBSRCT-64	That the requirement to comply with the standard, is unreasonable or disproportionate	Vary the existing compliance notice
69	280-20160329-CBSRCT-69	That the requirement to comply with the standard, is unreasonable or disproportionate	Vary the existing compliance notice
86	281-20160329-CBSRCT-86	That the requirement to comply with the standard, is not unreasonable or disproportionate	No Action

As a result the Commissioner has made a variation to the existing compliance notice. This was done under the provisions of section 57(6)(c) ¹. The details of the compliance notice as varied are attached to this determination letter.

¹ It should be noted that sections 45(3), 46(3) and section 47 do not apply in relation to the compliance notice where it has been agreed by the organisation and the Commissioner.



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Welsh Language
Commissioner

The Commissioner notes the legal arguments presented by Rhondda Cynon Taf County Borough Council in relation to the standard that was agreed and varied in the Compliance Notice. The fact that the Commissioner has decided to approve Rhondda Cynon Taf County Borough Council's application does not mean that the Commissioner accepts the legal arguments presented by the organisation in order to justify the application nor does it affect the Commissioner's ability to refuse those arguments or similar in the future.

In the case of standards 24, 24A, 27, 27A, 27D 30, 32, 33 and 86 it was not determined that the requirement for Rhondda Cynon Taf County Borough Council to comply with a standard, or to comply with a standard in a particular way, was unreasonable or disproportionate. The Commissioner will consider the fact that these standards were challenged by the organisation if a complaint is received relating to a period when the standard was not in force.

After receiving this determination you may appeal to the Welsh Language Tribunal (the Tribunal), requesting the Tribunal to determine whether the requirement to comply with a standard, or comply with a standard in a particular way, is unreasonable or disproportionate. A link to the Tribunal website is provided below:

<http://tribiwnllysygymraeg.llyw.cymru/?skip=1&lang=en>

The requirement to comply with the standard(s) subject to challenge and determination in this letter does not apply at present and the duty continues to be deferred until your rights to appeal are exhausted. This means that the Compliance Notice attached to this letter will not be placed on the Welsh Language Commissioner's website until a period of 28 days has passed, the period for making an appeal, or until an appeal to the Tribunal or a further appeal has come to an end.

Yours sincerely,

Director of Compliance and Enforcement

On behalf of the Welsh Language Commissioner

CC: Wendy Edwards



Comisiynydd y
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Commissioner

Cllr Geraint Hopkins
Esther Thomas