



Comisiynydd y  
Gymraeg  
Welsh Language  
Commissioner

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# Report on an investigation into a failure to comply with a relevant requirement

This report was produced in accordance with sections 73 and 74 of the Welsh Language (Wales) Measure 2011

The investigation of a failure to comply with a relevant requirement was carried out in accordance with section 71 and Schedule 10 of the Welsh Language (Wales) Measure 2011

**Wrexham County Borough Council**

Case number: CSG329



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## Background

The principal aim of the Welsh Language Commissioner, an independent body established by the Welsh Language (Wales) Measure 2011, is to promote and facilitate the use of Welsh. This is done by raising awareness of the official status of the Welsh language in Wales, by imposing standards on organisations, and by regulating compliance with the Welsh Language Measure. This, in turn, will lead to the establishment of rights for Welsh speakers.

Two principles will underpin the Commissioner's work:

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

### Contact details

- Phone: 0345 6033 221
  - Email: [post@welshlanguagecommissioner.wales](mailto:post@welshlanguagecommissioner.wales)
  - Website: [welshlanguagecommissioner.wales](http://welshlanguagecommissioner.wales)
  - Post: The Welsh Language Commissioner  
Market Chambers  
5–7 St Mary Street  
Cardiff  
CF10 1AT
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# Legislative context

## Part 4 of the Welsh Language Measure

- i. Part 4 of the Welsh Language Measure sets out a legal framework for imposing a duty on some organisations to comply with one or more standards in relation to the Welsh language. Organisations subject to standards are known as 'relevant persons'. There are standards applicable to the following areas:
    - service delivery;
    - policy making;
    - operational;
    - promotion;
    - record keeping.
  - ii. The duties resulting from the standards require that relevant persons should not treat the Welsh language less favourably than the English language, and should promote and facilitate the use of the Welsh language.
  - iii. Compliance notices given to relevant persons by the Commissioner under Part 4 of the Welsh Language Measure specify the standards requiring compliance, together with the days from which it is required to comply with each standard or to comply with each standard in a particular respect ('imposition days'). Copies of the compliance notices that are in force will be on the Commissioner's website.
  - iv. Whilst a compliance notice specific to a relevant person is in force, that person will be required to comply with the standards specified within it.
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## Part 5 of the Welsh Language Measure

- v. Part 5 of the Welsh Language Measure gives the Commissioner statutory regulatory functions to ensure that relevant persons comply with their duties. Duties may include compliance with Welsh language standards (as stated above), and also requirements imposed on persons by the Commissioner in accordance with section 77 of the Welsh Language Measure as a result of a failure to comply with a relevant requirement. The Commissioner's Enforcement Policy provides advice and information regarding how the Commissioner will exercise those regulatory functions.
- vi. The regulatory functions resulting from Part 5 of the Welsh Language Measure are:
- to consider whether or not to investigate if the conduct of relevant persons is complained about;
  - to investigate suspected failures by relevant persons to comply with duties, to determine investigations and to produce investigation reports;
  - to consider whether or not to take further action (by giving recommendations and advice) if an investigation finds that there was no failure to comply;
  - to take one of the three steps below if an investigation finds that there was a failure to comply:
    - take no further action;
    - do one or more of the following:
      - require the relevant person to prepare an action plan for the purpose of preventing the continuation or repetition of the failure;
      - require the relevant person to take steps for the purpose of preventing the continuation or repetition of the failure;
      - publicise the relevant person's failure to comply with the relevant requirement;
      - require the relevant person to publicise the failure to comply with the relevant requirement;
      - impose a civil penalty on the relevant person.
    - do one or more of the following:
      - give the relevant person or any other person recommendations;
      - give the relevant person or any other person advice;
      - seek to enter into a settlement agreement with the relevant person.
  - to make applications to a county court for orders to enforce compliance;
  - to comply with the duties resulting from appeals and applications for reviews made to the Welsh Language Tribunal;
  - to produce an enforcement policy document;
  - to create and maintain a register of enforcement action.
- vii. The Commissioner will follow the required statutory processes as she exercises her regulatory functions.
- viii. The Commissioner's Enforcement Policy contains full information regarding the way the Commissioner will exercise her regulatory functions under Part 5 of the Welsh Language Measure.
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# 1 Terms of reference

## Suspected failure to comply with Welsh language standards

- 1.1 On 28 March, 2018 I received a complaint from a member of the public. The complaint met the conditions of section 93 of the Welsh Language Measure, and was therefore valid.
- 1.2 The complaint was about Wrexham County Borough Council's (the Council) Council Tax Demand Notice for 2018/19. The complainant alleged that the notice did not comply with the Welsh language standards in a number of ways, and outlined the following as examples:
  - a number of sections in English only;
  - English in bold and in a bigger font than the Welsh;
  - the English appearing before the Welsh.
- 1.3 The complainant explained that they had complained to the Council about the Council Tax Demand Notice on several occasions from 2014 onwards.

## Confirming responsibility for the relevant service

- 1.4 My officers wrote to the Council on 9 April, 2018 to confirm whether it was responsible for the service which was the focus of the complaint. The Council provided confirmation on 9 April 2018, that it was responsible.

## Relevant standards

- 1.5 The Council has a duty to comply with the following standard, and it had a duty to do so on the date which is relevant to the complaint:

### Standard 6

If you produce a Welsh language version and a corresponding English language version of correspondence, you must not treat the Welsh language version less favourably than the English language version (for example, if the English version is signed, or if contact details are provided on the English version, then the Welsh version must be treated in the same way).

Imposition day: 30 March 2016

## Duty to comply with a requirement contained in a decision notice

- 1.6 The complaint also raised doubt the Council's compliance with two requirements issued in decision notices. On 2 January 2018, I determined that the Council had failed to comply with standard 6. The decision notice for investigation CSG172 required the Council to take specific steps for the purpose of preventing the continuation or repetition of the failure by 20 January, 2018.

- 1.7 This investigation will determine whether the Council failed to comply with the following relevant requirement:

**Requirement to take steps in accordance with decision notice CSG172**

In order to comply with standard 6, [the Council] must ensure that any English text to be sent out to the public, is also sent out in Welsh, and proofread so that the Welsh language version of correspondence is treated no less favourably than the English language version.

- 1.8 On 31 January 2018, I again determined that the Council had failed to comply with standard 6. The decision notice for investigation CSG233 also contained specific steps for the purpose of preventing the continuation or repetition of that failure by 11 March, 2018.
- 1.9 This investigation will also determine whether the Council failed to comply with the following relevant requirement:

I require [the Council] to take steps to ensure that there are no linguistic errors in correspondence that is sent to the public within the Council Tax department in accordance with the requirements of standard 6.

**Decision to investigate**

- 1.10 Based on the above, I decided to carry out an investigation under section 71 of the Welsh Language Measure to determine whether the Council had failed to comply with the above requirements. I gave notice to the Council of the decision to investigate, and of the proposed terms of reference, on 7 June, 2018.
- 1.11 The final terms of reference for the investigation were given to the Council on 17 July, 2018 (Appendix 1).

## 2 Evidence taken during the investigation

### Evidence notice

- 2.1 On 17 July 2018, I gave the Council an evidence notice which required it to provide the following evidence:

#### Information and documents

1. Please confirm whether the Council accepts and agrees with complainant's allegations.
2. Explain what the procedure was for producing and publishing [the Council's] council tax bills for the period 2018/19. If relevant, please detail any difference between publishing the bills in Welsh and English.
3. Explain what arrangements are in place to check that the Welsh language is not treated less favourably than English in the design of the templates used for the council tax bills.
4. Explain what arrangements are in place to verify the factual and linguistic accuracy of council tax bills, detailing how Welsh versions or any versions translated into Welsh were verified.
5. Following receipt of the Welsh Language Commissioner's final report on her investigation CSG172, explain what steps were taken to ensure that any Welsh text (for the purpose of being sent to the public) is proof-read so that the Welsh version of correspondence is not treated less favourably than the English version in accordance with the evidence notice's requirements.
6. Following receipt of the Welsh Language Commissioner's final report for her investigation CSG233, explain what steps were taken by the Council to ensure that there are no linguistic errors in correspondence sent to the public within the Council Tax department in accordance with the evidence notice's requirements.
7. Please provide any further information or evidence which you wish the Commissioner to consider when determining whether the Council has complied with the standards set out in the investigation's terms of reference.
8. Please provide a copy of any policy, procedure, guideline or other document which you wish the Commissioner to consider when determining whether the Council has complied with the standards set out in the investigation's terms of reference.

- 2.2 In response, I received evidence from the Council on 15 August, 2018 by letter. Copies of which can be provided by request.

2.3 All the information which I received in response to the evidence notice was considered.

### **The evidence received**

2.4 The Council agreed with the complainant's allegation that there were errors in the Council Tax Demand Notice for 2018/19.

2.5 The Council confirmed that its council tax charges for 2018/19 were agreed on 21 February, 2018. Its staff then began preparing its systems for the annual billing work. It explained that seven sets of billing are done by computer each year, and this produces raw data files containing customer data.

2.6 The Council stated that these raw data files had been issued to the Council's partners to convert into readable documents within a template document.

2.7 The Council explained that document samples had been checked to ensure that the sums contained within them were accurate. Following this the documents were printed and despatched by a supplier.

2.8 The Council stated that the template document included bilingual text and there is no separate procedure for publishing a stand-alone Welsh language Council Tax Demand Notice.

2.9 The Council stated that the template document had been updated during the year to correct an error highlighted by the complainant and also by the Public Services Ombudsman for Wales as a result of a complaint to the Ombudsman by the complainant.

2.10 The Council explained that the work of checking the documents' contents was largely confined to ensuring that the financial information was accurate. It stated that there was no procedure in place for checking the Welsh language text. The Council did accept that this situation was unacceptable and stated that a team had been set up with responsibility for ensuring that the Council Tax Demand Notice complied with the Welsh language standards.

2.11 The Council stated that the team works with the partner responsible for the conversion of raw data into readable documents. According to the evidence they have established the most effective way of incorporating Welsh language translations into the council tax database.

2.12 Following translation and the manual input of the information into the council tax database, the Council stated that the team conducts a billing test. They then work with the printers to ensure that the text complies with the Welsh language standards. The documents are signed off once the Council's translators have proofread them.

2.13 The Council stated that the 'statutory nature' of the notices means that they are carefully checked. It explained that the checking 'always focusses on the financial data' as any error in this information can render the notice invalid.

2.14 The text of the Council Tax Demand Notice was checked by a council tax officer. According to the evidence, the only errors checked were those drawn to the

Council's attention by the complainant and the Public Services Ombudsman for Wales.

- 2.15 The Council stated that as my previous investigation (reference CSG172) was not specifically related to the Council Tax Demand Notice, the findings of that investigation were not shared with the council tax department.
- 2.16 Investigation CSG233 was in relation to errors in the council tax summons document. The Council explained that this particular document was sent to the translators to be translated 'in accordance with the Commissioner's requirements'.
- 2.17 The Council Tax Demand Notice template was not sent for translation as the Council was of the view that the errors highlighted by the complainant and the Ombudsman had been corrected. The Council stated that it 'fully' accepts, that despite the corrections 'there were further linguistic errors which had not been identified and corrected in time for the 2018/19 annual billing'.
- 2.18 In response to the call for further information or evidence that may be relevant to the investigation, the Council stated that it accepts that not all of its council tax documents had been checked for compliance with the Welsh language standards. It explained that this was not deliberate. Originally, the Council was of the view that the CSG233 investigation enforcement action focussed on rectifying the errors in the council tax summons document as it was this document that led to the investigation. The Council acknowledged that the enforcement action 'clearly states *all* council tax documents should be compliant with the Welsh language Standards' (author's emphasis).
- 2.19 The Council apologised for the confusion over the misinterpretation of the enforcement action requirement in the CSG233 investigation.
- 2.20 It stated that it had been working with translators to check all council tax documents and correcting them as required. The Council explained that this work was underway and was likely to take 'some time'. The Council stated that around 45 documents had been sent for verification to date.
- 2.21 The Council explained that the transactional data (described as 'bespoke messages relating to the customer's individual circumstances') on the Council Tax Demand Notice were produced in English. According to the response, this was one of the main factors of the complaint:
- The Council admits that its computerised system does not contain a direct Welsh translation for a significant number of bespoke messages within the raw data files. The Council has relied on ensuring its static information output is bilingual with the transactional data in English only.
- 2.22 The Council described the situation as unacceptable. According to the evidence, resources have been earmarked for the translation of this transactional data into Welsh. The Council explained that it would take time for it to 'identify, translate, input and test the new text files' but that it had undertaken to rectify the Council Tax Demand Notice in time for the 2019/20 financial year.
- 2.23 The Council stated that 'restorative action' had been taken in the case of the complainant, together with other individuals who had complained about the same

matter; bespoke notices were produced for them. The Council stated that these documents were available to anyone by request.

2.24 The Council asked that I consider the following documents which were presented to me as part of its response to the evidence notice of another investigation (reference CSG237). That investigation related to the Council's use of Welsh on signage:

- Communications toolkit
- A 'What you need to know' pack on the standards
- Policy to promote the use of the Welsh in the workplace
- Welsh language standards FAQs for SAM
- Welsh - procurement guidelines
- Gwybodaeth am SAM
- Welsh Cym Friday Bulletin
- Safonau'r Gymraeg – Cwestiynau Cyffredin
- The Council's policy on promoting the use of Welsh in the workplace
- Signs info Arwyddion ar SAM
- Welsh Language awareness (Power point)

2.25 Of these documents, I considered that the following instruction in relation to correspondence in the staff guidance document, 'Welsh Language Standards - what you need to know', was relevant to this investigation:

If you produce a Welsh and English version, they must be treated equally with exactly the same information provided in both languages, including signatures and contact details.

## 3 Compliance with standard 6: Assessment, findings and determination

### Wording of the standard

- 3.1 The wording of the standard as it appears in the compliance notice issued to the Council is as follows:

#### **Standard 6**

If you produce a Welsh language version and a corresponding English language version of correspondence, you must not treat the Welsh language version less favourably than the English language version (for example, if the English version is signed, or if contact details are provided on the English version, then the Welsh version must be treated in the same way).

Imposition day: 30 March 2016

### Interpretations

- 3.2 Welsh Language Standards (No. 1) Regulations 2015 schedule 1, part 3, para. 29 interprets 'treating the Welsh language no less favourably than the English language' as follows:

Where a standard refers to material that is to be produced in Welsh [...] references to treating the Welsh language no less favourably than the English language, or to treating a Welsh language version no less favourably than an English language version, include, amongst other matters (and in addition to specific matters referred to in any individual standard), treating the Welsh language no less favourably as regards—

- (a) the visual presentation of material (for example in relation to the colour or font of any text);
- (b) the size of the material;
- (c) the position and prominence of the material in any public place;
- (ch) when and how the material is published, provided or exhibited;
- (d) the publication format of material.

### Reliant standards

- 3.3 There are no other standards reliant on standard 6.

### Requirements of the standard

- 3.4 Standard 6 requires the Council to ensure, when producing corresponding Welsh and English language versions of correspondence, that it does not treat the Welsh language version less favourably than the English language version. The standard also outlines an example of treating the Welsh language less favourably in this context.

## Considering compliance with the standard

- 3.5 For the purposes of this investigation, I consider the Council Tax Demand Notice to be correspondence. It is a document that is sent by the Council by post to a specific recipient. The recipient is expected to respond to the notice by paying the sum demanded by it.
- 3.6 The standard clearly states that the Council is expected to treat Welsh language versions of correspondence no less favourably than English versions. The Council Council Tax Demand Notice is a bilingual document that incorporates the Welsh version and the English version within one document.
- 3.7 I have considered the evidence presented to me in light of the interpretation given in part 3 paragraph 29 of the Welsh Language Regulations in terms of 'treating the Welsh language no less favourably than the English language'. I am of the view that the Council Tax Demand Notice treats the Welsh language less favourably than the English language in terms of visual presentation. Firstly, it is clear to me that the English text appears more prominently. There are nine examples in the Council Tax Demand Notice of English text that is either in a larger font than the Welsh, or in bold whilst the corresponding Welsh is in a regular or italicised font.
- 3.8 Secondly, information that should appear in Welsh is missing. There are four examples of text that appears in English only:
- i. the date of the notice;
  - ii. the subheading; 'Reason for bill: Annual';
  - iii. details of the period relevant to the bill; and
  - iv. details of how to pay the bill.
- 3.9 This is contrary to the Council's guidance to staff, 'Welsh language Standards - what you need to know', that clearly states staff must 'include exactly the same information in both languages' within correspondence.
- 3.10 I have also considered at length the complainant's concerns that the English text precedes the Welsh within the Council Tax Demand Notice. I acknowledge the complainant's view that placing the English language text first means that the Welsh language is treated less favourably. I also acknowledge that others who have also complained to me about this matter share this view and understand that these individuals feel strongly about the significance and the importance of placing the Welsh language first.
- 3.11 In my evaluative opinion I cannot determine that the Council Tax Demand Notice fails to comply with the standard based *solely* on the fact that it places the English language first. This is because the standard does not require the Council to place one language in front of the other in order to comply.
- 3.12 In reaching this view I took into account to the principle, established by the Welsh Language Tribunal in CASE TyG/WLC/17/2, that I may consider the location of Welsh language text in comparison to the English when contemplating whether there is evidence of failure. In the case of the Council Tax Demand Notice, both languages are placed close together so that the eye more or less sees both at the

same time. (Apart, of course, from the above examples where the Welsh information is missing). The text is also displayed concisely, with no more than a few words at a time. The Welsh reader does not experience the disadvantage of having to search for the Welsh text, or read through lines of English text before reaching the Welsh. For these reasons I do not believe that the location of the Welsh text, in comparison to the English, *in itself* means that the Council Tax Notice fails to comply with the standard.

- 3.13 This view only applies to this case. I will consider whether the location of text means that the Welsh language is treated less favourably than the English in a case by case basis when deliberating evidence of failure to comply with standards.
- 3.14 The Council accepts that the Council Tax Demand Notice does not comply with the Welsh language standards. The Council has earmarked resources to translate what it refers to as 'transactional data' into Welsh and has undertaken to correct documents in time for the 2019/20 financial year. I understand that what is meant by 'transactional data' is information relevant to the recipient of the Council Tax Demand Notice. This investigation has shown that there are clear errors in the information that is not 'transactional data', i.e. the information that appears in every notice. As there are examples of treating the Welsh language less favourably than English in every part of the notice, I advise the Council to be careful not to focus only on rectifying the transactional data.

## **Findings**

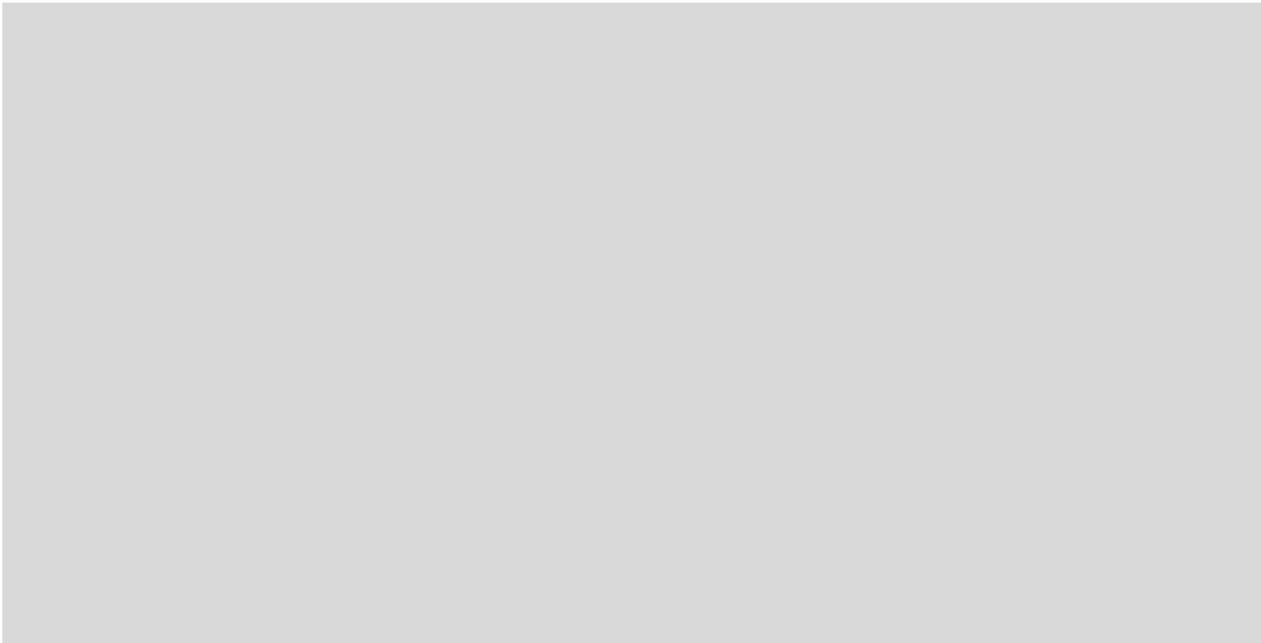
- 3.15 Standard 6 requires the Council to ensure, when producing corresponding Welsh and English language versions of correspondence, that it does not treat the Welsh language version less favourably than the English language version.
- 3.16 The Council produced correspondence, in this case a Council Tax Demand Notice, which treated the Welsh version less favourably than the English version in terms of its visual presentation. The Welsh language text in the notice appeared less prominently than the corresponding English text, and there were a number of examples within the notice of text that was missing in Welsh.
- 3.17 This shows a failure by the Council to comply with standard 6.

## **Determination of whether or not there has been a failure to comply with standard 6**

- 3.18 I determine that the Council failed to comply with standard 6 in producing correspondence, in this case a Council Tax Demand Notice, which treated the Welsh version less favourably than the English version in terms of its visual presentation.

## **Further action**

- 3.19 Section 77 of the Welsh Language Measure allows me to take further action where there has been a failure to comply with a standard.
- 3.20 In the case of my determination that the Council failed to comply with standard 6, I shall be taking further action in order to prevent the continuation or repetition of the failure to comply.
- 3.21 Details of the further action are below.



# 4 Compliance with a requirement contained in a decision notice: Assessment and findings

## The wording of the enforcement action

- 4.1 This is the enforcement action issued to the Council following investigation CSG172. The Council was expected to implement this action by 20 January, 2018:

In order to comply with standard 6, [the Council] must ensure that any English text to be sent out to the public, is also sent out in Welsh also, in addition to being proofread so that the Welsh language version of correspondence is treated no less favourably than the English language version.

## Considering compliance with the enforcement action

- 4.2 The enforcement action relates to correspondence that is produced and sent to the public by the Council. The Council was required to ensure that by 20 January, 2018, any English text within correspondence is also sent in Welsh. The Council was also required to ensure that the text is proofread in order to ensure that the Welsh language version is treated no less favourably than an English language version.
- 4.3 As the CSG172 investigation did not relate to a failure by the council tax department, the Council did not share the details of the enforcement action with that department.
- 4.4 The investigation has shown that the Council Tax Demand Notice treated the Welsh version less favourably than the English version in terms of visual presentation. It has also shown that text in the notice had been sent in English without the corresponding Welsh.
- 4.5 In its evidence to me, the Council acknowledged that the Council Tax Demand Notice was not fully proofread. It stated that the text of the notice had been checked by a council tax officer and that only the errors highlighted by the complainant and the Public Services Ombudsman for Wales on behalf of the complainant were rectified. It is a matter of concern that the Council failed to identify further errors in the document which suggests a fundamental failure in its proofreading arrangements.
- 4.6 The Council Tax Demand Notice was not proofread comprehensively by a qualified person who would have identified examples where the Welsh was missing or appeared less prominently than the English. This, in my view, would be a routine step to take considering the fact that linguistic errors had been identified previously.

## Findings

- 4.7 The enforcement action requires the Council to ensure that any English text in correspondence is also sent in Welsh. The Council is also required to ensure that the text is proofread in order to ensure that the Welsh language version is treated

no less favourably than an English language version. This is relevant to any correspondence sent by the Council, whichever department is responsible for producing it.

- 4.8 English text was sent in correspondence - in this case a Council Tax Demand Notice - without corresponding Welsh text. The notice was not proofread in a way that identified that the Welsh language was treated less favourably than the English language in terms of visual presentation.
- 4.9 This shows a failure by the Council to comply with the enforcement action.

#### **Determination of whether or not there has been a failure to comply with an enforcement action CSG172**

- 4.10 I determine that the Council has failed to comply with the enforcement action on the basis that text in the Council Tax Demand Notice was sent in English only and that the notice was not proofread in a way that identified that the Welsh language was treated less favourably than the English language in terms of visual presentation.

#### **Further action**

- 4.11 Section 77 of the Welsh Language Measure allows me to take further action where there has been a failure.
- 4.12 In the case of my determination that the Council failed to comply with enforcement action CSG172, I shall be taking further action in order to prevent the continuation or repetition of the failure to comply.
- 4.13 Details of the further action are below.

#### **Requirement to take steps in accordance with section 77(3) (b) of the Welsh Language Measure**

3. Wrexham County Borough Council must conduct a review to ensure that it has sufficient arrangements for proofreading correspondence sent out publicly to a number of recipients.
4. Wrexham County Borough Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1, 2 and 3.

**Timetable:** Within 3 months of issuing the Commissioner's final determination.

#### **The wording of the enforcement action**

- 4.14 This is the enforcement action issued to the Council following investigation CSG233. The Council was expected to implement the action by 11 March, 2018:

I require [Council] to take steps to ensure that there are no linguistic errors in correspondence that is sent to the public within the Council Tax department in accordance with the requirements of standard 6.

## **Considering compliance with the enforcement action**

- 4.15 The enforcement action relates specifically to correspondence sent by the Council Tax department. It requires the Council to take steps, before 11 March, 2018, to ensure that any correspondence sent to the public by the Council Tax department complies with standard 6.
- 4.16 As the basis for the CSG233 investigation was errors in the council tax summons, the relevance of the enforcement action to the Council Tax Demand Notice was not considered. It is a matter of grave concern to me that the Council failed to apply this enforcement action, that related specifically to correspondence from the Council Tax department, to the Council Tax Demand Notice; a significant piece of correspondence, sent out annually to county residents.
- 4.17 As I have already stated, this investigation has shown that the Council Tax Demand Notice treated the Welsh version less favourably than the English version in terms of visual presentation. Examples where the Welsh was missing or appeared less prominently than the English were not identified or rectified. I therefore consider that there were linguistic errors in the correspondence and that the Council did not take sufficient steps to avoid this.

## **Findings**

- 4.18 The enforcement action requires the Council to take steps to ensure that there are no linguistic errors in Welsh language correspondence sent by the Council Tax department.
- 4.19 The Council did not take sufficient steps to ensure that no linguistic errors appeared in the Welsh language text of its Council Tax Demand Notice for 2018/19.
- 4.20 This shows a failure by the Council to comply with the enforcement action.

## **Determination of whether or not there has been a failure to comply with enforcement action CSG233**

- 4.21 I determine that the Council has failed to comply with the enforcement action on the basis that there were linguistic errors in the Council Tax Demand Notice for 2018/19, correspondence which was sent by the Council Tax department.

## **Further action**

- 4.22 Section 77 of the Welsh Language Measure allows me to take further action where there has been a failure. In the case of my determination that the Council failed to comply with an enforcement action CSG233, I shall be taking no further action. This is because I am of the view that the enforcement actions that I have already issued to the Council are sufficient to prevent the continuation or repetition of the failure to comply.



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Welsh Language  
Commissioner

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## Decision notice

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To: Wrexham County Borough Council  
Case number: CSG329  
Date: 24 January, 2019

### Determination

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As a result of a complaint received from a member of the public, I carried out an investigation under section 71 of the Welsh Language (Wales) Measure 2011 in order to determine whether Wrexham County Borough Council failed to comply with a Welsh language standard with which it has a duty to comply, as well as requirements set out in a decision notice.

The standards relevant to the investigation are as follows:

If you produce a Welsh language version and a corresponding English language version of correspondence, you must not treat the Welsh language version less favourably than the English language version (for example, if the English version is signed, or if contact details are provided on the English version, then the Welsh version must be treated in the same way).

Imposition day: 30 March 2016

### **My determination is that the Council has failed to comply with standard 6.**

The basis for my determination is that the Council failed to comply with standard 6 in producing correspondence, in this case a Council Tax Demand Notice, which treated the Welsh version less favourably than the English version in terms of its visual presentation.

The requirements set out in a decision notice relevant to the investigation are as follows:

In order to comply with standard 6, Wrexham County Borough Council must ensure that any English text to be sent out to the public, is also sent out in Welsh, and proofread so that the Welsh language version of correspondence is treated no less favourably than the English language version.

Implementation date: By 20 January, 2018

**My determination is that the Council has failed to comply with the above requirement.**

The basis for my determination is that text in the Council Tax Demand Notice was sent in English only and that the notice was not proofread in a way that identified that the Welsh language was treated less favourably than the English language in terms of visual presentation.

**A requirement to take steps in accordance with investigation decision notice CSG233**

I require Wrexham County Borough Council to take steps to ensure that there are no linguistic errors in correspondence that is sent to the public within the Council Tax department in accordance with the requirements of standard 6.

Implementation date: By 11 March, 2018

**My determination is that the Council has failed to comply with the above requirement.**

The basis for my determination is that there were linguistic errors in the Council Tax Demand for 2018/19, correspondence which was sent by the Council Tax department.

**Further action**

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In accordance with section 77 of the Welsh Language (Wales) Measure 2011, I have decided on further action for the purpose of preventing the continuation or repetition of the failure.

Details of the further action are below.

1. Wrexham County Borough Council must ensure that every element of its Council Tax Demand complies with standard 6.

**Requirement to publicise in accordance with 77(3)(c) of the Welsh Language Measure**

2. Wrexham County Borough Council must give publicity to its failure to comply with standard 6 in relation to its Council Tax Demand. The Council should publish this report in a prominent place on its website and include an item regarding the investigation in its news section.

**Timetable:** Within 3 months of issuing the Commissioner's final determination.

3. Wrexham County Borough Council must conduct a review to ensure that it has sufficient arrangements for proofreading correspondence sent out publicly to a number of recipients.
4. Wrexham County Borough Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that it has completed enforcement actions 1, 2 and 3.

**Timetable:** Within 3 months of issuing the Commissioner's final determination.

## **Right of appeal to the Welsh Language Tribunal**

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When the Commissioner has determined that there has not been a failure to comply with a standard, the complainant may appeal to the Welsh Language Tribunal. When the Commissioner has determined that a person has failed to comply with a standard, that person can appeal to the Welsh Language Tribunal. Additionally, when the Commissioner has decided to take enforcement action in relation to a failure in accordance with section 79 of the Welsh Language Measure, the Council may appeal to the Welsh Language Tribunal on the grounds that the enforcement actions are unreasonable or disproportionate. There is more information about the process in the enclosed leaflet, and on the Welsh Language Tribunal's website.

## **Consequences of not complying with a requirement included in the decision notice**

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If the Council fails to comply with any requirement within this decision notice for further action, the Commissioner may apply to a county court for an order requiring the Council to comply.