

Comisiynydd y  
Gymraeg  
Welsh Language  
Commissioner

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# Standards enforcement investigation: Report and decision notice

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

The investigation of a suspicion of failure to comply with standards set by Welsh Ministers was conducted in accordance with section 71 and Schedule 10 of the Welsh Language (Wales) Measure 2011

**Torfaen County Borough Council (the Council)**

Case number: CS1061

Date: 04/12/2023

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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 shall not be treated less favourably than the English language in Wales;
- persons in Wales should be able to live their lives through the medium of Welsh if they choose to do so.

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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'. The standards apply 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 or 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 in exercising the Commissioner's regulatory functions.
- viii. The Commissioner's Enforcement Policy contains full information regarding the way in which the Commissioner will exercise the Commissioner's regulatory functions under Part 5 of the Welsh Language Measure.
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# 1 Terms of reference

## **Suspicion of failure to comply with Welsh language standards**

- 1.1 On 28/09/2022 I received a complaint from a member of the public. It met the conditions of section 93 of the Welsh Language Measure and was therefore a valid complaint.
- 1.2 The complainant claims that the Council has placed a number of English only street name signs in the Council's area. The complainant has provided photos of some examples of these English only signs, as well as photos of bilingual ones for comparison.
- 1.3 The pictures of the examples provided include signs with the text:
  - a. West Roedin – Leading to – Offway and East Roedin – Shop
  - b. Gorllewin Roedin yn arwain i Offway a Dwyrain Roedin – Siop / West Roedin Leading to Offway and East Roedin – Shop
  - c. Teynes – Leading to / Yn arwain i – Ladybench
  - ch. Teynes – Leading to – Ladybench
  - d. Jule Road
- 1.4 The photos show that some of the signs display street names in English only, and that text that is not part of the street name, is also in English only.
- 1.5 The complainant also claims that the Council did not consider the impact on the opportunities to use the Welsh language and on not treating the Welsh language less favourably than English, when it changed its street naming policy to one of not translating English only street names to Welsh.
- 1.6 Originally, I decided not to carry out an investigation into these allegations, however following the complainant's request for a review of my decision by the Welsh Language Tribunal, I reconsidered, and changed it to a decision to open an investigation.

## **Confirming responsibility for the relevant service**

- 1.7 My officers wrote to the Council on 03/10/2022 to confirm whether the Council was responsible for the service complained about.
- 1.8 I received a response from the Council on 03/10/2022 accepting responsibility for the matter. It stated that it was translating street names up to the beginning of 2018, when the policy was revised. That new policy is that street signs are to contain one name only, and that is the official registered name. Any new street names will be in

Welsh or in English, but there is an emphasis on treating the Welsh language no less favourably.

## Relevant standards

- 1.9 The Council has a duty to comply with the following standards, which was also the case on the date relevant to the complaint:

### **Standard 61**

When you erect a new sign or renew a sign (including temporary signs), any text displayed on the sign must be displayed in Welsh (whether on the same sign as you display corresponding English language text or on a separate sign), and if the same text is displayed in Welsh and in English, you must not treat the Welsh language text less favourably than the English language text.

**Imposition day: 30/3/2016**

### **Standard 62**

When you erect a new sign or renew a sign (including temporary signs) which conveys the same information in Welsh and in English, the Welsh language text must be positioned so that it is likely to be read first.

**Imposition day: 30/3/2016**

### **Standard 63**

You must ensure that the Welsh language text on signs is accurate in terms of meaning and expression.

**Imposition day; 30/3/2016**

### **Standard 88**

When you formulate a new policy, or review or revise an existing policy, you must consider what effects, if any (whether positive or adverse), the policy decision would have on –

- (a) opportunities for persons to use the Welsh language, and
- (b) treating the Welsh language no less favourably than the English language.

**Imposition day: 30/9/2016**

### **Standard 89**

When you formulate a new policy, or review or revise an existing policy, you must consider how the policy could be formulated (or how an existing policy could be changed) so that the policy decision would have positive effects, or increased positive effects, on –

- (a) opportunities for persons to use the Welsh language, and
- (b) treating the Welsh language no less favourably than the English language.

**Imposition day: 30/9/2016**

### **Standard 90**

When you formulate a new policy, or review or revise an existing policy, you must consider how the policy could be formulated (or how an existing policy could be changed) so that the policy decision would not have adverse effects, or so that it would have decreased adverse effects, on –

- (a) opportunities for persons to use the Welsh language, and
- (b) treating the Welsh language no less favourably than the English language.

**Decision to investigate**

- 1.10 Based on the above, I decided to conduct an investigation under section 71 of the Welsh Language Measure, in order to determine whether there had been a failure by the Council to comply with the standards noted. I gave notice of the decision to investigate, and of the proposed terms of reference, to the Council on 12/06/2023.
- 1.11 I gave notice of the final terms of reference of the investigation to the Council on 05/07/2023. The final terms of reference are included as an appendix to this report.



## 2 Evidence taken during the investigation

### Evidence notice

- 2.1 On 05/07/2023 I issued an evidence notice to the Council. The evidence notice required the Council to provide the following evidence:

#### Information and documents

1. What is the official name registered in accordance with sections 17 and 18 of the Public Health Act 1925 for the following streets:
  - (a) West Roedin
  - (b) Offway
  - (c) East Roedin
  - (ch)Teynes
  - (d) Ladybench
  - (dd) Jule Road
2. When were the signs that form the basis of this investigation erected or last renewed? Photos of the signs have been included with the case correspondence.
3. Explain why the text 'leading to' appears in English only on some of the signs but the bilingual text 'leading to / yn arwain i' appears on others.
4. Explain why some signs display both Welsh and English versions of street names (Gorllewin Roedin / West Roedin and Dwyrain Roedin / East Roedin) and others display only the English version (West Roedin and East Roedin).
5. Explain when the Council's current street naming policy was adopted, and when it was last reviewed or revised.
6. Please provide a copy of the Council's current version of the street naming policy, and a copy of the previous version.
7. Explain what reviews / revisions have been made to the policy in terms of:
  - (a) Giving Welsh and/or bilingual names to existing streets
  - (b) Giving Welsh and/or bilingual names to new streets
  - (c) Signs displaying the names of the streets
8. Please provide details, and supporting evidence, to show how the Council, in revising its street naming policy considered what effects, if any (whether positive or adverse) the policy decision would have on -
  - (a) opportunities for persons to use the Welsh language, and
  - (b) treating the Welsh language no less favourably than the English language.

9. Please provide details, and supporting evidence, to show how the Council, in revising its street naming policy, considered how the existing policy could be changed so that the policy decision would have positive effects, or increased positive effects, on -
  - (a) opportunities for persons to use the Welsh language, and
  - (b) treating the Welsh language no less favourably than the English language.
  
10. Please provide details, and supporting evidence to show how the Council in revising its street naming policy considered how the existing policy could be changed so that the policy decision would not have adverse effects, or so that it would have decreased adverse effects, on -
  - (a) opportunities for persons to use the Welsh language, and
  - (b) treating the Welsh language no less favourably than the English language.
  
11. Please provide any further information or evidence which you wish for the Commissioner to consider when determining your compliance with standards 61, 62, 63, 88, 89 and 90.

2.2 In response, I received evidence from the Council on 03/08/2023.

2.3 I considered all the information submitted in response to the evidence notice.

2.4 I also considered information submitted by the Council on 22/08/2023, which showed pictures of modified signs.

### **The evidence received**

2.5 In response to the first question, the Council confirmed that the names on the signs were registered under the Public Health Act 1925 as they appear in the question. All streets have one name registered only.

2.6 The Council gave the dates when the signs were erected, and the dates on which the signs were replaced, and they are as follows:

a. West Roedin – bilingual: 13/06/2016 / one language: 19/04/2021

b. Teynes – bilingual: 11/11/2013 / one language: 09/04/2021

c. Jule Road – 04/04/2019

2.7 I asked why the text 'leading to' appears in English only on some of the signs. The Council stated that it acknowledged that these signs had been installed incorrectly, and that they had been rectified. As per Standard 61, 62, and 63, any guiding or directing words will be displayed in both languages, with the Welsh language above or to the left of the English text. The Council sent evidence including photos showing that the text had now been changed to bilingual, with the Welsh language first.

2.8 I asked why some signs display both Welsh and English names, whilst others show English names only. The Council explained that the Council's current policy states the following:

*" The Council has the right to decide on the names of streets and encourages the use of Welsh names in all new developments and ensure that the Welsh language is not treated less favourably than the English language. Developments will only have one official name. Street name plates will display one official name only, as per Torfaen County Borough Council's Welsh Language Compliance Notice and Public Health Act 1925."*

2.9 As a result, the Council states that any replacement sign post-2017 will revert back to the single officially registered name.

2.10 In response to question 5, the Council stated that the current Street Naming and Numbering Policy was adopted in 2017.

2.11 The Council could not provide a copy of the Policy as it was being revised, but provided the wording relevant to the Welsh language. In addition to the wording at 2.8 above, the policy states:

*"The Council acknowledges the importance of local opinion when considering names of new streets. The Council's approach will be to adopt a Welsh or English name that is consistent with the heritage and history of the area.."*

2.12 In response to question 7, the Council provided the following response to the three points:

- a) Reviews of the policy in terms of giving Welsh/bilingual names to existing streets: The Council does not encourage changing a street name once a street has been named. Names can only be changed in exceptional circumstances, and would require consensus from all residents of that street.
- b) Reviews of the policy in terms of giving Welsh/bilingual names to new streets: The procedure for naming a new street would begin by a developer applying with a suggested street name. The name is then assessed on its suitability, and views gathered from the elected members of the Council. The Council ensures that Welsh street names are in line with the Welsh Language Measure (2011), namely at least 50% in Welsh. The Council provided statistics of the names of the new signs selected in recent years. E.g. during 2022/23, 2 new street names have gone through the planning process, both of which have been approved with Welsh names.
- c) Reviews of the policy in terms of signs displaying the names of the streets: As of 2017, street nameplates will only display the single registered name. Existing bilingual street name signs will be changed as/when they are replaced or renewed.

2.13 In response to question 8, the Council stated that the policy recognised the importance of the Welsh language, and that the Council actively encourages developers to adopt Welsh names for new developments. The Council notes again that its procedure of translating street names had to change after receiving advice from my office stating that only the official names should be put on a sign.

- 2.14 In response to question 9, the Council stated that the fact signs will have only one name on them means that the Welsh language will be used in wider contexts, discouraging residents from using the alternative English name.
- 2.15 In response to question 10, the Council stated that the policy will ensure that more Welsh names are registered by the Council, which will then be used in all subsequent documents and articles that may be produced.
- 2.16 Lastly, I gave the Council the opportunity to submit any further information for me to consider in relation to the standards in question. The Council stated that it recognised that some errors had been made in renewing signs. However, it notes that the Council's swift response to rectify them is testament to the importance put on the cultural and linguistic heritage in the area. The Economy and Environment Directorate has instructed all Highway Inspectors, as part of their routine inspections of the highway, to check every street name plate to ensure that it complies.

## 3 Compliance with standard 61: Assessment, findings and determination

### Wording of the standard

3.1 This is the standard as it appears in the compliance notice issued to the Council:

#### **Standard 61**

When you erect a new sign or renew a sign (including temporary signs), any text displayed on the sign must be displayed in Welsh (whether on the same sign as you display corresponding English language text or on a separate sign), and if the same text is displayed in Welsh and in English, you must not treat the Welsh language text less favourably than the English language text.

### Interpretations

3.2 The Code of Practice for the Welsh Language Standards (No. 1) Regulations 2015, 4.12. 16:

“...These standards do not place a duty on a body to translate a street name into Welsh, in order to display it in Welsh on a sign.”

### Requirements of the standard

3.3 If a body erects a new sign or renews a sign (including temporary signs), it must ensure that any text displayed on that sign is displayed in Welsh. A body may either display the Welsh language text on the same sign as the corresponding English language text or on a separate sign. A body must ensure that it does not treat the Welsh language text less favourably than the English language text on the sign in question.

### Considering compliance with the standard

3.4 The signs that are the focus of this complaint require consideration of two types of text. Firstly, the street names themselves need to be considered, such as West Roedin and Ladybench (examples only); and secondly, the text ‘leading to’ on some of the signs needs to be considered.

3.5 Firstly, I want to consider the names themselves. The law is clear that only names registered in accordance with the Public Health Act 1925 should be displayed on street signs.<sup>1</sup>

3.6 Schedule 1, Part 3, Paragraph 25 of the Welsh Language Standards Regulations disapplies the Welsh Language Standards “*insofar as another enactment has appointed the wording of a document, sign, or form that would be contrary to that*

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<sup>1</sup> Public Health Act 1925, Part 2, Section 19(2), [Public Health Act 1925 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1925/19).

*requirement.*” This means that any name on a sign, which is officially registered under the relevant legislation, is outside the competence of the standards.

- 3.7 In this case, the Council has confirmed that the signs in question in the complaint all contain the official names, all of which are English only names. As these English names are the ones that have been registered, I am not able to force the Council to change the names on the signs into Welsh as the law does not permit it. (I would like to note that nothing prevents the Council from registering Welsh names for these streets, which would then allow it to add Welsh names to the signs).
- 3.8 As a result, there is no failure to comply with this standard in relation to the individual names on the signs.
- 3.9 Secondly, there is a need to consider the text 'leading to' on some of the signs. Such text is not a street name and therefore falls within the requirements of the standards. The Council confirms that the signs in question have all been erected after the standards have come into force, and they are therefore subject to the standards. The Council also acknowledges its failure in relation to the text 'leading to'.
- 3.10 Two signs have failed to comply with this standard, namely:
- a) “Taynes leading to Ladybench”
  - b) “West Roedin leading to Offway and East Roedin Shop”
- 3.11 The standard is clear that any text on a sign must be in Welsh (either on the same sign or on a separate sign). As the text 'leading to' is in English only, the Council has failed to comply.
- 3.12 It is good to see that the Council has already rectified these signs, and has now added the Welsh words, 'yn arwain i', to the signs in question. Therefore, I will not impose a specific enforcement action in relation to these signs, but I will impose enforcement action to ensure that this does not happen again in the future. The Council has ensured that any text on signs (beyond the official name) will be displayed in both languages, with the Welsh to be read first.

## **Findings**

- 3.13 Standard 61 requires the Council to ensure that any text on a sign appears in Welsh.
- 3.14 As the names on the signs are registered in English only, there has been no failure to comply. However, the text 'leading to' exists in English only.
- 3.15 This is a failure to comply with the standard.

## **Determination of whether there has been a failure to comply with standard 61**

- 3.16 I determine that the Council has failed to comply with standard 61 on the basis that text in English only 'leading to' appears on its signs.

## Further action

- 3.17 Section 77 of the Welsh Language Measure allows me to take further action where there has been a failure.
- 3.18 In the case of my determination that the Council has failed to comply with standard 61, I will be taking further action for the purpose of preventing the continuation of the failure to comply.
- 3.19 Details of the further action are set out below.

### **Standard 61: Requirement to take action in accordance with section 77 of the Welsh Language Measure**

1. The Council must produce guidance, or add to existing guidance, in order to make clear that any text that is not part of the name on street signs must be in Welsh. The Council must note the words 'leading to' as an example of this type of text that needs to be in Welsh in order to comply.
2. The Council must draw the attention of the department responsible for designing street signs to this investigation, and remind them of the requirements of standard 61, referring to the revised guidance.
3. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1 and 2 have been completed.

**Timetable:** Within 3 months of the date of issuing the final determination.

## 4 Compliance with standard 62: Assessment, findings and determination

### Wording of the standard

4.1 This is the standard as it appears in the compliance notice issued to the Council:

#### **Standard 62**

When you erect a new sign or renew a sign (including temporary signs) which conveys the same information in Welsh and in English, the Welsh language text must be positioned so that it is likely to be read first.

### Interpretations

4.2 The Code of Practice for the Welsh Language Standards (No. 1) Regulations 2015, 4.13.9.

“If a body places the Welsh language text and corresponding English language text on the same sign, the Welsh language text would be likely to be read first usually if it is placed on the left or above any corresponding English language text, based on the standard practice of reading from left to right and from top to bottom.”

### Requirements of the standard

4.3 If a body erects a new sign or renews a sign, and that the sign conveys the same information in Welsh as in English, it must ensure that the Welsh language text is positioned so that it is likely to be read first.

### Considering compliance with the standard

4.4 The sign in the complaint that creates suspicion of failure with this standard is:

a) ‘Taynes leading to / yn arwain i Ladybench’

4.5 As there is Welsh and English text on this sign, the Welsh language must be positioned so that it is likely to be read first. In this case therefore, the Welsh language should be to the left of the English if it is to be read first.

4.6 As the Welsh text is positioned to the right of the English text, and therefore is not going to be read first, there is a failure to comply here.

### Findings

4.7 Standard 62 requires the Council to ensure that Welsh language text is positioned so that it is likely to be read first on signs that include the same information in Welsh and in English.

4.8 In this case, the English text 'leading to' has been placed before the Welsh text 'yn arwain i', and is therefore likely to be read before the Welsh text.



4.9 This is a failure to comply with the standard.

### **Determination of whether there has been a failure to comply with standard 62**

4.10 I determine that the Council has failed to comply with standard 62 as English text was placed before the Welsh text on the sign, and is therefore likely to be read first.

### **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 has failed to comply with standard 62, I will be taking further action for the purpose of preventing the continuation of the failure to comply.

4.13 Details of the further action are set out below.

#### **Standard 62: Requirement to take action in accordance with section 77 of the Welsh Language Measure**

1. The Council must provide me with evidence that it has rectified the sign which is the focus of this failure to comply, namely the sign 'Taynes leading to / yn arwain i Ladybench', so that the Welsh text is placed before the English text.
2. The Council must produce guidance, or add to existing guidance, in order to make clear that any sign containing the same information in Welsh and in English must include the Welsh text in such a position that it is likely to be read first.
3. The Council must draw the attention of the department responsible for designing street signs to this investigation, and remind them of the requirements of standard 62, referring to the revised guidance.
4. The Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that enforcement actions 1 - 3 have been completed.

**Timetable:** Within 3 months of the date of issuing the final determination.

## 5 Compliance with standard 63: Assessment, findings and determination

### Wording of the standard

5.1 This is the standard as it appears in the compliance notice issued to the Council:

#### **Standard 63**

You must ensure that the Welsh language text on signs is accurate in terms of meaning and expression.

### Requirements of the standard

5.2 A body must ensure that the Welsh language text on its signs is accurate in terms of meaning and expression. That may relate to the contents of the sign; the spelling of the text; the syntax of the text; or the words and phrases used.

### Considering compliance with the standard

5.3 The only Welsh language text that exists and is relevant to this standard is 'yn arwain i'. This text is correct in terms of meaning and expression, and I have not seen evidence that suggests to the contrary.

5.4 Therefore, there is no failure to comply with this standard.

### Findings

5.5 Standard 63 requires the Council to ensure that the Welsh language text on its signs is accurate in terms of meaning and expression.

5.6 In this case, the Welsh language text on the Council's signs is accurate in terms of meaning and expression.

5.7 Therefore, there is no failure to comply.

### Determination of whether there has been a failure to comply with standard 63

5.8 I determine that the Council has not failed to comply with standard 63 on the basis that the Welsh language text on the signs is correct in terms of meaning and expression.

## 6 Compliance with standards 88, 89 and 90: Assessment, findings and determination

### Wording of the standard

6.1 This is the standard as it appears in the compliance notice issued to the Council:

#### **Standard 88**

When you formulate a new policy, or review or revise an existing policy, you must consider what effects, if any (whether positive or adverse), the policy decision would have on –

- (a) opportunities for persons to use the Welsh language, and
- (b) treating the Welsh language no less favourably than the English language.

#### **Standard 89**

When you formulate a new policy, or review or revise an existing policy, you must consider how the policy could be formulated (or how an existing policy could be changed) so that the policy decision would have positive effects, or increased positive effects, on –

- (a) opportunities for persons to use the Welsh language, and
- (b) treating the Welsh language no less favourably than the English language.

#### **Standard 90**

When you formulate a new policy, or review or revise an existing policy, you must consider how the policy could be formulated (or how an existing policy could be changed) so that the policy decision would not have adverse effects, or so that it would have decreased adverse effects, on –

- (a) opportunities for persons to use the Welsh language, and
- (b) treating the Welsh language no less favourably than the English language.

### Interpretations

6.2 Schedule 2, Part 2 of the Welsh Language Standards (No. 1) Regulations states:

In Part 1 of this Schedule a “policy decision” means any decision made by a body about the exercise of its functions or about the conduct of its business or other undertaking, and it includes, amongst other things (and as appropriate to the body), decisions about—

- (a) the content of legislation;
- (b) the exercise of statutory powers;
- (c) the content of policy statements;
- (ch) strategies or strategic plans;
- (d) internal structures.

In Part 1 of this Schedule, reference to positive or adverse effects is a reference to such effects, whether direct or indirect.

- 6.3 There are clauses relevant to these standards in section 5 of the Code of Practice to the Welsh Language Standards (No. 1) Regulations 2015. Paragraph 5.1.22 provides a list of examples of policy decisions, and includes decisions on “naming streets or properties”.

#### **Requirements of the standard**

- 6.4 These standards are a means of ensuring that organisations consider the possible effects of policy decisions on opportunities to use the Welsh language, and on treating the Welsh language no less favourably than the English language. This includes considering how the policy could be formulated so that it would have positive or increased positive effects on these two factors, and the same in the context of adverse or decreased adverse effects.
- 6.5 Organisations must make a conscientious effort to consider potential effects on the Welsh language.

#### **Considering compliance with the standard**

- 6.6 The policy decision in question in this investigation is the decision by the Council to revise its Street Naming and Numbering Policy in 2017.
- 6.7 The current policy includes the following in relation to the Welsh language:

*“The Council has the right to decide on the names of streets and encourages the use of Welsh names in all new developments and ensure that the Welsh language is not treated less favourably than the English language. Developments will only have one official name. Street name plates will display one official name only, as per Torfaen County Borough Council’s Welsh Language Compliance Notice and Public Health Act 1925*

*As well as street names the Council has an approved list of Place/Locality names which have a bilingual or Welsh only name, as per the recommendations of the Welsh Language Boards ‘standardisation of place names’ conducted in 2009, and approved by Council in 2012. These are listed in Appendix 4.*

*The Council acknowledges the importance of local opinion when considering names of new streets. The Council’s approach will be to adopt a Welsh or English name that is consistent with the heritage and history of the area.”*

- 6.8 Before the Council adopted this policy, it had a procedure for translating street names itself, and its streets included Welsh and English names on signs. As already discussed in this report, only an officially registered name may appear on a street sign. As a result, the Council had to revise its policy, and revise its street signs to include the official name only. This meant that the Council had to remove the majority of Welsh names from the signs as only the English names had been registered.
- 6.9 In making this determination, I am not questioning the Council’s rationale for changing its policy, as I am familiar with the law and with the fact that only official names may appear on signs.

6.10 However, I question whether the Council gave conscientious consideration to the effect of its decision to revise its street names policy on the Welsh language.

### **Standard 88**

6.11 In order to comply with this standard, the Council must identify and consider the possible effects of its street naming policy on opportunities to use the Welsh language and on treating the Welsh language no less favourably than the English language.

6.12 I requested evidence from the Council to show how consideration was given to possible effects on the Welsh language when deciding on the new policy. In its response, the Council stated that the policy recognised the importance of the Welsh language, and that the Council actively encourages developers to adopt Welsh names for new developments in the area.

6.13 However, I do not believe that this conveys conscientious consideration of the effect of the decision on opportunities to use the Welsh language and on treating the Welsh language no less favourably. The evidence from the Council is limited, and despite my request, it has failed to provide a copy of the entire Street Naming and Numbering Policy. It has not produced any document or minutes of meetings that show any discussion of the Welsh language that took place in revising the policy.

6.14 One positive effect identified by the Council in its evidence is that the policy, as it requires one official name on a sign only, will mean that the Welsh language will be used in wider contexts, and will encourage residents to use the Welsh name instead of the English name. The Council does not expand on this. I must also emphasise that there is no evidence that this had been considered by the Council in revising the policy.

6.15 It did not, as far as I can see, identify any negative impact. It did not consider that the same may be true against the Welsh language when the names on the signs are in English only, thus encouraging residents to use the English names rather than the Welsh ones.

### **Standard 88 findings**

6.16 In order to comply with standard 88, the Council must identify and consider the potential effects of the proposal, whether positive or adverse, on opportunities to use the Welsh language and on treating the Welsh language no less favourably than the English language.

6.17 The Council has not succeeded in providing me with evidence which proves that conscientious consideration has been given to the possible effects on the Welsh language in revising the street naming policy.

6.18 This is a failure to comply with standard 88.

### **Determination of whether there has been a failure to comply with standard 88**

6.19 I determine that the Council has failed to comply with standard 88 as it failed to provide evidence to demonstrate that it has conscientiously considered possible effects, whether positive or adverse, that the revision to the street naming policy could have on the Welsh language.

## **Standard 89**

- 6.20 In order to comply with this standard, the Council must consider how the policy could be formulated so that the policy decision would have positive, or increased positive, effects on opportunities to use the Welsh language and on treating the Welsh language no less favourably than the English language. I emphasise that conscientious consideration of effects is what is required here, and the Council would not be obliged to implement a revised version of the policy in order to achieve those increased positive effects, if it was of the opinion that it was not necessary to do so.
- 6.21 In response to a question regarding this standard, the Council refers to the one possible positive effect of using official names only on the street signs, when the name is in Welsh, and therefore residents are encouraged to use the Welsh name instead of the English name. The Council also states in its evidence that it wants to ensure that more Welsh names are registered.
- 6.22 This does not convey conscientious consideration of how to formulate the policy so that it would have positive or increased positive effects on the Welsh language. The Council could have considered revising the policy in order to increase the number of Welsh names on streets in the county in order to have an increased positive effect. A statement to this effect from the Council when responding to the Evidence Notice does not convey that conscientious consideration has been given to the options when revising the policy.
- 6.23 No further evidence is provided to prove compliance with this standard.

## **Standard 89 findings**

- 6.24 In order to comply with standard 89, the Council must consider how the policy could be formulated so that the policy decision would have positive, or increased positive effects on opportunities to use the Welsh language and on treating the Welsh language no less favourably than the English language.
- 6.25 The Council has not succeeded in providing me with evidence that conscientious consideration has been given to how the policy could be formulated so that it would have positive or increased positive effects on the Welsh language.
- 6.26 This is a failure to comply with standard 89.

## **Determination of whether there has been a failure to comply with standard 89**

- 6.27 I determine that the Council has failed to comply with standard 89 as it failed to provide evidence to demonstrate that it has conscientiously considered how the street naming policy could be formulated so that it would have positive or increased positive effects on the Welsh language.

## **Standard 90**

- 6.28 In order to comply with this standard, the Council must consider how the policy could be formulated so that the policy decision would not have adverse effects, or so that it would have decreased adverse effects on opportunities to use the Welsh language and on treating the Welsh language no less favourably than the English language. As I said above, I emphasise that conscientious consideration of effects

is what is required here, and the Council would not be obliged to implement a revised version of the policy in order to achieve those decreased adverse effects, if it was of the opinion that it was not necessary to do so.

- 6.29 The Council has not identified any clear negative impact in its evidence, even though the essence of the policy is to change to use official names only on signs. That means that any informal Welsh name that used to be displayed on signs is superseded with an English only name.
- 6.30 The Council could have considered how it could protect the unofficial Welsh names on the streets, thereby reducing the negative impact of the new policy. As has already been mentioned, the Council could have considered registering the unofficial Welsh names, which would mean that they could remain on the signs.
- 6.31 As above, no further evidence has been provided to prove compliance with this standard.

### **Standard 90 findings**

- 6.32 In order to comply with standard 90, the Council must consider how the policy could be formulated so that the policy decision would not have adverse effects, or so that it would have decreased adverse effects on opportunities to use the Welsh language and on treating the Welsh language no less favourably than the English language.
- 6.33 The Council has not succeeded in providing me with evidence that conscientious consideration has been given to how the policy could be formulated so that it would not have adverse effects, or so that it would have decreased adverse effects on the Welsh language.
- 6.34 This is a failure to comply with standard 90.

### **Determination of whether there has been a failure to comply with standard 90**

- 6.35 I determine that the Council has failed to comply with standard 90 as it failed to provide evidence to demonstrate that it has conscientiously considered how the street naming policy could be formulated so that it would not have adverse effects or so that it would have decreased adverse effects on the Welsh language.

### **General observations**

- 6.36 The Council's evidence does not show that it has given any conscientious consideration to the impact of its decision to revise the policy in question on the Welsh language.
- 6.37 Neither am I satisfied that the Council is aware of the requirements within the standards when formulating or revising a policy decision. I therefore draw the Council's attention to the [Code of Practice](#), which includes useful information and clear guidance on how to comply with these standards. The Council should consider this document in carrying out the enforcement actions set out below.



## Further action

6.38 Section 77 of the Welsh Language Measure allows me to take further action where there has been a failure.

6.39 In the case of my determination that the Council has failed to comply with standards 88, 89, and 90, I will be taking further action for the purpose of preventing the continuation of the failure to comply.

6.40 Details of the further action are set out below.

### **Standards 88, 89, and 90: Requirement to take action in accordance with section 77 of the Welsh Language Measure**

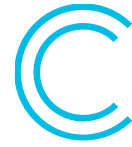
1. The Council must carry out a review of its internal process of formulating/revising policies in order to ensure that a robust process is in place that ensures compliance with standards 88,89 and 90.
2. The Council must provide internal guidance to its staff explaining the requirements of standards 88, 89 and 90 when formulating or revising a policy decision. The guidance must convey that the Council must consider the following when formulating or revising any policy decision, in the context of opportunities to use the Welsh language, and treating the Welsh language no less favourably than the English language:
  - a) What effects, whether positive or adverse, would the policy decision have on the Welsh language;
  - b) How could the decision be made so that it has positive, or increased positive effects on the Welsh language;
  - c) How could the decision be made so that it does not have adverse effects, or so that it has decreased adverse effects, on the Welsh language.
3. The Council must provide training to all staff involved in the process of formulating/revising the Council's policies, which focus on the requirements of standards 88, 89 and 90. The Council must raise staff awareness of the guidance above, and ensure that they are aware of all the requirements of standards 88, 89 and 90.

### **Standards 88, 89, and 90: Requirement to publicise the failure to comply in accordance with section 77 of the Welsh Language Measure.**

4. I require the Council to publicise its failure to comply with standards 88, 89 and 90. This includes publishing a statement stating that the Council has failed to comply with the relevant standards, as well as publishing the final report on the investigation in a prominent place on its main website.
5. The Council must provide written evidence that satisfies the Welsh Language Commissioner that they have completed enforcement steps 1-4.

**Timetable:** Within 3 months of the date of issuing the final determination.





Comisiynydd y  
Gymraeg  
Welsh Language  
Commissioner

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## Decision notice

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To: Torfaen County Borough Council  
Case number: CS1061  
Date: 04/12/2023

### Determination

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As a result of a complaint received from a member of the public, I conducted an investigation under section 71 of the Welsh Language (Wales) Measure 2011 to determine whether there had been a failure by the Council to comply with one or more Welsh language standards with which it has a duty to comply.

The standards relevant to the investigation are as follows:

#### **Standard 61**

When you erect a new sign or renew a sign (including temporary signs), any text displayed on the sign must be displayed in Welsh (whether on the same sign as the corresponding English language text or on a separate sign), and if the same text is displayed in Welsh and in English, you must not treat the Welsh language text less favourably than the English language text.

**Imposition day: 30/3/2016**

#### **Standard 62**

When you erect a new sign or renew a sign (including temporary signs) which conveys the same information in Welsh and in English, the Welsh language text must be positioned so that it is likely to be read first.

**Imposition day: 30/3/2016**

#### **Standard 63**

You must ensure that the Welsh language text on signs is accurate in terms of meaning and expression.

**Imposition day; 30/3/2016**

#### **Standard 88**

When you formulate a new policy, or review or revise an existing policy, you must consider what effects, if any (whether positive or adverse), the policy decision would have on –

- (a) opportunities for persons to use the Welsh language, and
- (b) treating the Welsh language no less favourably than the English language.

**Imposition day: 30/9/2016**

**Standard 89**

When you formulate a new policy, or review or revise an existing policy, you must consider how the policy could be formulated (or how an existing policy could be changed) so that the policy decision would have positive effects, or increased positive effects, on –

- (a) opportunities for persons to use the Welsh language, and
- (b) treating the Welsh language no less favourably than the English language.

**Imposition day: 30/9/2016**

**Standard 90**

When you formulate a new policy, or review or revise an existing policy, you must consider how the policy could be formulated (or how an existing policy could be changed) so that the policy decision would not have adverse effects, or so that it would have decreased adverse effects, on –

- (a) opportunities for persons to use the Welsh language, and
- (b) treating the Welsh language no less favourably than the English language.

**Imposition day: 30/9/201**

**I determine that the Council has failed to comply with standard 61.**

The basis of my determination is that English only text, 'leading to' appears on its signs.

**I determine that the Council has failed to comply with standard 62.**

The basis of my determination is that English text was positioned before the Welsh text on the sign, and therefore likely to be read first.

**I determine that the Council has not failed to comply with standard 63.**

The basis of my determination is that the Welsh language text on the signs is accurate in terms of meaning and expression.

**I determine that the Council has failed to comply with standard 88.**

The basis of my determination is that it failed to provide evidence to demonstrate that it has conscientiously considered possible effects, whether positive or adverse, that the revision to the street naming policy could have on the Welsh language.

**I determine that the Council has failed to comply with standard 89.**

The basis of my determination is that it failed to provide evidence to demonstrate that it has given conscientious consideration to how the street names policy could be formulated so that it would have positive or increased positive effects on the Welsh language.

## **I determine that the Council has failed to comply with standard 90.**

The basis of my determination is that it failed to provide evidence to demonstrate that it has given conscientious consideration to how the street names policy could be formulated so that it would not have adverse effects, or so that it would have decreased adverse effects on the Welsh language.

### **Further action**

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In accordance with section 77 of the Welsh Language Measure, I have decided to take further action for the purpose of preventing the continuation or repetition of the failure.

Details of the further action are set out below.

#### **Standard 61: Requirement to take action in accordance with section 77 of the Welsh Language Measure**

1. The Council must produce guidance, or add to existing guidance, in order to make clear that any text that is not part of the name on street signs must be in Welsh. The Council must note the words 'leading to' as an example of this type of text that needs to be in Welsh in order to comply.
2. The Council must draw the attention of the department responsible for designing street signs to this investigation, and remind them of the requirements of standard 61, referring to the revised guidance.
3. The Council must provide written evidence that satisfies the Welsh Language Commissioner that enforcement actions 1 and 2 have been completed.

**Timetable:** Within 3 months of the date of issuing the final determination.

#### **Standard 62: Requirement to take action in accordance with section 77 of the Welsh Language Measure**

1. The Council must provide me with evidence that it has rectified the sign which is the focus of this failure to comply, namely the sign 'Taynes leading to / yn arwain i Ladybench', so that the Welsh text is placed before the English text.
2. The Council must produce guidance, or add to existing guidance, in order to make clear that any sign containing the same information in Welsh and in English must include the Welsh text in such a position that it is likely to be read first.
3. The Council must draw the attention of the department responsible for designing street signs to this investigation, and remind them of the requirements of standard 62, referring to the revised guidance.
4. The Council must provide sufficient written evidence to satisfy the Welsh Language Commissioner that enforcement actions 1 - 3 have been completed.

**Timetable:** Within 3 months of the date of issuing the final determination.

**Standards 88, 89, and 90: Requirement to take action in accordance with section 77 of the Welsh Language Measure**

1. The Council must carry out a review of its internal process of formulating/revising policies in order to ensure that a robust process is in place that ensures compliance with standards 88,89 and 90.
2. The Council must provide internal guidance to its staff explaining the requirements of standards 88, 89 and 90 when formulating or revising a policy decision. The guidance must convey that the Council must consider the following when formulating or revising any policy decision, in the context of opportunities to use the Welsh language, and treating the Welsh language no less favourably than the English language:
  - d) What effects, whether positive or adverse, would the policy decision have on the Welsh language;
  - e) How could the decision be made so that it has positive, or increased positive effects on the Welsh language;
  - f) How could the decision be made so that it does not have adverse effects, or so that it has decreased adverse effects, on the Welsh language.
3. The Council must provide training to all staff involved in the process of formulating/revising the Council's policies, which focus on the requirements of standards 88, 89 and 90. The Council must raise staff awareness of the guidance above, and ensure that they are aware of all the requirements of standards 88, 89 and 90.

**Standards 88, 89, and 90: Requirement to publicise the failure to comply in accordance with section 77 of the Welsh Language Measure.**

4. I require the Council to publicise its failure to comply with standards 88, 89 and 90. This includes publishing a statement stating that the Council has failed to comply with the relevant standards, as well as publishing the final report on the investigation in a prominent place on its main website.
5. The Council must provide written evidence that satisfies the Welsh Language Commissioner that they have completed enforcement steps 1-4.

**Timetable:** Within 3 months of the date of issuing the final determination.

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

Where 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. Where the Commissioner has determined that a person has failed to comply with a relevant requirement, that person may appeal to the Welsh Language Tribunal. Additionally, when

the Commissioner has decided to take enforcement action in relation to a failure, the Council may appeal to the Welsh Language Tribunal on the grounds that the enforcement actions are unreasonable or disproportionate. More information about the process can be found in the enclosed leaflet, and on the Welsh Language Tribunal's website.

### **Consequences of failure to comply with a requirement in a decision notice**

Should the Council fail to comply with any requirement within this decision notice, the Commissioner may apply for a county court order requiring its compliance.