

Agenda – Culture, Communications, Welsh Language, Sport, and International Relations Committee

Meeting Venue:

Committee Room 3, Senedd

Meeting date: 5 March 2025

Meeting time: 09.30

For further information contact:

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Committee Clerk

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Hybrid

Pre-meeting registration

(09:15 – 09:30)

Public session

(09:30)

1 Introductions, apologies, substitutions, and declarations of interest

(09:30)

2 Cymraeg for all? – Evidence session with the Commission for Welsh-speaking Communities

(09:30 – 11:00)

(Pages 1 – 10)

Dr Simon Brooks – Chair

Professor Elin Haf Gruffydd Jones – Vice Chair

Dr Gwennan Higham – Commission Member

Attached Documents:

Research brief

3 Papers to note

(11:00)



3.1 Cultural Strategy for Wales

(Page 11)

Attached Documents:

Copied correspondence from Heledd Fychan MS to the Minister for Culture, Skills and Social Partnership on the leaked Culture Division Review – 16 February 2025

3.2 Scrutiny of the Welsh Language Commissioner

(Pages 12 – 35)

Attached Documents:

Copied correspondence from Cymdeithas yr Iaith, responding to the Welsh Language Commissioners consultation on a draft Enforcement Policy – 04 February 2025

3.3 Forward work programme

(Pages 36 – 39)

Attached Documents:

Correspondence from Andy Bell on Global Media's plans to end Welsh Language programming – 04 February 2025

Letter from Jane Dodds MS as Chair of the Cross Party Group on Gambling Related Harms requesting a one day inquiry into gambling advertising in Welsh Sport – 21 February 2025

3.4 Inter-Institutional Relations Agreement

(Pages 40 – 42)

Attached Documents:

Copied correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs to the Chair of the Legislation, Justice and Constitution Committee regarding the meeting of the Inter-Ministerial Standing Committee on 03 December 2024 – 13 February 2025

Copied correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs to the Chair of the Legislation, Justice

and Constitution Committee regarding the meeting of the Inter-Ministerial Standing Committee on 27 February 2025 – 27 February 2025

3.5 Welsh Government's International Relations

(Page 43)

Attached Documents:

Ministerial International Engagement January 2025 – 14 February 2025

3.6 Public Interest Journalism

(Pages 44 – 50)

Attached Documents:

Correspondence from Huw Marshall regarding the public interest news provision in Wales – 18 February 2025

Annex 1 – letter from Huw Marshall detailing the issue of public interest news in Wales – 18 February 2025

Annex 2 – circulation numbers for the Welsh newspapers published by Reach, Newsquest, and Tindle – 18 February 2024

3.7 Impact of funding reductions for culture and sport

(Pages 51 – 72)

Attached Documents:

Welsh Government response to the Committee's report – A decade of cuts:

Impact of funding reductions for culture and sport report – 21 February 2025

4 Motion under Standing Order 17.42(ix) to resolve to exclude the public from the remainder of the meeting and for the meeting on 20 March.

(11:00)

Private

(11:00–12:30)

Break

(11:00 – 11:10)

5 Cymraeg for all? – Consideration of evidence

(11:10 – 11:30)

6 Legislative Consent Memorandum on the Data (Use and Access)

Bill: Consideration of the draft report

(11:30 – 11:50)

(Pages 73 – 86)

Attached Documents:

Draft Report: Legislative Consent Memorandum on the Data (Use and Access)

Bill

7 Welsh Government International Relations: Consideration of draft annual report 2023–24

(11:50 – 12:30)

(Pages 87 – 114)

Attached Documents:

Draft report: International Relations Annual Report 2024

Document is Restricted

Agenda Item 3.1

Heledd Fychan

Aelod o'r Senedd dros

Ganol De Cymru

—

Member of the Senedd for
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01443 853214 

Dyddiad/ Date: 16.2.2025

Pwnc/ Subject: Review of the Welsh Government Culture Division

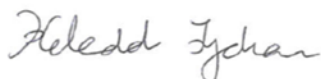
Dear Minister,

In his newsletter dated 2 February 2025, the journalist Will Hayward published details of a Strictly Confidential review of the Welsh Government Culture Division. It was leaked to him, and the article outlines a number of concerns. I've attached a copy of the article in full, as it contains direct quotes from the review.

During Business Statement on 4 February 2025, I requested that the report is published and that there is an oral statement by you on the matter. As I have not heard further about this request, I wish to repeat both requests directly to you.

Given the crisis faced by the culture, arts and heritage sectors at present, it is crucial that the Senedd receives assurances that the issues identified in the review have been addressed and that the division is now functioning as it should. Complete transparency is essential, and I hope that you will respond positively to the requests.

Regards,



Heledd Fychan AS/ MS

Agenda Item 3.2

Cymdeithas yr Iaith Gymraeg's response to the consultation on changes to the Welsh Language Commissioner's Enforcement Policy

Introduction

Cymdeithas yr Iaith is an organisation that has peacefully campaigned for the Welsh language and all Welsh communities, as part of the international revolution for freedom and justice, for over 60 years.

The proposed Enforcement Policy generally introduces a number of procedural and substantial changes that would limit the Commissioner's regulatory work to cases that would be considered "in the public interest" and favour internal resolutions over statutory, open investigations.

Emphasis in the proposals is placed on the best use of the Commissioner's resources, rather than on the interests of an ordinary citizen whose human rights to be able to see, hear and use the Welsh language in Wales have been impaired.

We are convinced that this would create additional barriers for individuals seeking to submit complaints directly to the Commissioner. That would reduce the accessibility of the complaints procedure, make the Commissioner less responsive to the everyday experiences of Welsh language users and limit the range and number of people who would complain, which would be in the interest of organisations.

If the changes being proposed are implemented, they will likely result in even fewer statutory investigations being held in cases of failure to comply, and more compromise between the Commissioner and failing organisations, resurrecting the Board's procedure and the Language Act 1993, which proved completely ineffective to guarantee rights for the Welsh language and were abolished for that reason.

Such a move would also remove the reality of attempting to live a fulfilled life in Welsh in Wales, and the barriers that still exist to being able to do so, as transparent and open recording of that experience will not be to the same extent. This would not be accepted in any other area in terms of citizens' rights in Wales today - nor should it be - so it is difficult to see why it would be suitable in the case of the Welsh language.

Section 1(2)(a) of the Welsh Language Measure 2011 clearly states that the enforcement of the Standards on bodies is the way in which the rights of the people of Wales to use the Welsh language come into being. We are concerned that the proposed new Enforcement Policy weakens the voice of Welsh language users and turns back the clock on the rights of Welsh speakers. It needs to be clear that the role of the Welsh Language Commissioner is to prioritise people over organisations and to be a strong advocate for the people of Wales.

There have been several attempts over the years to weaken the role of the Welsh Language Commissioner, and therefore the rights of Welsh speakers. We refer in Appendix 1 of our response to a chronology of those examples. At that time an appropriate legislative process

was followed to bring forward such proposals (even though we did not agree with them at all), and were rejected by vehement opposition.

We are concerned that some of the proposals in this consultation are almost identical to previous proposals, but that no proposals to change primary legislation have been made on this occasion.

The biggest change in our view is the expectation for Welsh language users to complain to an organisation or body about a failure to comply with the Welsh Language Standards before going to the Welsh Language Commissioner. This would be contrary to the current situation which allows a user to complain directly to the Welsh Language Commissioner or the organisation itself, as they wish. As it states quite clearly in the current Policy:

*4.5 The Commissioner encourages complainants to complain to the relevant person in the first instance, in order to give that person an opportunity to respond, and offer a resolution, where there has been a failure to comply. However **it must be made clear that it is not necessary for the complainant to submit a complaint to a relevant person**. Furthermore there is a duty on the Commissioner to consider each complaint received.*

The proposal to introduce an obligation to complain to an organisation in the first instance stems from the 2017-19 period and the Government's White Paper at the time, which was rejected. There do not appear to be sufficient reasons given to explain why the changes being proposed to the Enforcement Policy are necessary.

Statements have been made by previous Welsh Language Commissioners and others in favour of rights to complain to a regulator, and some of those statements can be found in Appendix 2 of this response.

There is no evidence to show that such a change of policy would lead to a situation that is equally accessible and expedient for a citizen to complain about not being able to use Welsh or about less favourable treatment, nor that it would lead to a situation that at least maintains or improves the status quo in giving effect to the objectives and policies of the Welsh Language Measure. No consideration appears to have been given to the impact of these changes on the rights of Welsh speakers to use the Welsh language.

We do not see that an equality impact assessment, for example, has been introduced to enable meaningful consideration of the potential impact of these changes on groups of Welsh speakers who currently have protected or underrepresented characteristics. Who are the current complainants who come to the Commissioner directly, who are currently excluded from the Commissioner's complaints system, and how are these proposals going to have a more positive effect on them? What adverse effects could they have? We cannot say based on this consultation.

It must therefore be asked again on what basis these changes are therefore being proposed, as not a single piece of relevant primary legislation has been changed to enable such a move and it is not proposed to do so.

The consultation process: basis and method

We would like to raise concerns and highlight the oversight of this consultation process. Given that far-reaching changes are being proposed in the proposed new Enforcement Policy, it is a concern that there is no reference to it on the home page of the Commissioner's website.

The Commissioner also does not appear to have issued the same press release about the consultation. There is little if any coverage of the consultation on the Commissioner's social media presence. How then has the Commissioner taken a serious and meaningful approach to seeking the views of Welsh speakers and ordinary Welsh people on this latest attack on their rights as citizens?

We would also like to draw your attention to a number of linguistic errors in the regulatory outcomes that are restated in the Welsh version of the document. While accepting that the mistakes were unintentional so many errors give the impression that the proposals were hastily drawn up.¹

As significant changes to the policy are being proposed it would be good practice to show each change, modification and omission of the policy, rationale for the proposals and their impact on Welsh speakers and the objectives of the Measure.

As part of our response we have created a table of the type, which can be found in Appendix 3.

Regulatory Approach

From the outset the impression is given that regulation is not the role of the Commissioner as this section opens by stating that the Commissioner regulates "to ensure an increase in the opportunities available to use the Welsh language."

Instead we suggest that securing Welsh-language services is a priority for the Welsh Language Commissioner and is therefore part of the regulation purpose. Unfortunately organisations are still failing to comply with Standards or acting in contravention of the Welsh Language Measure and regulation is needed to prevent that, and therefore a strong regulator.

Furthermore we are really concerned that clause 2.3, which proposes to 'encourage' organisations to report in advance if a failure to comply is likely, is an attempt to create a process contrary to the provisions of the Welsh Language Measure.

In preparing a Compliance Notice section 47 of the Welsh Language Measure requires the Welsh Language Commissioner to consult a body on the Standards intended to be imposed. A

¹ Setyliadau > sefydliadau

Ymwybodol or > ymwybodol o'r

Pendertyniadau > penderfyniadau

Sefydliadaun > sefydliadau'n

Threniadau > threfniadau

Llywodrathu > llywodraethu

body then has an opportunity to say if it is likely that it cannot comply, and the Commissioner may extend an Imposition Date (the date on which the body is required to comply with a duty) which gives the body time to make necessary changes to be able to comply by a certain date. If it is dissatisfied with all this a body can seek a final ruling from the independent Welsh Language Tribunal. This is a transparent and public process.

In addition section 55 of the Welsh Language Measure gives a body the ability to challenge duties *which have already been imposed* in a Compliance Notice and so in place. That process is also public and transparent, the independent Welsh Language Tribunal ultimately adjudicates publicly on any dispute over the 'reasonableness and proportionality' of duty.

The body already has several opportunities, during the various phases of the process of imposing a Compliance Notice, and thereafter, to raise by a proper process any situations in which it might be difficult for it to comply. The suggestion that the Commissioner's discretion extends to giving permission in advance of and beyond the process of negotiating a Compliance Notice and challenging a duty or duties clearly and transparently set out in the Measure - for a body not to comply with basic linguistic duties agreed by the Senedd if it gives advance notice - is totally unsatisfactory.

It is not clear what the Commissioner can do with the knowledge that there is a risk of failure to comply, as the Bill does not enable her to allow or facilitate bodies to not comply with the minimum duties that the Senedd has agreed and which have been imposed in a Compliance Notice, were it not for the process in sections 47 and 55 of the Welsh Language Measure that we have described above. It is extremely problematic that the Commissioner is even considering a procedure that would turn a blind eye to offending the language rights of the people of Wales.

The policy should therefore state that if a body wishes to challenge a requirement to comply with a duty that has already been imposed, for whatever reason, it should (BEFORE a case of specific non-compliance or a complaint comes to light, not in response to a complaint) properly challenge the duty, and that the possible consequences could be to reject the challenge, allow and remove the duty completely, or to introduce a variation of the body's Compliance Notice to provide an extended timeframe for compliance or vary the requirement in some other way (e.g. compliance must occur in all circumstances except X). This will enable the public to understand what their rights are when dealing with a relevant body when they look in that body's Compliance Notice, and consistent with the procedure in the Measure.

It is also unclear whether complaints would still be recorded under a regime where a body would give advance notice of failure to comply. Keeping records of failure to comply provides a clear picture of people's expectations and evidencing the weak points facilitates improvement in provision.

In the recent case of Television Licensing there was a failure to provide letters to renew a licence in Welsh as well as English, in compliance with the Standards. We know that many have

complained and been told that TV Licensing had informed the Commissioner that a problem with a change of provider meant that a letter could not be delivered bilingually and there was nothing that could be done in order to comply with the Standard. The problem lasted longer than expected and there was a failure to comply for several months.

In such a case, complaints nor an early or informal resolution would not be recorded under the proposed policy. That would hinder the collection of information about the experiences of Welsh speakers and the extent to which bodies comply with Standards.

Complaints

Proposed clauses 3.3 and 3.4 place an expectation on an individual to complain to a body about a failure to comply with the Welsh Language Standards in the first instance, before complaining to the Welsh Language Commissioner. This, together with the first criterion (a) in proposed clause 3.16 (“the extent to which the complainant has made an initial complaint to the organisation, and completed the organisation’s complaints procedure”), which includes the factors the Commissioner intends to consider when deciding whether or not to open an investigation, would turn back the clock on language rights, given the lack of power ordinary people have compared to bodies and companies.

It must be remembered that complaints and investigations into them can lead to more extensive change than solving a case for an individual.

Following a complaint about Cardiff Council’s self-service machines, the subsequent investigation and the threat to take the Commissioner to the Tribunal, a precedent has been established that all self-service machines throughout Wales must either be defaulted to the Welsh language or offered a proactive preference page in order to comply with the Language Standards.

This is an example of a statutory inquiry and use of the enforcement mechanism that has ensured wider opportunities for the practical use of Welsh throughout Wales. Sound and effective regulation therefore supports efforts to encourage language use, not hinder it as some wrongly argue, as all Welsh citizens must now exercise proactive choice when exposed to the interfaces in question.

The procedure as it stands, of enabling someone to complain to the Welsh Language Commissioner directly, is much more accessible than the old procedure of complaining to bodies, as it was under the Language Act 1993 (and which therefore still exists in the context of complaints of failure under statutory Welsh Language Schemes). Although there is a convention that public bodies should have a two phase process, there are some exceptions amongst county councils and health boards, which have one clause. As there is some diversity, and that information on how to complain must actively be sought, having one procedure by an independent regulator who wants to protect the rights of users, as currently, is more effective from the complainant’s objective.

The Commissioner’s complaints procedure is already lengthy, if an individual has to face the organisation’s complaints procedure before approaching the Commissioner they are unlikely to complain. Please note that what is being proposed here is effectively forced

completion of a body's complaints procedure, before the Commissioner considers a complaint.

In addition, some organisations' complaints procedures refer someone to an Ombudsman if there has been no adequate response to a complaint. That would create uncertainty and confusion for a complainant and possibly an Ombudsman to receive complaints instead of the Welsh Language Commissioner, who has the most suitable expertise and experience. It could also create confusion about the fundamentally different nature of the work of the Ombudsman and Commissioner, as elaborated in Appendix 2.

People's confidence in many public bodies is low and is very easily eroded so if a complaint did not result in a change or resolution by the body, but the body deemed the issue resolved, an individual would be less likely to complain again. Anecdotal information from others about their experience of making a complaint is another barrier for people to complain to a body directly.

Meri Huws also highlighted in her response to the Government's proposal in the Welsh Language Bill White Paper 'Striking the right balance' that complaints are referred directly to a body and given an early resolution, that the standards as they stand do not include a duty for bodies to deal with complaints about the Welsh language, only to record them. She said such a duty should therefore be placed on bodies before introducing any change to the existing arrangements. That hasn't happened.

Being able to complain to an independent regulator also places less burden on the individual, as it is possible to rely on the work of the Commissioner, who has experience of organisations, and is a recognised regulator. That will mean there are fewer opportunities for bodies to confuse people and avoid a fair resolution.

A body like the Welsh Language Commissioner commands credibility, and bodies will take a regulator more seriously and treat all legitimate complaints seriously. In addition, the Commissioner has a capability that members of the public do not have, namely the ability to consider imposing one of the range of enforcement actions for a valid complaint, including highlighting a failure to comply or imposing enforcement actions to change future behaviour or to prevent the failure from being repeated.

Not receiving complaints directly and therefore information about failings could hinder the Commissioner's work with bodies and reduce the information available to her about the experiences of Welsh speakers and the overall status and wellbeing of the language, in a way that is inconsistent with the Measure.

It could also mean that the Welsh Language Commissioner would be an adjudicator in a number of cases. A body might consider that a complaint has been resolved while a complainant is dissatisfied with the outcome. If a complainant went on to complain to the Welsh Language Commissioner as a result the Commissioner would have to rule on whether the body's response to the original complaint is sufficient in determining whether the complaint should be considered valid under the Commissioner's procedure.

By receiving complaints directly it is acknowledged that all complaints are serious if someone has taken the time and gone to the effort of complaining in the first place.

There are a number of circumstances in which it is not appropriate to expect an individual to complain to the body first. Not only that Wales is small, the Welsh-speaking part is even smaller, and people are therefore reluctant to complain personally but personal circumstances prevent some people from complaining directly to an organisation. Someone may be working for the aggrieved body, receiving health treatment or care from them, a witness or a police prisoner, etc. Concern about and the impact of the response of the offending bodies and individuals involved would leave people very reluctant to complain given the power these bodies hold over individuals.

The Commissioner would receive fewer complaints if obliged to complain to a body about a failure to comply before complaining to the Commissioner. The Commissioner would probably try to argue that, under the proposed procedure, she will still, technically, consider all complaints made, in accordance with section 93 of the Measure, under the proposals. However, in practice, the change would significantly restrict, if not abolish completely, the right that section 93 guarantees an individual.

And of course, a complainant has no control over how bodies implement their complaints processes and how effective they are in doing so.

As you know, the Measure places a duty on the Commissioner to "consider" whether or not to conduct an investigation if someone makes a complaint and the complaint is valid. There is no absolute obligation to conduct an investigation even if a complaint is valid. Section 94(2) of the Welsh Language Measure envisages that the Commissioner might decide not to conduct an investigation into a valid complaint and that the only duty is then to inform the complainant of the decision. Adopting a policy requiring a complainant to go through the complaints process of an organisation that has failed to comply with Standards before making a complaint to the Welsh Language Commissioner could add to the criteria that define a 'valid complaint'. As noted that is in direct contradiction to the provision of the existing Policy, which is true to the Measure, which states that it is not 'necessary' to submit a complaint to the offending body first:

4.5 The Commissioner encourages complainants to complain to the relevant person in the first instance, in order to give that person an opportunity to respond, and offer a resolution, where there has been a failure to comply. However it must be made clear that it is not necessary for the complainant to submit a complaint to a relevant person. Furthermore there is a duty on the Commissioner to consider each complaint received.

A change to the status quo, and adding to the 'valid complaint' criteria without changing the Measure itself, could be tantamount to action beyond the Welsh Language Measure, and we would ask that the Commissioner publishes her legal view on the matter as we doubt that this is lawful.

The current policy clearly states that the Welsh Language Commissioner is not required to have received a complaint of failure to comply in order to conduct an investigation, she can do so if she becomes aware of a failure by another source, during an enquiry, through media

information and in other circumstances. It is not clear that the Commissioner intends to continue to do this under the proposed new policy and that a complaint must be received from an individual in order to conduct an investigation. We believe this needs to be clear in the regulatory policy.

While we accept that it is the public's ability to use Welsh that is important and that the public will likely notice any failure, the Commissioner as regulator is likely to encounter examples of failures to comply. By not conducting an investigation, because no complaint has been received, there would be no record of the failure to comply, which would mean that neither an organisation's annual report, nor that of the Commissioner, reflects non-compliance.

Decide whether or not to investigate

3.14 We will not investigate unless we consider that doing so is in the public interest and represents the best use of our resources.

Clause 3.14 suggests that there will be an investigation into complaints only in special circumstances, this is contrary to section 93 of the Welsh Language Measure which is clear that the Commissioner must consider conducting a statutory investigation into a valid complaint, even though there is no obligation to investigate.

We recommend, for clarity, that the proposed regulatory policy makes it clear that it is the Commissioner's duty to consider conducting a statutory investigation if it is suspected that a body has failed to comply with a Standard. Under no circumstances should the unambiguous statement in the existing Enforcement Policy which accurately reflects the Measure be removed.

While working with bodies when there is a suspected failure of compliance can be an easy and quick fix, it is important that there is an investigation into the reasons for failure to comply to prevent similar failure in the future.

What would be considered in the 'public interest' is unclear. How would the public interest be measured and who would do it? And who is meant by "the public" - is it the Welsh speaking public, the public comprising the non-Welsh speaking majority?

Under the existing policy clause 4.19 states that the complainant will be told the reasons for not conducting an investigation. That is not clearly set out in the proposed policy, only that the complainant will be notified if there's no investigation. The requirement for public bodies to give adequate reasons for their decisions is a pivotal principle in public law that cannot be ignored.

We believe that it is important for a complainant to know why an investigation will not take place, and that it is clear that that will happen so that the complainant knows what to expect from the procedure. The same applies if an investigation is terminated.

Frivolous or vexatious complaint

We are concerned that the extensive elaboration offered to what the Commissioner considers to be a frivolous or vexatious complaint is possibly being made for the Commissioner's convenience and to silence complainants deemed 'troublesome'. It must be remembered that receiving complaints is one of the core functions given to the Commissioner by Parliament in legislation. The comparison between the provisions of the existing Policy and the proposed one at this particular point is illustrated below.

Existing Enforcement Policy	Proposed Enforcement Policy
<p>4.13 The Commissioner may conclude that a complaint is frivolous or vexatious in a number of circumstances. These could include circumstances where the complainant submits an unsubstantial complaint or changes the substance of a complaint, raises irrelevant matters, places unreasonable expectations upon the Commissioner or contacts the Commissioner in a way that is considered unreasonable.</p>	<p>A number of circumstances may lead us to conclude that a complaint is frivolous or vexatious. These may include circumstances where he complainant:</p> <ul style="list-style-type: none"> • submits an insubstantial complaint or makes significant changes to the complaint • submits an insincere complaint • submits a complaint which has been made more than once already or relates to the same matter submitted in a previous complaint and does not include any new information • submits a complaint where there is no hope or basis to consider that the complaint would be successful • insists on pursuing a valid complaint in an unreasonable manner • submits a complaint where the cost and/or time taken to investigate are incompatible with the value to the public and best use of our resources • insists that the complaint is treated in a way which is contrary to this enforcement policy or good practice • raises irrelevant matters • sets out unreasonable demands • makes contact in a way which is considered unreasonable.

We are concerned about the subjective nature of some of the new reasons e.g. that the complaint made was invalid, the submission of a complaint where there is no prospect or basis to consider that the complaint would succeed. How would the Commissioner determine what the complainant's intention or understanding is?

It is completely unacceptable that the Commissioner proposes to make a complainant 'frivolous or vexatious' if, for example, they make a complaint 'where the cost and/or time taken to investigate are incompatible with the value to the public and best use of our resources'. We remind you that concepts such as 'value' and 'public interest' do not appear at all in the definition of a valid complaint under section 93 of the Welsh Language Measure, as specified by the Senedd in 2011. Welsh speakers in Wales are members of the public who pay their taxes. We respectfully suggest that a complainant is under no obligation to be considering issues such as cost and resource before lodging a complaint in order to highlight that their basic human rights have been violated.

We note that the Commissioner has tried in the past to argue that appeals brought by complainants before the Welsh Language Tribunal are frivolous or vexatious, but that the Tribunal has ruled that the challenge was neither frivolous nor vexatious.

In WLT/23/02, relating to the lack of Welsh-medium swimming lessons, the Commissioner applied to the Tribunal to quash the appeal on a number of grounds, including that the appeal was 'frivolous or vexatious'. However, the Tribunal stated in its judgment:

*"... the Tribunal does not agree with the Commissioner when she argues that the Appeal is frivolous and vexatious. [The complainant] had brought his Appeal in good faith and based on the information which the Council had provided to him and it was obvious during the hearing that he was sincere in his determination to ensure that members of the public should have as much information as possible in order effectively to insist upon their linguistic rights under the Welsh Language Standards."*²

Deeming a complainant and their complaints as frivolous or vexatious has the effect of not obliging the Commissioner to consider their complaints. We are therefore concerned that any change to the Policy to this effect would further empower the Commissioner to disregard and be harsh on complainants, but weak against the offending organisations. Under this policy of course, as it relates to complaints not appeals to the Tribunal, the Tribunal would not then offer protection to individuals as in the case of the complainant in WLT/23/02. Therefore the proposed Policy must not be more stringent than the existing one.

More people need to be encouraged to complain to assist with the Commissioner's work rather than putting obstacles in people's way. Giving the impression that a complaint needs to be in the public interest could mean that people don't feel they should complain or that their complaint isn't important enough. One public body has the main job of protecting the interests of Welsh speakers and it is important that that body advocates for people.

An equivalent clause to clause 4.2 of the existing policy has disappeared as far as we can see:

[2tyg-penderfyniad-23-02.pdf](#)

If the Commissioner considers the complaint to be frivolous or vexatious, or the complaint is withdrawn, the Commissioner will decide to close the complaint. Closing complaints for the reasons set out in this paragraph is tantamount to saying that the Commissioner would not consider conducting an investigation in accordance with her discretion under section 93(8) of the Measure.

The Commissioner's discretion to open an investigation needs to be retained in the Policy, and should be evident in it – not necessarily in the section on frivolous or vexatious complaints and complainants.

Conducting an investigation

Under the existing policy terms of reference are being prepared and shared with the complainant and the body against whom there is a complaint, which includes a proposed timetable, and there is an opportunity for the complainant to comment on the terms of reference. There is no opportunity in the proposed policy, however, for a complainant to view and comment on the Evidence Notice which shows the questions the Commissioner intends to ask the organisation and shows the progress of the investigation. This would weaken the complainant's voice. The inclusion of a proposed timetable is also important to manage the complainant's expectations.

The complainant and the body against whom the complaint is made are given the opportunity under current policy to make representations during an investigation at the Commissioner's request. The proposed policy does not offer the same opportunity, which again gives the complainant less of a voice as only the content of their complaint will be considered.

In addition, the current policy gives the complainant the opportunity to comment on the ruling of the Commissioner at the end of an investigation. A complainant would have the opportunity to comment on the draft investigation report, which sets out whether or not there has been a failure to comply under the proposed policy. But that would be a step backwards.

From the complainant's point of view, one of the most important stages of the investigation is the resolution and action, as obtaining proportionate resolution is the intention of lodging a complaint. The omission of this stage therefore significantly reduces the power of the complainant.

Omitting all these stages may reduce the duration of the investigation, but a sufficient investigation and outcome will be more important to a complainant who has actively complained than an early resolution.

Nor does the move towards an 'early resolution' recognise that there is not always a 'resolution'. Sometimes the best that can be secured for Welsh language users who have experienced an injustice is to conduct a statutory investigation, to hear their unacceptable experience and to sanction a body. The Commissioner was given powers to investigate and enforce, not just in

order to 'resolve' problems but also in recognition that highlighting insufficient action and imposing punishment is a means of maintaining the status of the Welsh language and rights to use it.

Take no further action

It is not clear in the existing policy that a report on a determination containing reasons for taking no further action is shared with a complainant. The current policy is also not clear on the matter, we think it is important to give reasons for taking no further action, and that it is clear in the regulatory policy that that will happen.

Giving advice or recommendations

Clause 4.15 sets out the circumstances under which the Commissioner would decide to give advice or recommendations rather than enforcement action or punishment to a body. There is no consideration of the impact of the failure to comply on public use of the Welsh language, and that should be one of the Commissioner's main considerations in determining action following an investigation.

It is also stressed that this is not compliance enforcement. The figure at the bottom of clause 8.10 of the existing policy reflects more completely and comprehensively a decision to give advice – it is a gentle attempt to restore compliance, it is not enforcement. The use of this method should not be normalised as the outcome of an investigation. It would be more effective and give the user more confidence that the Commissioner is requiring the body to take specific action, for example, to avoid a repeat failure, rather than just advising it to do something. The new policy makes the boundary between the range of potential outcomes - what is an attempt to restore compliance and what is enforcement - after investigation less clear.

Requirement to take specific action or prepare an action plan

Preventing further failure of compliance is critical, and an action plan may be a key part of ensuring that.

There are no details of a requirement for a body to prepare an action plan. Under the existing policy the Commissioner must approve, set a timetable and ensure a body follows an action plan. The same action is not set out in the proposed policy.

Given the importance of a plan to prevent further failure we believe it is appropriate to include details of the type to reassure a complainant that a requirement to prepare an action plan will be taken seriously by the body. The complainant should have access to the action plan and the Policy should include the Commissioner's commitment to continuously monitor the achievement of enforcement schemes until it is certain that all action has been completed and the body is compliant once again.

Civil penalty

The proposed policy does not specify where money collected through penalty will go. For transparency we think it is important to note that in the policy.

Failure to comply with enforcement action

We do not agree that the factors in clause 3.16 should apply when considering failure to comply with enforcement action. A number of these factors do not relate to non-enforcement action and others that should not be a consideration, as they relate to a complaint, not failure to comply with action to address the effect of that complaint.

Demands / Conclusion

It must be remembered that the purpose of the Welsh Language Commissioner's regulation is to transform duties on public bodies to provide services into rights for people to use the Welsh language. This is clear in the Welsh Language Measure:

1(2)(a) duties on bodies to use the Welsh language, and the rights which arise from the enforceability of those duties, which enable Welsh speakers to use the language in dealings with those bodies (such as the provision of services by those bodies);

Policy changes that impede regulation undermine the Measure itself and deprive the people of Wales of their language rights. These dangerous proposals must be completely reconsidered and aborted.

If the Commissioner continues to want to change the Policy, the consultation needs to be restarted and an appropriate and transparent procedure followed - demonstrating the research basis of the proposals, what exactly is being proposed relative to the existing Policy and the practical impact the Commissioner foresees this having on individuals (including groups with protected characteristics) and on the aims and objectives of the Measure and the ability to assert the right to the Welsh language, and to give adequate reasons for any changes.

Any changes to the existing Enforcement Policy should make it as convenient as possible for users and empower them, and encourage more people to complain, especially as people are generally reluctant to complain.

Next steps

We understand that the Welsh Ministers must approve the policy under section 108(4) of the Measure. We will therefore share our response with Mark Drakeford, Cabinet Secretary for the Welsh Language, the Chair of the Senedd's Culture, Communications, Welsh Language, Sport, and International Relations Committee; party spokespersons on the Welsh language in the

Senedd and the President of the Welsh Language Tribunal so that they are aware of our concerns about changes to the Enforcement Policy.

Appendices to the Response

Appendix 1

This is a summary of the history of efforts to reduce the regulatory function of the Welsh Language Commissioner:

- The then Minister for Welsh Language and Lifelong Learning, Alun Davies AM, published a white paper *Striking the right balance: proposals for a Welsh Language Bill* in August 2017, just 16 months after the regulatory regime became effective on the first round of bodies under standards.
- In the words of the then Minister: “*we cannot justify a bureaucratic and costly system that threatens to choke off goodwill towards the Welsh language*”.

Proposals included:

- Abolishing the post of Welsh Language Commissioner and creating a Commission with a focus on promoting and facilitating the Welsh language.
 - Abolishing all classes of standards except for service delivery.
 - The Government, not an independent Commissioner, to be responsible for setting standards.
 - Requiring the bodies themselves to deal with complaints in relation to the Standards in the first instance and that the proposed Commission should only investigate complaints in serious cases.
- It also emerged during the period that the Government and the Public Services Ombudsman (who had a dubious record on the Welsh language to say the least – please see Cynwyd Council case) had at the time been discussing plans to swallow up the complaints function of the Welsh Language Commissioner.

The proposals were aborted in February 2019 in the face of a furious response and lack of support.

- In August 2019 a new agreement was announced between the Welsh Language Commissioner and Eluned Morgan AM, Minister for Welsh Language and International Relations at the National Eisteddfod in Llanrwst. It later emerged that the Government had agreed to transfer additional promotion and facilitation responsibilities to the Commissioner provided that the Commissioner made changes to the complaints system.
- It was highlighted in 2019 that the Commissioner was opening a significantly smaller number of investigations into complaints and that new pre-investigation arrangements had been introduced. It emerged in correspondence that the Minister for Welsh Language and International Relations had requested that the Commissioner reduce the number of complaints investigations and that the Commissioner confirmed that he was willing to consider that.

- In the 23/24 annual report, the Commissioner stopped reporting on the amount of statutory investigations that were opened after complaints from the public.

Appendix 2

Previous statements of the Welsh Language Commissioner post holders and others on the right to complain

We think it is important and necessary to highlight previous statements in relation to the changes you are proposing. It is becoming clear that it is not just Cymdeithas yr Iaith who are concerned about the emphasis on placing responsibility on a body to deal with complaints and a concept such as finding the 'best possible resolution for the complainant' shows a lack of understanding of the nature of the Commissioner's unique regulatory function.

The Welsh Language Commissioner's response to the 'Striking the Right Balance' White Paper:

"There is a fundamental difference between the mission of a "rectifying" body, such as an Ombudsman, and an "enforcement" regulator, such as the Commissioner. The primary mission of an Ombudsman is to consider the position of a public body and complainant and to seek "rectification" for the complainant at the end of the process. Nevertheless, the mission of the Welsh Language Commissioner is clearly outlined in the Welsh Language Measure and is about promoting and facilitating the use of the Welsh language. The Commissioner's job is therefore not to seek rectification for complainants, but to incentivise and enforce compliance and standards that give effect to the status of the Welsh language and create the rights for Welsh speakers arising from the standards".³

"Complainants currently have the right to make a complaint to the Commissioner. It could be argued that that right puts the citizen first and I am in favour of retaining that right".

The above point was made in the context of the Government's proposal at the time to force individuals to approach the body first in the case of a failure to comply.

"It is important to note that it is generally accepted when discussing equality legislation for example, that any legislation that confers rights may appear burdensome on the incumbent organisation, but that the positive impact it will have on equality is a compromise worth making."

Welsh Language Commissioner's evidence to the Fifth Senedd Culture Committee during the inquiry 'Supporting and promoting the Welsh Language - an inquiry into the legislative, policy and wider context'

³ The Commissioner's response to the White Paper 'Striking the right balance' (translation)

“Even though section 93 of the Welsh Language Measure gives me the discretion to decide whether or not to investigate a valid complaint, the decision must be made in a way that is consistent with the overall aims of the Measure. In a Welsh Language Tribunal case ruling [TyG/WLT/16/8] the Presiding Officer said that “... a decision not to investigate such a complaint has the potential for undermining public confidence in the effectiveness of the Measure as a means of protecting such rights”.

The Measure gives a person an unequivocal right to submit a complaint to the Welsh Language Commissioner and I consider it necessary to reserve the complainant's right to refer a complaint directly to me. That is because there are challenges facing Welsh language users as they seek to complain to an organisation about issues relating to the Welsh language.”⁴

The evidence of Alun Ffred Jones, former Heritage Minister 2008-2011 and former Assembly Member for Arfon, to the Fifth Senedd's Culture, Welsh Language and Communications Committee's Inquiry into the legislative and policy context of promoting the Welsh language

"One thing that they [Welsh Government] want to promote is a one-stop shop. Well, the commissioner is a one-stop shop, isn't she? She deals with the complaints at the moment. If you're unhappy, you can just go straight to the commissioner: 'I know her, I know of her, I know her name'; 'No, we're going to have a commission; no, the commission won't be dealing with complaints; you'll be complaining to the people that you're complaining about'. Well, I'm very sorry, but I'm very doubtful.”⁵

The evidence of Meri Huws, former Welsh Language Commissioner, to the Fifth Senedd's Culture, Welsh Language and Communications Committee's Inquiry into the legislative and policy context of promoting the Welsh language

“Organisations appear to be much more willing to take action to ensure compliance with standards in response to inquiries under the provision of the Measure than they were to inquiries conducted under the provision of the Welsh Language Act 1993.”⁶

“... I consider it necessary to reserve the complainant's right to refer a complaint directly to me. That is because there are challenges facing Welsh language users as they seek to complain to an organisation about issues relating to the Welsh language. My assurance report, A Measure of Success, states that organisations have not taken adequate action to ensure that members of the public can be confident to complain directly to them about issues relating to the Welsh language.”

Correspondence

In correspondence dated 1 August 2019 after the proposals in the White Paper 'Striking the right balance' were abandoned, the Commissioner stated in a letter replying to Eluned Morgan MS:

⁴<https://busnes.senedd.cymru/documents/s78415/Paper%201.pdf> (translation)

⁵Record of Parliament proceedings 20/09/2018 <https://record.assembly.wales/Committee/5113#A45462>

⁶ [Paper 1.pdf](#), paragraph 1.17 (translation)

“As important as it is to be able to complain directly to a public organisation a complainant has the right to approach me directly as a Commissioner and I do not intend to do anything to erode that right.”

Appendix 3**Table showing changes**

Policy 2015-2024	Proposed Policy
3.4 In considering the suspected failure of a relevant person to comply, the Commissioner will be proportionate in deciding whether or not a statutory investigation should be undertaken. With this in mind, the Commissioner will consider the facts of each case individually.	2.12 We will make proportionate decisions about whether or not to investigate under section 71 of the Measure ("investigation"). We will consider whether carrying out an investigation is a reasonable and proportionate use of our resources given the seriousness of the matter.
3.5 In deciding what subsequent action to take as a result of determining that has been a failure to comply, the Commissioner will consider what is proportionate in order to prevent the continuation or repetition of the failure.	2.13 Following the conclusion of an investigation, and in deciding what further action to take, we will consider what is proportionate to prevent future non-compliance.
4.5 The Commissioner encourages complainants to complain to the relevant person in the first instance, in order to give that person an opportunity to respond, and offer a resolution, where there has been a failure to comply. However it must be made clear that it is not necessary for the complainant to submit a complaint to a relevant person. Furthermore there is a duty on the Commissioner to consider each complaint received.	3.4 We want to give organisations the opportunity to put these complaints procedures into practice, and to respond and offer a solution to a complaint when something goes wrong.
4.12 If the Commissioner considers a complaint to be frivolous or vexatious, or if the complaint is withdrawn, the Commissioner will decide to close the complaint. Closing complaints for the reasons noted in this paragraph does not mean that the Commissioner would not consider conducting an investigation in line with the discretion available to her under section 93(8) of the Measure.	3.22 If we believe that a complaint is frivolous or vexatious, has already been made several times, or if a complaint is withdrawn, we will not investigate and we will close the complaint.
4.18 It will be the Commissioner's decision whether or not to undertake a statutory investigation. In reaching that decision, the reasons for any decision will be recorded with that decision.	3.15 Our decision about whether or not to investigate will be based on a number of factors. These factors may vary and/or be weighted differently depending on the circumstances. We will consider all relevant factors before deciding whether to investigate, and review the ongoing relevance of those factors

	<p>during an investigation.</p> <p>3.16 These factors include, but are not limited to the following:</p> <ul style="list-style-type: none">(a) the extent to which the complainant has made an initial complaint to the organisation, and completed the organisation's complaints procedure(b) the organisation's response when the matter was brought to its attention(c) the nature of the failure to comply, where relevant, and the extent to which it was intentional or non-intentional(ch) the action taken by the organisation to address any non-compliance(d) the extent to which the matter was the subject of previous complaints or investigations(dd) the likelihood, in our opinion, that this matter will recur(e) the likelihood, in our opinion, that this matter will have a detrimental effect on Welsh language users and, if so, its possible significance(f) the likelihood, in our opinion, that investigating (and any follow-up action where relevant) will have a positive effect on achieving our regulatory outcomes(ff) the extent to which the organisation was aware of the risks taken(g) whether we had provided advice in this area previously, and whether this advice was followed(ng) whether it is possible to respond to the complaint without investigating on the grounds that a legal or statutory solution exists which addresses the basis of the complaint(h) has the complaint been made in the circumstances outlined in paragraphs 3.21-3.23.
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<p>4.19 After making a decision, the Commissioner will notify the complainant and the relevant person, where relevant. If the Commissioner decides not to conduct a statutory investigation, she will explain to the complainant her reasons for not doing so.</p>	<p>3.19 After reaching our decision, we will inform the complainant and the organisation (where relevant).</p>
<p>6.16 The Commissioner, or any person authorised by the Commissioner, has the power to enter premises under the control of a relevant person who is under investigation. Inspection of the premises must be necessary for the purposes of the investigation in the Commissioner's view or that of the authorised person. However this power does not extend to dwellings.</p>	<p>4.2 To mitigate this, we will follow the principles below when investigating:</p> <ul style="list-style-type: none"> • We will give reasonable notice to any organisation if we decide to exercise our power to enter premises which are under its control
<p><u>Requirement to prepare an action plan for the purpose of preventing the continuation or repetition of the failure</u></p> <p>7.10 When the Commissioner decides to require the relevant person to prepare an action plan for the purpose of preventing the continuation or repetition of the failure, the decision notice will set out what the relevant person is required to do. The decision notice will also specify the timetable for submitting the first draft plan to the Commissioner, and the consequences if the relevant person does not comply with that requirement.</p> <p>7.11 If the first draft plan submitted to the Commissioner is not adequate for the purposes of preventing the continuation or repetition of the failure, the Commissioner will give the relevant person a notice to that effect and require that person to submit a revised draft to the Commissioner within a specified time. The Commissioner may also make recommendations in relation to the content of that revised draft.</p>	<p>Require an organisation to take steps or prepare an action plan</p> <p>4.22 Where an organisation fails to address the non-compliance voluntarily, we will ensure that this happens by requiring the organisation to take specific steps or prepare an action plan.</p> <p>4.23 When we require the organisation to take specific steps, or prepare an action plan, we will set out what it is required to do in our decision notice.</p>

7.12 In considering whether a draft action plan is adequate the Commissioner may issue an evidence notice to any person and/or enter into the premises of the relevant person as she may do in relation to a statutory investigation as noted in clauses 6.6 – 6.17 of this policy.

7.13 The Commissioner may also apply to a county court for an order requiring the relevant person to submit a first draft plan or revised draft plan to the Commissioner by a time specified in the order. In respect of a revised draft plan, the order may also specify any directions about the plan's content.

7.14 An action plan comes into force either:
at the end of a period of six weeks beginning on the date on which a first draft or revised draft is submitted to the Commissioner, if that period expires without the Commissioner giving a notice to the relevant person as noted in clause 7.11 above or without the Commissioner applying to the county court as noted in clause 7.13 above or
upon a county court declining to make an order noted in clause 7.13 above in respect of a revised draft of the plan.

Requirement to take steps for the purpose of preventing the continuation or repetition of the failure

7.15 When the Commissioner decides to require the relevant person to take steps for the purpose of preventing the continuation or repetition of the failure, the decision notice will set out what the relevant person is required to do and the consequences if that person does not comply with that requirement. The specific action takes effect at the end of the 28 day period for submitting an appeal.

Added

If the complainant is not happy with the organisation's response:

3.6 Our main focus will be seeking the best possible solution for the complainant and Welsh language users, whether by bringing the matter – and the need to comply with the requirements of the standards – to the attention of the organisation or, where appropriate, carrying out an investigation.

There is no equivalent step in dealing with direct complaints under the existing policy.

3.14 We will not investigate unless we consider that doing so is in the public interest and represents the best use of our resources.

Removed

4.9 The Commissioner will acknowledge receipt of all written complaints received relating to the conduct of a relevant person within 5 working days. The acknowledgement will inform the complainant whether or not the complaint is valid under section 93 as soon as possible thereafter.

4.10 If it is concluded that the complaint is not a valid one, because it does not comply with the requirements noted in clauses 4.4 and 4.7 of this policy, the Commissioner will explain how the complainant may submit a valid complaint, if appropriate.

4.15 In the majority of cases the Commissioner will contact the relevant person, giving that person the opportunity to provide information to the Commissioner in connection with the complainant's allegations. This is done for practical reasons and to obtain enough information for the Commissioner to decide whether or not to undertake an investigation in connection with the alleged behaviour. The request for information will be clear and will relate to verifying the factual validity of the complaint. The Commissioner will expect a response within 10 working days. However the Commissioner will be open to receiving a request for a reasonable extension (of no more than 10 further working days) by a relevant person, if there are valid reasons for that. The information received (or any lack of information provided) will contribute to the factors that will assist the Commissioner to come to a decision as to whether an investigation should be conducted under section 71.

Section 5:

- Other evidence of a suspected failure of a relevant person to comply with a standard

Section 6:

- Giving the relevant person and the complainant an opportunity to make representations in the course of a statutory investigation
- Giving a relevant person or any other person an evidence notice
- Relevant person able to apply for compensation

7.3 Where it is determined that the relevant person has not failed to comply with a standard, the Commissioner may do the following:

- (i) take no further action or
- (ii) give the relevant person or any other person recommendations and/or advice.

Overall impact of the changes

Although it is for the Commissioner to explain the reasons for the changes she is proposing and justify them, and to consider their overall impact, we believe that the changes seen above are likely to:

- Make the Commissioner less accountable to members of the public (by rescinding the commitments contained in the existing policy about acknowledging complaints within specific timeframes)
- Make it more difficult for a complainant to complain (e.g. by waiving the commitment to provide them with support on how to make a valid complaint)
- Make the Commissioner's arrangements less transparent
- Restrict the Commissioner's ability in a way that erodes the power of Welsh language users (e.g. by presenting the list of factors in 3.16 bodies could argue how the factors for an investigation have not been met)

Agenda Item 3.3

Comisiwn ym 19th Ionawr 2019 | English Translation by Senedd Commission

I write to you as Members of the Culture, Communications, Welsh Language, Sport and International Relations Committee of the Senedd regarding Global Media's plans to end Welsh programmes on their Welsh stations, specifically Capital Cymru.

Although Global has not confirmed the plans, I've been informed by several people within the company that the 21st February will be the final day of Welsh language programmes.

Bearing in mind that the situation of Capital Cymru has been raised in the Senedd chamber on a number of occasions recently, I would like to ask if this matter will be on the agenda of the Culture, Communications, Welsh language, Sport and International Relations Committee meeting that will be held on the 19th of this month?

Also, has the Committee contacted Global or OFCOM regarding the situation.

In addition, does the Committee intend to investigate this situation specifically or the commercial sector in general?

As producer of a weekly podcast on broadcasting - [The Wales Podcast Program - Apple Podcasts](#) - the future of commercial radio in Welsh is an important issue to me.

I have produced two feature articles in recent weeks relating to Capital Cymru that included extracts of Senedd discussions. The episodes were among the most popular since the podcast was established.

[Rhaglen Cymru Podcast - Apple Podcasts](#)

Listen to andybmedia's Rhaglen Cymru podcast on Apple Podcasts. "Rhaglen Cymru" (Wales' Programme) has a spare copy of 'Chwyldro ym myd darlledu' –("A Revolution in the field of broadcasting") a book on Wales' first independent radio station, edited by Siân Sutton.

podcasts.apple.com

Cyfieithiad i'r Saesneg gan Gomisiwn y Senedd | English Translation by Senedd
Commission

For your information, and as a clear sign of the change in the world of media, this Welsh language podcast is produced on the land of the Ngunnawl and Ngambri, the native people of Canberra! I have settled in Australia since 1988 following a period working in local radio and the BBC in Swansea and Cardiff, and I continue to report for BBC Cymru Wales on a fairly regular basis.

There is an invitation for any Members to chat on the podcast - the medium is Zoom.

Thank you

Best wishes,

Andy Bell

Jane Dodds

Aelod o'r Senedd dros
Canolbarth a Gorllewin Cymru

Member of the Senedd for
Mid and West Wales

Delyth Jewell MS

**Chair of the Culture, Communications, Welsh Language, Sport,
and International Relations Committee**

2nd Floor

Tŷ Hywel

Cardiff Bay

CF99 1NA

Dyddiad | Date: 21/02/2025

Pwnc | Subject: Request for One-Day Inquiry into Gambling Advertising in Welsh Sport

Annwyl Delyth,

I am writing to request that the Culture and Sports Committee considers holding a one-day inquiry into gambling advertising in Welsh sport, with a particular focus on its role in encouraging gambling behaviour.

The relationship between professional sport and gambling advertising in Wales requires urgent examination. This is evidenced both in Welsh professional sports, with QuinnBet's recent partnership with the Ospreys Rugby team, and in the wider UK context, where concerning new research from the University of Bristol business school has found a 165% increase in gambling messages during Premier League matches.

As Welsh sports continue to forge partnerships with gambling companies, it is crucial that we understand the implications of these relationships and the psychological impact they have on normalising gambling behaviour.

As the Chair of the Cross Party Group on Gambling Related Harms, I wish to propose to the Committee a one-day inquiry to gather written evidence examining:


- The scale and impact of gambling advertising and sponsorship across Welsh professional sports, including detailed analysis of current arrangements in rugby, football, and cricket
- The financial dependencies developing between Welsh sporting organizations and gambling companies


Senedd Cymru

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Jane Dodds

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Canolbarth a Gorllewin Cymru

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- An assessment of current regulatory frameworks and their effectiveness in protecting vulnerable individuals

This inquiry is timely given the rapidly evolving landscape of sports betting advertising and would provide crucial insights to inform future policy decisions. I believe there would be strong cross-party support for such an investigation into this important issue.

I would welcome the opportunity to discuss this proposal in more detail at your earliest convenience.

Yn gywir,



Jane Dodds MS/AS

Member of the Senedd for Mid and West Wales
Aelod o'r Senedd dros Canolbarth a Gorllewin Cymru

Agenda Item 3.4

Huw Irranca-Davies AS/MS

Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros
Newid Hinsawdd a Materion Gwledig
Deputy First Minister and Cabinet Secretary for Climate
Change and Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: PO/HIDCC/0058/25

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

13 February 2025

Dear Mike,

Further to my letter of 2 December 2024, I represented the Welsh Government at the seventh meeting of the Inter-Ministerial Standing Committee on 3 December 2024. A communique regarding this meeting is expected to be published on the [UK Government website](#) in the normal way.

The meeting was chaired by the Chancellor of the Duchy of Lancaster and Minister for Intergovernmental Relations, the Rt Hon Pat McFadden MP.

The other attending ministers were:

From the UK Government: Minister of State for Trade Policy and Economic Security, the Rt Hon Douglas Alexander MP; Secretary of State for Wales, the Rt Hon Jo Stevens MP; and Secretary of State for Scotland, the Rt Hon Ian Murray MP.

From the Scottish Government: Deputy First Minister and Cabinet Secretary for Economy and Gaelic, Kate Forbes MSP.

From the Northern Ireland Executive: First Minister Michelle O'Neill MLA; and deputy First Minister Emma Little-Pengelly MLA.

The agenda enabled discussion of a range of issues including: resilience and the responses from each government to the Module 1 report of the UK Covid-19 Inquiry which focused on pre-pandemic planning; and the Common Frameworks Programme and the UK Internal Market Act (2020).

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

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Correspondence.Huw.Irranca-Davies@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

In relation to the discussion on resilience and each government's response to the first report of the UK Covid-19, I highlighted that it is important for this report and also future reports that we work together as governments across the UK. Whilst the Welsh Government broadly supports the recommendations in principle, I raised the importance of responses to the recommendations taking into account differences in the devolution settlements across our nations. In addition, the absence of Barnett consequential funding for civil contingency matters is a constraint on investment in this important agenda. I also outlined that the Welsh Government would like there to be strengthened cross-UK engagement on resilience at Ministerial level.

As part of the discussion relating to the Common Frameworks Programme, I highlighted that, where currently embedded, Common Frameworks are a positive example of effective intergovernmental working and have created space for innovation within devolved competencies. Regrettably, however, over recent years the Welsh Government's experience of the UK Internal Market Act (2020) is that it has undermined the purpose of Common Frameworks. Therefore, the interplay between the two must be placed at the centre of discussions on these issues.

In this context, the Committee also discussed the UK Internal Market Act (2020) and the plans for the statutory review in 2025. I emphasised our hope that this work will provide a platform for reform to address the serious constitutional issues with the Act. I highlighted the Welsh Government's focus on growth and the important role a well-functioning internal market can play, but made clear that the Act as it stands is not the right approach. I offered to work with the UK Government and other devolved governments on an approach to reforming governance of the UK internal market in a way which embraced devolution. I looked forward to working together on these issues as the Act undergoes statutory review in 2025.

An agenda item on the Sewel Convention and UK legislation was not discussed due to time constraints, and I therefore expect these issues to feature in future meetings.

The next Inter-Ministerial Standing Committee is expected to take place in early spring 2025, with chairing arrangements to be determined.

I have copied this letter to the First Minister, the Rt Hon Eluned Morgan MS, Cabinet Secretary for Finance and Welsh Language, the Rt Hon Mark Drakeford MS, Cabinet Secretary for Economy, Energy and Planning, Rebecca Evans MS, the Counsel General and Minister of Delivery, Julie James MS, and to the Chairs of the Finance Committee, the Economy, Trade and Rural Affairs Committee and the Culture, Communications, Welsh Language, Sport, and International Relations Committee.

Yours sincerely,



Huw Irranca-Davies AS/MS

Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd
a Materion Gwledig

Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

Huw Irranca-Davies AS/MS
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros
Newid Hinsawdd a Materion Gwledig
Deputy First Minister and Cabinet Secretary for Climate
Change and Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: PO/HIDCC/0094/25

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

26 February 2025

Dear Mike,

I am writing in accordance with the inter-institutional relations agreement to notify you of the seventh meeting of the Inter-Ministerial Standing Committee (IMSC), which will take place on 27 February 2025.

The Standing Committee will be co-chaired by the First Minister and Deputy First Minister of Northern Ireland. I will represent the Welsh Government at this virtual meeting. I anticipate the meeting will provide an opportunity to discuss the use of technology in public service reform as well as other key issues of mutual interest.

I have copied this letter to the Chairs of the Finance Committee, the Economy, Trade and Rural Affairs Committee, the Culture, Communications, Welsh Language, Sport, and International Relations Committee and the Health and Social Care Committee.

I will provide an update after the meeting.

Yours sincerely,

Huw Irranca-Davies AS/MS

Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd
a Materion Gwledig
Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

MINISTERIAL INTERNATIONAL ENGAGEMENT

JANUARY 2025

INWARD VISITS	
09 Jan	<p>Visit to Wales by Japanese Ambassador to the UK The Japanese Ambassador visited Wales to take part in the launch of the Wales and Japan year. The First Minister and the Ambassador launched the year with a reception and the Cabinet Secretary for Economy held a business roundtable with the Economic Minister at the Japanese Embassy.</p>
OUTWARD VISITS	
Nil	Nil

Agenda Item 3.6

I am writing to the committee chair and its members about the crisis currently facing public interest news provision in Wales.

The letter I've attached sets out what the different legislatures of Wales have undertaken concerning public interest news provision and information about the decline of traditional local news provision. I have also attached the circulation numbers for the Welsh newspapers published by Reach, Newsquest, and Tindle. The collapse in circulations is astonishing. In the South Wales Valleys, circulations have declined over 98% during the past two decades. It's an industry in terminal decline, and a new approach is required.

I would be more than happy to discuss the matter further and give greater context.

Diolch

Huw Marshall

Project Lead – Talking.Wales

Public Interest News in Wales

The issue of public interest news and the challenges it faces have been relatively hot topics in recent years. In January 2023, parliament published the DCMS committee's findings from its inquiry into the [sustainability of local journalism](#).

In November 2024, following an extensive evidence-collecting process, the House of Lords Communications and Digital Committee published its report on [The Future of News](#).

EXECUTIVE SUMMARY

The future of news matters. The media sector has defied the gloomiest predictions of the last 15 years and some audiences are better served than ever before. The UK's press offers a healthy variety of viewpoints, broadcasters play an anchoring role, and online outfits are springing up offering unprecedented choice of formats and perspectives. However, many indicators about the future are not encouraging. Trust has fallen and news avoidance is rising. Key revenue streams are declining and will not return. Efforts to silence investigative reporting continue. AI is starting to reshape the nature of internet search and the concept of authoritative information.

The value of honest, accurate and informative news remains as significant as ever—perhaps increasingly so as domestic challenges multiply and the geopolitical context worsens. But importance does not guarantee survival. The outlook for some areas is particularly poor. Local journalism faces long term decline. Several mass market news outlets are following suit. News deserts have been growing. Some audiences are turning away from mainstream news; a growing number are embracing dubious online sources. Others switch off altogether.

Our inquiry left us with no illusions about the stakes: the period of having informed citizens with a shared understanding of facts is not inevitable and may not endure.

It recognised the challenges facing public interest news provision and made several recommendations. The Government published their [response](#) recently.

In Scotland, The Public Interest Journalism Working Group was established as a short-life working group at the request of the Cabinet Secretary for Economy, Fair Work and Culture. The purpose of the Public Interest Journalism Working Group was to consider the long-term sustainability of public interest journalism in Scotland and recommend ways to ensure its ongoing resilience and relevance. The details of the working group, its remit, membership, minutes and final recommendations were all [published online](#).

As a result of the cooperation agreement between the Labour Government and Plaid Cymru, £100,000 was made available annually to support the sector in Wales. Following Scotland's lead, a Public Interest Journalism Working Group was tasked with preparing a report that would set out recommendations for strategic, systemic interventions to build a sustainable public interest journalism sector in Wales.

Its report [Of and for Wales: towards a sustainable future for public interest journalism was published in July 2023](#). The Welsh Government hasn't published a formal response to the report yet. Unlike its Scottish counterpart, the Welsh Working Group's remit,

membership, and minutes have not been published, and it continues to meet with no clear purpose.

This month, the release of Welsh newspaper circulation numbers for 2024 laid bare the seriousness of the situation in Wales. The annual decline in newspaper sales continued by an average of 17%, which was 18% the previous year.

When we look at historical data, the collapse is plain to see. In 2004, the 33 Welsh newspapers that report annual circulation figures were distributing 647,283 copies daily/weekly; today, that number stands at 54,950, a whopping 91.5% fall in circulation.

The situation in some areas of Wales is even more dire, The Celtic Newspaper Group, which is comprised of six titles covering the South Wales valleys, is now distributing 1,541 copies a week. In 2004 those same titles were popping through almost 100,000 letterboxes.

Celtic Newspapers Group	Western Mail & Echo Ltd	January to June 2005	100,140	View
Celtic Newspapers Group	Western Mail & Echo Ltd	July to December 2004	98,764	View
Celtic Newspapers Group	Western Mail & Echo Ltd	January to June 2004	99,408	View
Celtic Newspapers Group	Western Mail & Echo Ltd	July to December 2003	97,464	View

That's a 98% drop in circulation.

Titles like the Rhondda Leader and Pontypridd & Llantrisant Observer, which once sold 13,000 copies a week, now sell fewer than 200 copies.

It's only a matter of time before many of these titles disappear from our corner shops, joining the 300+ titles that have ceased publication in the UK since 2010.

The shift online hasn't filled the gap, especially in the valleys, where Facebook Pages posting occasional news usually relating to court appearances have taken the place of dedicated websites. People aren't being informed about the things that impact their lives daily.

Despite Cardiff University being home to The Centre For Community Journalism, the hyperlocal and community news landscape of Wales remains largely unchanged. stalwarts such as Wrexham and Deeside dot com, My Welshpool and My Newtown, Cwmbran Life, and the Caerphilly Observer serve their communities with distinction. Community radio in Wales, and particular news provision, is lacking, although stations like Bro Radio in Barry strive to keep their communities informed.

With a Welsh General Election on the horizon in May 2026, every political party in Wales should ensure that Wales has an informed electorate with access to news and information that allows them to make an informed decision at the ballot box.

Global bad actors are at work, seeking to influence and disrupt our political institutions by sharing disinformation online. Unless action is taken today, it will likely be too late.

The culture minister and the Senedd's Culture Committee need to respond to the Lords report and take action to support and invest in public interest news in Wales.

Huw Marshall

Founder

Talking.Wales

Title	Publisher	2004	End of 2022 circulation
Western Mail	Reach	43247	6119
South Wales Echo	Reach	57852	6026
South Wales Evening Post	Reach	56487	7223
Daily Post	Reach	40835	10292
South Wales Argus	Newsquest	30295	4436
The Leader	Newsquest	26331	3495
South Wales Guardian	Newsquest	9373	1838
Western Telegraph	Newsquest	27295	5067
Powys County Times	Newsquest	18280	6715
North Wales Pioneer	Newsquest	34676	2714
Barry and District News	Newsquest	6631	1583
Penarth Times	Newsquest	5852	1462
Rhyl, Prestatyn, Abergele Journal	Newsquest	32839	4797
Tivyside Advertiser	Newsquest	8562	2625
Denbighshire Free Press	Newsquest	7328	1595
Free Press Series	Newsquest	13699	1808
Glamorgan Gazette	Reach	22819	1240
Gwent Gazette	Reach	13008	347
Caernarfon & Denbigh Herald	Reach	14965	429
Rhondda Leader	Reach	13339	420
Pontypridd & Llantrisant Observer	Reach	12868	343
Merthyr Express	Reach	18725	534
Llanelli Star	Reach	16807	2630
Holyhead & Bangor Mail	Reach	12470	347
Cynon Valley Leader	Reach	11002	336
Carmarthen Journal	Reach	22447	3250
North Wales Weekly News	Reach	21191	726
Wales on Sunday	Reach	48060	3081
Abergavenny Chronicle	Tindle		2243
Brecon & Radnor Express	Tindle		3360
Cambrian News	Tindle		6877
Monmouthshire Beacon	Tindle		2119
Tenby Observer	Tindle		2012
			98089
		647283	

End of 2023	End of 2024	Annual fall		
5271	4463	15%		
4574	3175	31%		
5471	4212	23%		
8350	6843	18%		
3623	3154	13%		
3041	2697	11%		
1513	1367			
4240	3920			
6187	5697			
2442	1943			
1408	1251			
1276	1185			
3862	3500 estimate			
2037	1894			
1329	1077			
1614	1424			
870	627		22819	627
279	152		13008	152
270	184			
331	188		13339	188
262	158		12868	158
388	230		18725	230
1923	1331			
220	166			
260	186		11002	186
2451	1762			
439	308			
2514	1856	26%		
1986			1558	
2982			2556	
5685		15%	4845	
1928			1606	
1505			1109	
80531	54950 32% fall in 2 years		91761	1541
	66624 91% fall in 20 years			
18%	17%			

161062.18

98.3% fall in 20 years for Valleys Papers

Jack Sargeant AS/MS
Y Gweinidog Diwylliant, Sgiliau a Phartneriaeth Gymdeithasol
Minister for Culture, Skills and Social Partnership



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref MA/JS/0413/25

Delyth Jewell MS
Chair of CCWLSIR Committee

21 February 2025

Dear Delyth,

I am pleased to enclose at Annex A the Government's response to the recommendations contained in the Culture, Communications, Welsh Language, Sport, and International Relations Committee's report into the Impact of Funding Reductions on Culture and Sport.

Yours sincerely,

Jack Sargeant AS/MS
Minister for Culture, Skills and Social Partnership
Y Gweinidog Diwylliant, Sgiliau a Phartneriaeth Gymdeithasol

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



Funding in culture and sport

Welsh Government response to CCWLSIR Committee report.

DD/02/2025

Summary

The CCWLSIR Committee has considered Welsh Government funding for the culture and sports sectors over the last decade and made several recommendations and conclusions for the Welsh Government's consideration.

The Welsh Government response to the 13 recommendations and 3 conclusions is outlined below.

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1. Introduction

The CCWLSIR Committee published its report for its inquiry into the Impact of Funding Reductions for Culture and Sport on 9th January 2025. We thank the Committee for the report.

The Welsh Government has considered the Committee's report and responds to its recommendations and conclusions below. For each recommendation we have provided a written response and either decided to 'accept', 'accept in principle' or 'reject' each recommendation. For each conclusion we have provided a written response.

2. Recommendation 1

The Welsh Government should increase funding for culture and sport until they are comparable (in terms of spending per head) with those of similar nations.

Response: Accept in principle

The culture, arts and sporting sectors make a vital contribution to our society, enriching our communities and inspiring future generations. Over recent years, the Welsh Government has had to take difficult decisions to protect frontline services following challenging funding settlements from the UK Government.

The Welsh Government has noted the Committee's comparisons between Wales and other countries. However, it is important to note that the analysis of funding allocations in Wales compared to other European countries is not a direct like-for-like comparison. The report itself includes a caveat that countries report figures in different ways.

On 20 February, the Welsh Government published its Final Budget for 2025-26 which included an additional £4.6 million revenue funding for arts, culture, creative industries, heritage and sport in Wales, bringing the total additional revenue investment for 2025-26 to £9.6 million. As part of our Draft Budget published in December, we had already provided an additional £5m revenue for arts, culture and sport as well as an additional £18.4m capital for the sector. Our additional revenue investment returns our stakeholders to their revenue budget positions in 2023-24 prior to the cuts that were implemented as part of the 2024-25 budget.

Whilst we have an ambition to enhance budgets for these sectors in future years, this will be dependent on many other factors. Some of these factors are outside our control, including the UK Government's Spending Review to be concluded later this year.

Financial implications: No additional financial implications for the MEG

3. Recommendation 2

The Welsh Government should consider introducing, across all its departments, a 'preventative' category of spend in future budgets, moving towards a longer-term budgeting view to help build and protect population health. This would help recognise and properly fund culture and sport for the value they have beyond their intrinsic worth.

Response: Accept in principle

Further embedding a preventative approach will be an important consideration of the ongoing Welsh Spending Review, which will look at the longer-term fiscal planning for the Welsh Government and which will feed into future budgets at the appropriate time.

Financial implications: None

4. Recommendation 3

The Welsh Government should revisit the fees involved in the National Exercise Referral Scheme.

Response: Reject

Public Health Wales funds the scheme as part of its core budget allocation from the Welsh Government, and it is delivered by local authorities and leisure trusts. Each local authority makes decisions on how to use the grant funding based on local needs and priorities. Public Health Wales uplifted the scheme by 3% in 2024-25 and are considering options for 2025-26. While Public Health Wales deliver the scheme as part of its core budget allocation, both Welsh Government and Public Health Wales are conscious of the increased costs borne by Local Authorities, and Public Health Wales are in regular dialogue with providers.

Financial implications: No additional financial implications

5. Recommendation 4

The Welsh Government should develop a collaborative cross-department strategy to funding culture and sport, to ensure that funding decisions are joined up with wider government priorities, especially health and education. This strategy should recognise sport and culture as key vehicles to achieving the goals of the Well-being of Future Generations (Wales) Act 2015

Response: Reject

We consulted on our draft Priorities for Culture during summer 2024. Once published, the Priorities will offer the strategic framework against which future decisions for funding the culture portfolio will be made.

Sport Wales' strategy already sets out how it engages across wider government and how it collaborates with organisations and values the strong and vibrant network of people and partners across Wales already creating innovative approaches to delivering sport.

Culture and sport are already mainstreamed into several Welsh Government policy areas. It is crucial that sectors and organisations within the culture and sport portfolio continue to receive funding from other parts of the Welsh Government and we have provided the Committee with positive examples where this has previously taken place, including from the health and education portfolios. We will, of course, endeavour to make further progress on cross-departmental collaboration in future.

Financial implications: No additional financial implications for the MEG

6. Recommendation 5

The Welsh Government should empower culture and sport organisations by enabling them to spend additional funding provided by the Welsh Government according to their own governance processes, and not requiring undue additional authorisation from the Welsh Government. In doing so, it should consider how it can remove barriers such as business case requirements, and instead provide more funding as additional contributions to their grant-in-aid

Response: Reject

The grant-in-aid provided to culture and sport arm's-length organisations has the specific purpose of supporting their operational costs or is funding they pass on as grants to other organisations. Where separate, additional funding is requested by those organisations for specific projects, for example to support infrastructure improvements, the approach agreed requires additional information to be provided through the development of business cases. The requirement to develop a Five Case Model methodology business case is incumbent on all public bodies, as per the [HM Treasury Green Book](#). The [business case guidance](#) is designed to be used proportionately, in line with the level of spend and risk associated with a particular initiative and with consideration to the route to market i.e., type of procurement. The business case development process is used to clearly define the project and assess its risks, value for money, strategic fit and deliverability, allowing officials to provide robust advice to Ministers about significant investment decisions. Outside of specific competitive grant schemes, this approach is used as standard across the Welsh Government for infrastructure projects.

Financial implications: No additional financial implications for the MEG

7. Recommendation 6

The Welsh Government should conduct a comprehensive review of the state of sport and cultural facilities, including how to make best use of sport facilities at schools. This review should consider the barriers that might prevent greater use of school facilities out of teaching hours and how to overcome those barriers.

Response: Accept in principle

The importance of appropriate spaces for participation and enjoyment of culture was a clear theme in the responses to the consultation on the draft Priorities for Culture. Improving our understanding of the existing physical infrastructure for culture will be an area of focus as we begin to implement the new Priorities - this, in turn, will improve our planning for long-term strategic capital investment across Wales.

Many reviews have already been undertaken to support our work, and these are outlined below.

Sport

Following the Local Government and Housing Committee's report *Local Authority Leisure and Library Services*, in collaboration with CLOW, the Chief Leisure Officers Wales, we have conducted a survey of the leisure estate in Wales's local authorities and are currently assessing that data. To supplement this work, we are also conducting a review of sports facilities with National Governing bodies to assess the priorities for key specialist sports facilities across Wales. This work will be completed in the next few months.

Data collected by Sport Wales on Artificial Grass Pitches will shortly be published on Data Map Wales. Sport Wales also collects some data on the provision and use of school sports facilities through the School Sport Survey.

Museums, libraries and archives

Our Transformation Capital Grant programme provides funding for local museums, libraries and archives. In 2022 we commissioned an evaluation of the programme including some reflections on the future capital needs of our local sectors. Building on this, we recently appointed contractors to provide independent analyses of the local museum sector's capital investment needs. This will provide independent evidence of the nature and scale of infrastructure issues faced by the local sector.

In 2023-24 the Welsh Government commissioned a review of collections management by local authority and independent museums in Wales and our national arm's length cultural organisations. This showed that for museums situated in historic buildings it can be extremely difficult and costly to maintain the environmental standards required to care for collections, some of which could be at risk. In response the Welsh Government launched a grant scheme to improve storage facilities. Eight awards have recently been made.

We also monitor access via our different data collection methods including sector services surveys such as the Museum Spotlight Survey and the Welsh Public Library Standards.

Theatres

The Arts Council of Wales commissioned a review into its *Capital Funding 2010-2023* for internal purposes. The research, led by *Think Philanthropy*, identified a series of recommendations that ACW are now considering in its approach to distributing capital funding to best support arts facilities in Wales.

The Welsh Government's *Invest in Theatres* programme via ACW has provided vital investment to 26 theatres and venues across Wales over two years.

School facilities

Through our Sustainable Communities for Learning Rolling Programme, the new 9-year wave of capital investment in education infrastructure throughout Wales, and our Community Focused Schools capital grant, we will continue to support investment in and embed the importance of making our schools more community focused so that facilities, including their sports amenities, can be accessible for all. We will monitor investment and work with our stakeholders to ensure they are making best use of their facilities and share management systems employed to support this through our stakeholder engagement sessions

Financial implications: No additional financial implications for the MEG

8. Recommendation 7

The Welsh Government should provide the Committee with a breakdown of how the additional in-year funding of £5 million has been spent.

Response: Accept

The £5m revenue funding announced in September 2024 was allocated as follows:

- £1m to Sport Wales, who in turn decided to pass on the additional funding to National Governing Bodies of sports and their partners, with the key aim of mitigating previous spending cuts as part of the 2024-25 budget.
- £1.5m to the Arts Council of Wales to be used to provide support to arts organisations, focusing on organisational resilience.
- £745k to Cadw to maintain financial sustainability and fulfil statutory obligations during the current financial year as well as helping it to invest in commercial activities to generate income.
- £940k to Amgueddfa Cymru to develop its visitor experience, for commercial development and to improve governance.
- £725k to the National Library of Wales to support its pension fund and for digital infrastructure.
- £90k to the Royal Commission on the Ancient and Historical Monuments of Wales to employ graduates on fixed-term contracts to support its library and enquiries service, to increase the amount of self-service access to records available to users of Coflein and to update and improve the historic environment records available online.

In addition to the £5m announced in September 2024, the Welsh Government allocated a further £1 million of additional in-year revenue funding in December 2024 to increase support for organisational resilience in the arts sector, through the Arts Council of Wales.

Financial implications: As above. No additional financial implications for the MEG

9. Recommendation 8

The Welsh Government should provide greater strategic direction to enable the culture and sport sectors to thrive and deliver the Welsh Government's objectives and priorities. To this end, the Welsh Government's forthcoming Culture Priorities should contain clear and measurable commitments towards this aim.

Response: Accept in principle

We already provide a very clear strategic direction to the national culture and sport bodies through our term of Government remit letters and through the development of annual operational plans.

The draft Priorities for Culture have been developed in a way which ensures they deliver on several of the Welsh Government's wider objectives and priorities. For example, our net-zero ambitions, digital strategy, our focus on young people, our work on equalities and many other areas are reflected in the draft priorities and supporting ambitions. The purpose of the draft priorities and ambitions is to provide high level, strategic direction - they are not intended to prescribe in detail on matters of implementation.

Financial implications: No additional financial implications for the MEG

10. Recommendation 9

The Welsh Government should develop a school swimming strategy to ensure that children leaving primary school have the ability to swim. This strategy should recognise the importance of providing adequate facilities and transport

Response: Accept in principle

The Welsh Government agrees with the intention of the recommendation to ensure that children leaving primary school have the ability to swim. However, we need to be mindful of the financial pressure the recommendation would imply for schools in the current difficult financial circumstances.

The statutory guidance within the Curriculum for Wales, which all schools must consider, includes learners engaging in a range of physical activity, including within water. This provides for swimming, which is likely to be the appropriate activity for most learners. We aim to help make this expectation clear for schools and raise awareness of the profile of swimming and water safety within the curriculum.

We are committed to encouraging schools to support learners to swim and make use of swimming pools in the course of this. Officials are working with Swim Wales to explore further ways of supporting schools and local authorities with their swimming offer. The cost of swimming, including transport can be a significant pressure for schools. In the context of a cost-of-living crisis, it is important that schools are able to commit funding to activities that support their learners' needs and at times, schools may have no option but to pass some of this cost on.

We recognise the significant pressures schools and local authorities are under and appreciate the great efforts of the school workforce as they continue to operate in such challenging circumstances.

Decisions on the level of funding available to schools and to other services are made by each authority as part of their overall budget and council tax setting. This is in line with the Welsh Government's policy that local authorities are best placed to judge local needs and circumstances and to fund schools accordingly.

Financial implications: No additional financial implications

11. Recommendation 10

The Welsh Government must respond to the concerns of the publishing sector and consider increasing its funding of the sector.

Response: Accept

The Welsh Government's Final 2025-26 Budget, published on 20 February 2025, provided a further allocation of £272,000 to the Books Council of Wales, which builds on the £120,000 allocated at Draft Budget and increases their budget in 2025-26 by £392,000 when compared to the 2024-25 grant.

Financial implications: No additional financial implications for the MEG

12. Recommendation 11

The Welsh Government should review the remit letters of its funded organisations in light of their reduced real-terms funding. Requirements in remit letters should be clear and tangible, and proportionate to the level of funding.

Response: Accept

We will take forward this recommendation as we prepare new Term of Government Remit Letters from 2026-2027 onwards.

In light of reduced funding in recent years, we have already reviewed the expectations set out in the existing remit letters. Following engagement with the arm's-length bodies, we concluded their remit letters contain sufficient flexibility for the organisations to continue to deliver to it within their respective operational plans. The remit letters continue to aptly set out our broad expectations for this term of government and provides strategic context. However, we fully appreciate that more realistic objectives need to be set to reflect the contexts in which they are now working, and this will be monitored on an ongoing basis. We are working with each organisation as they prepare operational plans for 2025-26, demonstrating how they will deliver against the objectives of their respective remit letters.

Financial implications: No additional financial implications.

13. Recommendation 12

The Welsh Government should analyse the most suitable model for funding national arts companies: whether this be from the Arts Council of Wales (as currently), the Welsh Government, or a combination of the two.

Response: Accept in principle

Through both multi-year and project funding, the Arts Council of Wales supports organisations of varying sizes, reflective of the range of organisations that contribute to the arts landscape in Wales.

The Welsh Government continues to believe that working under the strategic framework we set, the Arts Council of Wales is best placed to distribute the Welsh Government's arts funding across Wales.

Following its Investment Review process in 2023, the Arts Council of Wales announced multi-year funding support for 81 organisations of a range of sizes from 2024-25. Applications were assessed in line with the published guidance, which was subject to a consultation process. The guidance focused on six principles: *Creativity, Widening Engagement, Welsh Language, Climate Justice, Nurturing Talent, and Transformation*. The Arts Council of Wales also applied five balancing factors to take a wider view: *a wide range of artforms and creative opportunities; serving communities across Wales; underfunded and unheard voices; public value; and the size and shape of applicant organisations*.

The Welsh Government recognises that the Arts Council of Wales followed a robust process through its Investment Review and considers this process to be the most suitable funding model.

Further information on the Investment Review process is available publicly on the Arts Council of Wales' website.

Financial implications: No additional financial implications

14. Recommendation 13

The Welsh Government should set out how it intends to take forward the National Contemporary Art Gallery project, including how it will be funded.

Response: Accept in principle

We have recently received, and are considering, a revised proposal from the project partners which includes a proposed funding model. The model draws on funding from several sources and aims to reduce reliance on funding from the Welsh Government alone.

The partners have agreed that following the completion of the capital investment in the nine galleries participating in the dispersed model for Celf, the administrative lead for the partnership will transfer from the Arts Council of Wales to Amgueddfa Cymru.

Future governance arrangements are currently being developed, with initial proposals having been discussed at the Project Board. A workshop with members of the Project Board is being planned to make further progress on the proposals.

Financial implications: No additional financial implications. Funding of the National Contemporary Art Gallery will be managed within existing budgets.

15. Conclusion 1

The Welsh Government should provide an update on implementing recommendation 6 in the Local Government and Housing Committee report on local authority library and leisure services.

Recommendation 6 in the Local Government and Housing Committee report on local authority library and leisure services: The Welsh Government should take all reasonable steps to develop stronger links between public leisure and health services. This should include developing a new policy framework for public leisure, which closely links with health and wellbeing services. As part of the process, the role of Public Services Boards and Regional Partnership Boards in improving joint working between health and public leisure services should also be reviewed.

Response:

We already make connections between health and leisure, through activity such as the National Exercise Referral Scheme and the 60 plus Active Leisure Scheme, which are in turn part of our Healthy Weight Healthy Wales Strategy and Delivery plans.

The Welsh Government published its report into partnership working in January 2024. The recommendations confirmed the role of local leaders to streamline and strengthen work between strategic partnerships, such as Public Services Boards (PSB) and Regional Partnership Boards.

Officials continue to develop the [National Framework for Social Prescribing](#) which aims to develop a common understanding of the language used and the approach taken to social prescribing in Wales; support social prescribing practitioners and drive-up skills; set out the outcomes expected from a user, organisation, commissioner and referrer perspective; and ensure a quality of provision by community assets, including those in public leisure. It will also monitor and evaluate the development of social prescribing as it continues to grow across Wales. Furthermore, through development of the National Framework each Regional Partnership Board has identified a social prescribing champion to lead developments within their respective region, and report accordingly how social prescribing is progressing.

16. Conclusion 2

The Welsh Government should provide an update on progress in implementing recommendation 3 in our report on participation in sport and physical activity in disadvantaged areas.

Recommendation 3 in the participation in sport and physical activity in disadvantaged areas report: We recommend that the Welsh Government fund the opening up of school facilities in disadvantaged areas to increase opportunities to participate in sport and physical activity in those areas. This should be done as follows:

- i. The Welsh Government should review the findings of the different pilots that are taking place with regards to opening schools for wider community use and report and publish a response to this work by no later than July 2023.
- ii. Work with local authorities to undertake a Wales-wide audit of school sport, leisure and physical activity facilities to identify what exists what is the state of these facilities. This should include considering how accessible these facilities are in terms of travel method, including pay special attention to the location of Welsh-medium schools in relation to the community they serve.
- iii. Following completion of this audit, the Welsh Government should identify the areas that require the most urgent support to ensure equity of access to sport and physical activity opportunities and provide the appropriate funding levels to make it happen.

Response:

We continue to work with Local Authorities, through the Chief Leisure Officers of Wales Group, to help us better understand provision of leisure facilities across Wales and understand where there may be gaps. This work has been complemented by data on the provision and use of school sports facilities, collected by Sport Wales through the School Sport Survey.

Ensuring our educational facilities support the health and wellbeing of our children and also that of the local community, has always been a key aim underpinning investment through the Sustainable Communities for Learning Programme. Local authorities and other delivery partners are actively encouraged to think innovatively about the provision of physical education facilities in their investment proposals.

Our Term of Government remit letter to Sport Wales sets out our expectation that Sport Wales will deliver on our Programme for Government commitments to promote equal access to sports for everyone, to support young and talented athletes, and to support local sports clubs and community organisations.

The funding we have provided to Sport Wales, both capital and revenue, is targeted at deprivation and wider inequalities. This has been proven to promote equal access to sport, and has demonstrably delivered against this agenda.

The Be Active Wales Fund has had a positive impact. It directly supports grassroots sports, offering grants from £300 to £50,000 to sports clubs and community organisations to support projects that promote equality, sustainability and innovation in sport. This helps clubs and organisation access support for equipment, coach education, training, pitch maintenance and a wide range of other interventions that directly help sport in Wales take place. In addition to upskilling volunteers and helping with equipment costs, the fund also supports outreach aimed at people who are currently under-represented in sport and physical activity.

17. Conclusion 3

The Minister for Skills, Culture and Social Partnership should hold discussions with the Cabinet Secretary for Education and the Cabinet Secretary for Finance and Welsh Language about how the publishing sector can support improving the literacy of the people of Wales and the Welsh Government's ambition of a million Welsh speakers.

Response:

The Welsh Government recognises the important contribution the publishing sector makes to a range of Welsh Government priorities, including support for literacy and Cymraeg 2050 ambitions, and funding is awarded to the Books Council from a number of Welsh Government departments to deliver schemes aligned to these wider priorities

Via our funding agreement with Adnodd, we will fund BookTrust Cymru for a range of initiatives including Bookstart and the Letterbox club and the Books Council for literacy specific programmes, including Quick Reads. In addition, our new Curriculum for Wales grant support programme prioritises proposals for delivery from April that promote a love of reading to help develop good reading, literacy and language skills.

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