

Agenda – Culture, Welsh Language and Communications Committee

Meeting Venue:

Committee Room 2 – Senedd

Meeting date: 12 December 2018

Meeting time: 09.30

For further information contact:

Steve George

Committee Clerk

0300 200 6565

SeneddCWLC@assembly.wales

- 1 Introductions, apologies, substitutions and declarations of interest**

- 2 Annual Scrutiny of ITV Cymru Wales**
(09.30 – 10.30) (Pages 1 – 18)
Phil Henfrey, Head of News & Programmes

- 3 Paper(s) to note**
 - 3.1 Committee response to Ofcom consultation on 'localness' requirements for radio licences**
(Pages 19 – 20)
 - 3.2 Further information from the Welsh Language Commissioner**
(Pages 21 – 32)
 - 3.3 Background briefing on the National Broadcast Archive from the Minister for Culture, Tourism and Sport**
(Pages 33 – 34)
 - 3.4 Copy of letter from the President of the National Library of Wales to the Minister for Culture, Tourism and Sport on the National Broadcast Archive**
(Page 35)
 - 3.5 Letter from Chair to Minister for Culture, Tourism and Sport**
(Pages 36 – 37)



4 Motion under Standing Order 17.42(vi) to resolve to exclude the public from the meeting for the following business:

5 Private debrief

(10:30 – 11:00)

Agenda Item 2

Document is Restricted



**National Assembly for Wales
Culture, Welsh Language and Communications Committee**

**Briefing note
12th December 2018**

ITV is Wales' most watched peak-time television broadcaster and Cardiff is ITV's fourth largest production centre after London, Manchester and Leeds. ITV Cymru Wales, together with the ITV Studios' companies Boom Cymru and Boomerang, employ some 400 people in Wales making 800 hours of programming for ITV Cymru Wales, the ITV network, S4C, the BBC, Channel 4, Channel 5 and others. We are proud of our heritage and our contribution to national life in Wales and we see new opportunities to build new audiences for public service content on new platforms as the media landscape continues to evolve.

ITV Cymru Wales highlights 2018

- Wales' most watched channel with a peak-time share of viewing (SoV) of 23.5% to August 31st, up 1% year-on-year. This represents 4 consecutive years of growth.
- A growing share of TV News viewing: Wales at Six SoV reached 22% to August 31st, up by 0.8 % year-on-year. This represents 7 consecutive years of growth to 2016 and again in 2018.
- Creating new audiences on new platforms with social media views of 16m (to Sept 30th).
- Building a production business of scale, with significant growth in UK Network commissions.

1. Introduction

1.1. ITV Cymru Wales is having a successful 2018. The share of audience for our broadcast channel has grown to make us the most watched peak time television channel in Wales. ITV has also built a production business of scale in Wales. It is delivering 500+ hours of programme sales to Welsh and UK broadcasters. We are the only commercial broadcaster available in Wales making news and programming about issues that matter to the people of Wales. We continue to play a vital

role in Welsh life: shaping culture, growing Welsh brands and creating trusted news content, that provides plurality for viewers in Wales across platforms. All made available free to viewers and with no direct cost to the taxpayer.

1.2. Our key on-air brands are thriving. *Wales at Six* has again increased audiences and is often the only source of Welsh news for some viewers.

1.3. *Wales This Week* has investigated many issues of concern to the members of the National Assembly: from healthy lives for the over 50s, to the impact of the so-called 'County Lines' drugs trade.

1.4. *Coast & Country* highlights rural Wales and remains hugely popular. *Sharp End* continues to provide a platform for political debate and scrutiny of AMs and MPs.

1.5. Across 2018, ITV Wales will have delivered 15 different series and programmes, often in the heart of the ITV schedule, reflecting the breadth and diversity of Welsh life. These include *St Davids: Britain's Smallest City*; *The Strait* - filmed along the Menai Strait - and *Dock of the Bay* which featured the diverse communities in Cardiff Bay.

1.6. We continue to fulfil our licence requirements to produce at least 286 hours of public service programming made in Wales for viewers in Wales. On average this will deliver 4 hours of news and 1.5 hours of other programmes every week. This number of hours has remained stable since 2010. The terms of the current licence, which runs to the end of 2024, were agreed with Ofcom in 2013 as a fair balance between the costs and benefits of holding the Wales public service broadcasting (PSB) licence.

1.7. Over the last decade we have innovated and adapted to become a commercial producer of scale, strengthening our business by diversifying revenues away from television advertising. We now have 4 production labels: ITV Cymru Wales; Shiver Cymru; Boom Cymru and Boomerang.

1.8. ITV Cymru Wales has continued to innovate the programmes it makes for S4C. *Y Byd yn ei Le* presented by Guto Harri provides a fresh perspective on Welsh politics whilst another new series, *Ein Byd* has brought a contemporary approach to current affairs.

1.9. Our network production label Shiver Cymru - a partnership between ITV Cymru Wales and the ITV Studios company Shiver - has enabled stories from Wales to be seen across the UK. In total, 7 different series have been commissioned in the last 2 years by the ITV Network providing a positive portrayal and representation of Welsh lives on screens across the UK.

1.10. Lastly, Boom Cymru and Boomerang, part of ITV Studios employing nearly 300 people in Wales, have had considerable success in 2018 selling 500+ hours of programming to Welsh and UK networks.

2. News

2.1. In 2018 our evening news programme, *Wales at Six*, won Best TV News and Current Affairs Programme, Best TV News Reporter and Best Specialist Journalist at the Wales Media Awards. The programme has enhanced its specialist coverage, creating both a National and a Brexit Correspondent to complement specialist health, sport and political coverage.

2.2. An exciting innovation in 2018 has been the expansion of our live capacity, enabling multiple live broadcasts from different locations across Wales within the same programme, increasing viewer engagement.

2.3. We have featured extensive live coverage from the Royal Welsh Show, the National Eisteddfod, the Gold Coast Commonwealth Games and the Tour de France. We have looked to make full use of our partnership with the BBC to keep The Six Nations Rugby Championship on terrestrial television to maximise our news coverage of the tournament.

2.4. We continue to invest in original journalism, with the introduction of a dedicated Original Journalism Producer allowing us to investigate stories in Wales that no-one else is telling.

2.5. We continue to build substantial new audiences for our news content on social media platforms, working closely with the digital team at the ITV Network News to ensure the best content from Wales gets a UK-wide and, indeed, worldwide audience. Whilst not a requirement of our broadcast licence, we are nonetheless ambitious to continue to serve our audience wherever it is commercially viable.

3. Current Affairs and other programmes

3.1. As part of our licence obligations we are required to broadcast a total of 78 hours of 'non-news' programmes, with half being shown in peak-time. Of the 78 hours, 41 hours must be returned as current affairs. We are due to reach all these requirements, as we have in each year we have held the licence.

3.2. On funding, Ofcom noted in their *Media Nations: Wales* report this July that, "original hours from ITV Cymru Wales have remained stable since 2009." It also noted: "ITV Cymru Wales spent

£6.1m on new UK content in 2017 and has maintained this level of investment in real terms since 2013.”

3.3. *Wales This Week* will broadcast 23 episodes - all in 8pm peak-time slots - and often between highly popular episodes of *Coronation Street* during 2018. This puts high quality and trusted public service content right at the heart of our schedule. Highlights have included profiles of the 3 candidates to be the next First Minister; a deeply moving film on people coping with extreme poverty; an investigation into prescription drug addiction; a report on the challenges facing people with hearing loss; and the debate over fixed odds betting terminals.

3.4. *Coast & Country* too will produce 23 episodes this year, including special coverage from the Royal Welsh Show. All are broadcast in the heart of the ITV schedule.

3.5. Underlining our commitment to serious and accessible coverage of Welsh politics, *Sharp End* will broadcast 36 episodes during 2018 including ten 60 minute programmes. All our public service programmes are also available on our video on demand website www.itv.com/walesprogrammes

4. S4C

4.1. ITV Cymru Wales has a proud tradition of producing programming in the Welsh language for S4C. In 2018, we reinvigorated a long running countryside series and launched 2 new current affairs series.

4.2. *Ein Byd* launched on S4C in January, with an undercover investigation into ‘sex for rent’ arrangements exploiting women in Wales. Other highlights including the practices of so-called paedophile hunters and a special report from Las Vegas on the attitudes of Welsh people to gun culture in America. *Ein Byd* has been re-commissioned for a second series.

4.3. *Y Byd yn ei Le*, was widely praised for bringing a fresh and energetic approach to political reporting. Presented by Guto Harri, the series features in-depth interviews from across the political spectrum in Wales and Westminster. The series also includes a weekly ‘street surgery’ giving the public the opportunity to question their elected representatives. A third series will air in early 2019.

4.4. Two of the channel’s longest running series *Y Byd ar Bedwar* and *Cefn Gwlad* were refreshed with new presenter line-ups to maintain their enduring appeal with viewers.

4.5. *Y Byd ar Bedwar* undercover investigations have included our journalists exposing the pressure on a security company’s staff to issue littering fines to the public and uncovering poor standards of care for dementia patients at a North Wales care home.

4.6. *Y Ditectif* returned for a third series looking at some of Wales' most notorious crimes. The series was produced back-to-back in English for ITV Cymru Wales where it proved to be hugely popular with viewers. Filming is also underway for a new, observational series following Dyfed-Powys Police and other key agencies as they search for missing people.

5. Wales on the ITV network

5.1. A total of 7 series have been commissioned by ITV Network commissioners from programme makers in Wales over the last 2 years. All have been based on merit, reflecting a growing creative pipeline for successful network programmes.

5.2. *The Strait* looked at the lives of people living and working around the Menai in north Wales and was first broadcast on ITV Cymru Wales this January. Made by the Welsh independent producer, Slam Media, it was co-commissioned by ITV Cymru Wales and the ITV network with the series being broadcast across the UK on ITV this autumn. The network series delivered a combined audience of more than 8m viewers across its 4 episodes.

5.3. We are now working with Slam Media to produce 2 new series - one on Snowdonia and another on Portmeirion that will also be shown on the ITV network following a first broadcast on ITV Cymru Wales.

5.4. This autumn has also seen us broadcast a highly popular peak-time series focussing on people living and working in Pembrokeshire. *St Davids: Britain's Smallest City*, was made by the ITV Studios companies Boom Cymru and Oxford Scientific Films. It has also been co-commissioned for broadcast on the ITV network.

5.5. Future, peak-time network commissions include *Harbour Cops*, a six-part series looking at the work of Dyfed-Powys Police and *Code Blue*, 2 one-hour long films on the Serious Crime Squad of South Wales Police. Both are being made by Shiver Cymru, one of our in-house network production labels.

5.6. All these programmes add considerably to the portrayal and representation of life in many different parts of Wales to UK wide audiences.

6. ITV Studios companies in Wales

6.1. ITV is now a producer of scale in Wales following the acquisition of the Cardiff-based production companies Boom Cymru and Boomerang which became part of ITV Studios in 2015. This

year they will make more than 500 hours of programmes for S4C and a wide range of other broadcasters. The two companies between them employ around 300 people based in Wales.

6.2. Boom Cymru's customers include S4C, ITV, BBC Wales and Channel 5. Key genres include children's programming, entertainment, factual entertainment, factual and drama.

6.3. Boom Cymru is a leading maker of children's programmes delivering over two hundred hours of content per year including *Cyw*, S4C's pre-school brand, which was devised and created by the company. Boom's expertise in children's content has resulted in the creation of many successful formats, including *Prosiect Z*, which won a prestigious Bafta Children's Award in November 2018.

6.4. Boom Cymru is a significant creator of content for *Hansh* - S4C's digital platform - and they produced some 80 hours of coverage from the Royal Welsh Show. Their programmes had 8 Bafta Cymru nominations in 2018 with the factual entertainment format *The Salon* winning both a Bafta Cymru award and a Celtic Media Festival award.

6.5. Boom Cymru makes drama - most notably the crime series format *35 Diwrnod* which has been sold to broadcasters in New Zealand, Malaysia and Poland. The format has also been commissioned by Channel 5 for broadcast in 2019.

6.6. Boom Cymru includes a range of specialist media businesses. Gorilla, is a leading post production company and has just expanded to a second base in Cardiff. Bait Studio is a high-end visual effects company which recently worked on the highly regarded Netflix feature film, *Apostle* and regularly supports series such as the BBC's *Casualty*. Cloth Cat Animation is enjoying international success with a second series of the Chinese-commissioned *Luo Bao Bei*. It follows the successful launch of the first series in China, Australia, the UK, Spain and several other countries. It has recently been nominated for Best Pre-School Programme at the International Emmy Kids Awards.

6.7. The production label, Boomerang has also had a successful 2018 with its Channel 4 (C4) series, *Extreme Cake Makers* winning this year's Best Daytime Programme at the Broadcast Awards.

6.8. 2018 will see Boomerang deliver almost 57 hours of television to key UK networks, with a further 18 hours already confirmed for 2019.

6.9. A second series of the family game-show *What Would Your Kid Do?* will include a Christmas special episode. The ITV network series launched in February 2018 proving popular with viewers.

6.10. *Extreme Cake Makers* goes from strength to strength with 60 episodes being commissioned by C4 in 2018 including a Royal Wedding Special and a Christmas Special. By the end of series four

Boomerang will have produced 105 episodes for broadcast in the UK and the series has been sold to over 60 territories worldwide.

6.11. Their documentary series *Sinkholes* received a 12-part recommission from Channel 5 after the initial run of three episodes proved to be highly popular gaining 1.7 million viewers for the channel.

6.12. Boomerang's *The World's Most Expensive....* format continued to bring in large audiences to C4 with *The World's Most Extraordinary Christmas Dinner*, featuring the preparations of NASA astronauts and the Royal Navy for Christmas away from home.

6.13. Since the company's first series commission of *Posh Pawn* in 2013, Boomerang's factual and factual entertainment slate production has grown year-on-year, cementing its reputation for making high quality programming for a wide range of UK broadcasters.

7. Prominence

7.1. Prominence helps ensure that PSB services are easy to find and highly visible. This increases the consumption of PSB programmes, so increasing the public value that they deliver. Competing PSB news services, for example, are easily visible and accessible, helping to support the civic debate that underpins democracy. ITV's agreement to very substantial PSB obligations - particularly for news - and which are above and beyond those of purely commercial broadcasters, is critically reliant on the value in the PSB licences that ITV holds. Part of this value is provided by the guarantee of prominence as well as ring-fenced digital terrestrial television spectrum.

7.2. Ofcom has during the summer been consulting on proposals to change rules which ensure that public service broadcasting content can more easily be found in the new digital landscape. They note that new legislation will be needed to ensure that this prominence is maintained on the many different platforms now being used by viewers to access content. Smart TVs, subscription video on demand services (SVOD) and other platforms might not offer the same prominence to PSB content as existing programme guides.

7.3. The changing media landscape in Wales could mean viewers in Wales are less likely to come across PSB content made in Wales, for viewers in Wales. Ofcom's *Media Nations: Wales 2018* report notes that:

- In 2017 people in Wales spent an average of 3 hours 43 minutes per day watching broadcast television, down 17 minutes since 2016. This 7.1% decline in television viewing in Wales was greater than the UK average of 4.2%.
- At 50.4%, far more homes in Wales had a satellite TV service in Q1 2018 than the UK average

(37.1%).

- A third (33%) of adults in Wales used subscription streaming and on-demand services, such as Netflix and Amazon.
- Over two in five (42%) households with a TV in Wales had a smart TV in H1 2018 and most of these were connected to the home broadband service (79%).
- When we look at all forms of internet connectivity, including broadband-connected smart TVs, more than half (52%) of TV households in Wales have their TVs connected to the internet in 2018.
- Other ways people in Wales connected their TV to the internet include: through games consoles (26%); laptops/desktops (15%), and internet-connected dongles or set-top boxes (such as NOW TV set-top box, Roku, Google Chromecast, Amazon Fire TV stick, Amazon Fire TV, Apple TV) (13%).

7.4. These figures illustrate some of the challenges facing public service broadcasters in Wales. They explain why we and the other PSBs are calling on the UK government to modernise the rules that help guarantee prominence for PSB linear services and associated on-demand services, such as the BBC iPlayer, ITV Hub, STV Player, All 4, My5, and S4C Clic, to ensure they are fit for purpose as viewing habits change. Regardless of where you're watching, which device you're watching on, or who provides your television service, we believe people should always be able to easily find PSB services and programmes in the UK.

8. Diversity

8.1. We operate a wide range of initiatives to improve the diversity of our news programme to ensure it reflects the audience and communities it serves.

8.2. In September 2018, for example, our 6pm news programme achieved a 50-50 split between the appearances of men and women with the percentage of women not dropping below 45% since February 2018.

8.3. We continue to improve the representation of Black and Minority Ethnic communities which currently stands at 6.2% across our news programmes. This compares with an all-Wales BAME population of 4.4%, according to the 2011 census.

8.4. We continue to create new pathways into ITV, particularly from under-represented communities. In 2018, ITV Cymru Wales expanded its team of apprentices to four. All will be studying for a Creative and Digital Media Apprenticeship. Previous apprentices have gone on to gain full-time jobs with ITV Cymru Wales.

8.5. In 2018 we were awarded Employer of the Year in the Quality Skills Alliance Awards. The

judges said: *“The focus is clearly on the personal development of their apprentices as individuals and each one is given guidance and mentoring from staff with decades' worth of experience. ITV's ongoing commitment to apprenticeships make it a worthy winner of this award.”* We have also recently been awarded a Gold Award in the Careers Wales Valued Partner Awards in recognition of our work to inform, inspire and motivate young people in Wales about their career opportunities.

8.6. In addition, we have worked with S4C to recruit two young journalists to make current affairs reports specifically for S4C's digital service, *Hansh: Dan Sylw*. It ensures that we help train the next generation of Welsh language journalists to create content for current and future platforms. We take part in the 'Breaking into News' initiative with the Media Trust. Previous finalists have gone on to gain jobs in our newsroom.

8.7. Our ITV Studios' companies are also committed to maintaining a diverse workforce. For example, Boomerang works closely with Think Bigger and Channel 4 on its diversity and training. It currently has a Diversity Trainee Researcher on a one-year contract through C4's 2018 Production Trainee Scheme. This is the fourth such scheme in which it has been involved.

8.8. Elsewhere ITV Cymru Wales is the media partner of the equality organisation Chwarae Teg for their 2019 Womenspire awards. The charity has worked since 1992 to ensure that women across Wales can enter the workplace, develop their skills and build rewarding careers. We will help launch the search for nominations in January.

8.9. We had a substantial presence at the Pride Cymru Parade in Cardiff and provided extensive reporting on air and online.

9. Conclusion

9.1. ITV Cymru Wales and ITV Studios' companies in Wales make significant investments that contribute greatly to national life. As the only commercially funded public service TV broadcaster in Wales, we produce high quality content that brings to life the stories and issues facing the people of Wales. We offer plurality for viewers and effective competition to other Welsh media organisations. But we operate in a rapidly changing environment where we face tough regulations on what can be advertised on UK television at a time when competition from global online content companies is growing with no obligations on them and few restrictions on how they operate. They certainly have no obligation to provide Welsh content. Given this situation, we welcome the support of members of the National Assembly for Wales to help maintain a policy environment in which commercially funded public service broadcasting in Wales can thrive.

Jon Heasman
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA

(By e-mail to: localness@ofcom.org.uk)

04 December 2018

Dear Mr Heasman

FURTHER CONSULTATION: LOCALNESS ON COMMERCIAL RADIO

I am writing on behalf of the Culture, Welsh Language and Communications Committee of the National Assembly for Wales.

I wrote to you on 30 July about Ofcom's proposed relaxation of the localness guidelines for local commercial radio stations. I am now responding to your consultation on revised 'approved areas' for Wales, which Ofcom has proposed in light of the responses to the original consultation.

As I explained in our previous response, reducing the number of approved areas is in our view likely to have a detrimental impact on some communities and lead to a greater centralisation of production. We are particularly concerned that if production moves out of rural, Welsh-speaking areas it could have a detrimental impact on the volume of Welsh language content: a matter of considerable concern for Welsh-speaking audiences who are already inadequately served by the commercial radio market.

The changes that are now proposed go some way to addressing our concerns but our fundamental point remains in relation to the proposed reduction of approved areas in South Wales from two to one.

We continue to have concerns that as well as the economic and social impact of job losses, removing the boundary between South East and South West Wales could potentially reduce the extent to which radio stations are embedded in – and reflect – the areas to which they broadcast, leading to a further homogenisation of content. The proposed removal of the boundary between South East and South West Wales (which contains very significant Welsh-speaking areas) continues to be a cause for concern that Welsh-speaking audiences will lose out.



Given our concerns the Committee believes that there should continue to be three approved areas for Wales, broadly along current boundaries.

Can I apologise that this response is slightly outside your consultation window. However, I am sure you will want to take the Committee's views fully into account before making a final decision.

Yours sincerely

A handwritten signature in black ink that reads "Bethan Sayed". The signature is written in a cursive, flowing style.

Bethan Sayed AM
Chair



Bethan Sayed AM
Chair
Culture, Welsh Language and Communications Committee

3/12/2018

Dear Bethan

Further information on the Commissioner's work

Thank you for your recent letter following my appearance before the Committee in October and for your kind words about my office's work.

You wished to receive further information on three specific topics, namely annual accounts; the Welsh Language Standards; and the provision of Welsh-medium early years education. I will deal with the topics one by one.

Annual accounts

Before I answer the question regarding the level and use of the reserve, I would like to begin by providing a little background and context.

In October 2014, I appeared before the Assembly's Public Accounts Committee as part of the committee's scrutiny of the 2013-14 accounts. One of the issues considered by the committee in relation to a number of public bodies was the level of the reserve.

In my evidence to the committee I stated that substantial legal costs could be incurred as the organisation carries out its new functions, and also the need to retain some funds in reserve for unforeseen expenditure. I told the committee that it would be reasonable to retain a reserve of £200,000 to £250,000.

The 17/18 annual accounts declare a statutory value of £501,000 for the reserve. When planning I need to consider the impact of transactions paid in cash where they are not

Comisiynydd y Gymraeg
Siambrau'r Farchnad
5-7 Heol Eglwys Fair
Caerdydd CF10 1AT

0345 6033 221
post@comisiynyddygyymraeg.cymru
Croesewir gohebiaeth yn y Gymraeg a'r Saesneg

comisiynyddygyymraeg.cymru

Welsh Language Commissioner
Market Chambers
5-7 St Mary Street
Cardiff CF10 1AT

0345 6033 221
post@welshlanguagecommissioner.wales
Correspondence welcomed in Welsh and English

welshlanguagecommissioner.wales



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accounted for through the income and expense account at the end of the financial year. The three main elements are:

- Depreciation of the organisation's fixed assets down to a net value of £0 (£84,000)
- Calculating the cost of agreements where an element of the cost relates to the 2018-19 financial year (£63,000)
- Acknowledging income on a sub-let where an element of the income relates to the 2018-19 financial year (£20,000)

The net impact of the three elements above is to reduce the base level of the reserve to £374,000 at the end of 2017-18 which is higher than the £250,000 normally planned to be retained. The 2017-18 Annual Report reveals that the 2018-19 internal budget plans for an overspend of £82,000. Since the publication of the Annual Report, the 2019-20 Estimate was submitted to the Welsh Ministers, requesting a budget for the coming years. The most recent expenditure forecast assumes an overspend of £167,000 for 2018-19 which would lead to a reserve of £238,000 at the end of the financial year. We have taken a strategic decision to spend above the budget received by the Welsh Government in order to reduce the reserve to a reasonable level.

I include a copy of the 2019-20 Estimate for your attention in order to provide the committee with further information in relation to the organisation's plans over the medium term, the funding requirements and the impact of not receiving additional funding. Further information on the Plans can be found in the Estimate.

The following 3 options were presented to the Welsh Ministers:

		Expenditure 2019-20 £000	Funding 2019-20 £000
Plan A	Additional projects and employing 47 posts	3,825	3,798
Plan B	Additional projects	3,568	3,541
Plan C	Continuing to operate as before	3,240	3,168

At the end of my term as Welsh Language Commissioner, I therefore foresee a reserve of £238,000 which aligns with the sustainable level I have identified over a number of years in the Annual Reports. However, over the medium term, there are profound risks to the organisation's ability to live within the current budget and continue to operate.

You also asked about the impact of this on staff numbers and our ability to fulfil functions. I note that there will be 42.6 FTE officers employed on 01/04/2019, which is approximately 10% less than the staff resources within the full structure. Also, there is no capacity within the current funding level to employ officers on a temporary basis when officers are on maternity leave. Finally, I have received notice of an increase to employer contributions to the Civil Service Pension Scheme, which will increase employment costs by a minimum of £117,000 and there is no capacity within the current budget to bear this additional burden.



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These factors put increasing pressure on the ability to employ sufficient numbers of officers to fulfil the organisation's functions and duties.

In relation to the administrative costs of running the organisation, robust steps have been taken over the years to reduce costs in order to save money. Compared to 2013-14 and 2014-15 where the average expenditure was £965,000, the expenditure forecast for 2018-19 is £717,000, which is a saving of 26%. There aren't many further opportunities to save money without having a harmful effect on the organisation's ability to operate effectively.

The level of expenditure on programmes and projects has reduced over my term as Commissioner as funding from the Welsh Ministers has reduced. During 2013-14 and 2014-15 the expenditure averaged around £440,000 per year. In the following three years until 2017-18 there was a reduction in expenditure to around £240,000 per year. The expenditure for 2018-19 is forecast at £193,000 and the Estimate anticipates an expenditure of £140,000 under Plan C. Expenditure on programmes is funded through the reduction of the reserve and a strategic decision was taken to spend above the budget received from the Welsh Government.

As shown in paragraph 2.15 of the Estimate, even if the Welsh Ministers cover the additional pension costs, over the next two years expenditure will reduce the reserve to a less than desirable level. It is inevitable that, without additional funding, there will be a risk to the new Commissioner's ability to fulfil their full functions and duties; with officer resources falling below the full structure, and the money available to deliver important programmes and projects being further limited.

Welsh Language Standards

You requested information on standards investigations, which is the initial step of mapping what kind of services should be imposed on sectors before the Government creates standards regulations. There are no organisations currently subject to a standards investigation. However, standards investigations have been conducted into a number of organisations that have been included in regulations. Four rounds of standards investigations have been conducted and the details are as follows along with confirmation of which regulations (if any) apply to the organisations:

Standards investigation round	Round 1	Round 2	Round 3	Round 4
Number of organisations	26	119	64	318
Type of organisations	Local authorities, Welsh Ministers,	A number of general public organisations such as	Social housing providers, UK Government departments,	Gas and electricity suppliers, rail services and



	National Parks	National Museum Wales, Children's and Older People's Commissioner, health boards, colleges and universities	water companies, Royal Mail Group and Post Office	bus companies
When the standards investigation was conducted	January – March 2014	November 2014 – February 2015	May – August 2015	Phased timetable: March – June 2016 July – October 2016 August – November 2016
Publication of the standards investigation report	May 2014	May 2015	October and November 2015	November 2016 and February 2017
In regulations?	All within: <input checked="" type="radio"/> No. 1 Regulations	A number within: <input checked="" type="radio"/> No. 2 Regulations <input checked="" type="radio"/> No. 4 Regulations <input checked="" type="radio"/> No. 5 Regulations <input checked="" type="radio"/> No. 6 Regulations <input checked="" type="radio"/> No. 7 Regulations Some of the remaining organisations not within regulations, e.g. health professions regulators	No	No



You also requested information on organisations the Welsh Ministers plan to include in draft regulations, or organisations Welsh Ministers have consulted on draft regulations.

In June 2018, the Minister for Lifelong Learning and Welsh Language, Eluned Morgan, made a statement confirming that no further standards would be issued until the new Welsh Language Bill was in effect. She also confirmed that as a result she would not be adding organisations to regulations already passed.

My understanding therefore is that Welsh Ministers do not intend to include any organisation in draft regulations until the new Welsh Language Bill is in effect. As you know, there is no published timetable for when that will be likely yet.

The Welsh Ministers have already consulted with the health professions regulators and water companies on draft regulations. The Commissioner understands that the Welsh Ministers have corresponded with these organisations to explain that final regulations will not be issued to them for the time being for the reasons identified above.

You also asked me to provide information on organisations my office is in the process of issuing compliance notices. We are currently issuing compliance notices to the following 18 organisations named in the No. 7 Regulations:

1. Powys Teaching Health Board
2. Aneurin Bevan University Health Board
3. Cwm Taf University Health Board
4. Abertawe Bro Morgannwg University Health Board
5. Betsi Cadwaladr University Health Board
6. Cardiff and Vale University Health Board
7. Hywel Dda University Health Board
8. Board of Community Health Councils in Wales
9. Abertawe Bro Morgannwg Community Health Council
10. Aneurin Bevan Community Health Council
11. Betsi Cadwaladr Community Health Council
12. Powys Community Health Council
13. Cardiff and Vale Community Health Council
14. Cwm Taf Community Health Council
15. Hywel Dda Community Health Council
16. Welsh Ambulance Services NHS Trust
17. Velindre NHS Trust
18. Public Health Wales NHS Trust

In addition, the Regulations provide for adding Social Care Wales to No. 4 Regulations. We are therefore in the process of issuing a compliance notice to them, following the same timetable.



The following is an overview of the timetable for issuing the notices, including the actions that have already been taken and the pending actions.

March 2018	Approval of the Regulations by the Assembly.
May 2018	Briefing sessions for all organisations held by the Commissioner.
June 2018	Regulations come into effect and the Commissioner holds individual meetings with each organisation.
18 July – 10 October 2018	12 week consultation on the draft compliance notice.
October – November 2018	Consideration of responses and preparation of draft compliance notices.
November 2018	Aim to issue final compliance notices by the end of November.
End of May 2019	6 months from date of issuing the compliance notices, the earliest imposition day comes into force. This is also when the current Welsh Language Scheme ceases to be in effect.

Finally on this topic, you asked me to explain to the Committee, considering those organisations not currently subject to the standards, the impact of this for Welsh speakers in Wales.

A number of organisations continue to be subject to Welsh language schemes rather than the standards. This may be because they have not yet been named in standards regulations or because they cannot legally come under the standards at present.

Examples of organisations awaiting regulations are noted within the table in response to the first question regarding the standards. Standards cannot be imposed on some other organisations at present, the most prominent example being Ministers of the Crown.

There are clear benefits to the public of an organisation implementing standards compared to a Welsh language scheme. These benefits include:

- The Commissioner's enforcement powers to impose the standards give the public and persons rights to use the Welsh language in specific situations.
- That gives better assurance to Welsh language users regarding their right to use Welsh and they are entitled to complain immediately to the Commissioner about a suspected failure.
- The existence of the Welsh Language Tribunal protects those rights further as it is possible for a complainant to request that the Commissioner's decision is reviewed in some circumstances.
- Although there is a right to complain about a failure to comply with provision within a Welsh language scheme, the Commissioner has no enforcement powers in this regard, only the ability to make recommendations.



- One of the benefits of detailed standards is that it gives the public better clarity in terms of what they can expect to receive in Welsh compared to Welsh language schemes which often include broad commitments.
- The standards are published in regulations which apply to whole sectors and all sets are very similar to each other. That means there is more consistency within the services provided by organisations implementing standards as opposed to Welsh language schemes as the latter are agreed on an individual basis only and are dependent on an organisation's commitment to provision.
- My latest assurance report (which was discussed in the Committee on 4 October) showed that there is now unequivocal evidence that standards have resulted in improved Welsh language services.

Furthermore, some organisations that have been subject to standards investigation do not have a Welsh language scheme either. Some other bodies, such as Qualifications Wales, were established after the standards regime came into force. The Government has decided not to include them in standards regulations at present, so we are working on Welsh language schemes with these bodies.

The provision of Welsh-medium early years education

The Government has responded to the recommendations within my briefing note on childcare provision and Welsh-medium early years education. Despite this, the introduction of the 30-hours offer and reforming the Welsh in Education Strategic Plans (WESPs) framework is ongoing, therefore it is difficult to assess the extent to which the Government has fully responded to and implemented the recommendations.

The briefing note included 3 main recommendations.

1. The Welsh Government needs to ensure that the Welsh language and its vision for 2050 are key considerations in the process of planning, funding and implementing its plans for childcare and early years education.
2. The Welsh Government should ensure that Welsh in Education Strategic Plans (WESPs) develop as an effective framework for ensuring growth in the Welsh-medium childcare sector
3. The Welsh Government needs to take the lead in reforming the way childcare data is collected and shared.

The data published in our briefing note shows that only 13% of childcare provision in Wales is available through the medium of Welsh (see appendix 1 and 2). Given that around twenty-two percent of children in Wales attend Welsh-medium primary education, it is clear that radical change is needed in order for the childcare sector to catch up with the statutory education sector. The commitment to open 150 new nursery groups over the next decade, and the decision to invest £13 million of the Childcare Offer Capital Grant in



Welsh-medium childcare provisions, are important and significant steps. Despite this, these schemes alone will not transform the childcare landscape from a Welsh language perspective. I therefore believe that much more needs to be done in order to drive the far-reaching changes that the sector requires in order to realise the Cymraeg 2050 vision.

Since publication of the briefing note, my officers and I have had constructive meetings with the Minister for Children, Older People and Social Care and relevant civil servants. During these meetings, we have discussed our recommendations in more detail and have received further information on the Government's plans. These meetings have highlighted the opportunities that exist to shape the '30-hours offer' in ways that will lead to substantial growth in Welsh-medium childcare provision.

The second recommendation of the briefing note highlighted the potential of WESPs as a framework for more long-term planning in order to ensure growth in the numbers receiving Welsh-medium childcare and early years education. Like a number of other stakeholders, I firmly believe that there needs to be a focus on this sector as the beginning of the Welsh-medium education journey. Aled Roberts has been appointed to lead the board which will be responsible for reforming the WESPs framework. We have presented evidence to the advisory board and had constructive meetings with Aled Roberts regarding the way forward. I hope the work of this board will lead to significant changes to the Welsh-medium education planning framework and that the childcare sector will be a central part of that.

The third recommendation of the briefing note emphasises the need for valid and reliable data regarding the childcare sector. As highlighted in the briefing note, there are currently fundamental problems with the quality and reliability of the data. Unless the quality of this data is improved, it is difficult to see how progress could be measured meaningfully. We have discussed these problems during our meeting with the Minister for Children, Older People and Social Care and also Care Inspectorate Wales (CIW), and have provided further information and recommendations to CIW as they adapt their methods of gathering data on the language medium of childcare services. Therefore, it is my understanding that the Government and CIW acknowledge the problems, and that there is work in progress to improve the quality of this data.

Finally, you asked for an assessment of the extent to which parents can access the free Welsh-medium childcare offer and what steps the Welsh Government should take to ensure that the provision meets the demand.

To date, there is no public data regarding the childcare offer that would enable me to provide a valid assessment. I understand that the Government will publish an evaluation of the pilot scheme before the end of the year, and that this evaluation will provide current information on the availability of Welsh-medium provision.

Although I cannot provide a detailed assessment of the childcare offer, the briefing note did include a statistical analysis of the situation regarding Welsh-medium childcare provision more generally. I am concerned about the validity and reliability of the existing



data, but one thing that is fairly clear is that there is a lack of Welsh-medium childcare provision across Wales (see appendix 1 and 2).

Considering that only 13% of childcare services in Wales are available through the medium of Welsh, it is inevitable that there will be fundamental problems in terms of enabling parents to take up the childcare offer through the medium of Welsh. It is reasonable to conclude that the vast majority of parents who opt for Welsh-medium education for their children also wish to access Welsh-medium childcare where available. 22% of children currently attend Welsh-medium primary education; therefore it appears that childcare provision in Wales is nowhere near meeting the demand of parents, not to mention attracting more parents to choose Welsh-medium childcare and education for their children. The data also highlights the fact that parents' ability to access the childcare offer through the medium of Welsh varies significantly from one area to another.

The main actions we have suggested and discussed with the Welsh Government are as follows:

1. **Including childcare outcome and targets in the WESPs** – see above
2. **Improving validity and reliability of childcare data** – see above
3. **Childcare Offer Capital Grant and other funding schemes** – the Government has announced that £60 million of funding will be available over the next three years for capital projects to develop and improve childcare provisions in Wales. The Government recently announced that £13 million of this grant has been used alongside the Welsh-Medium Education Capital Grant for the purpose of projects that co-locate Welsh-medium childcare and education. Given the current lack of Welsh-medium childcare provision, and also the Cymraeg 2050 vision, I recommend the Government considers the Welsh-medium or bilingual provision a condition for releasing capital funding to any project involved in the programme. Due to the lack of integration of the Cymraeg 2050 agenda and the '30 hours offer' from the outset, this capital funding is one direct way of increasing Welsh-medium provision across Wales. Other funding schemes should also be used and expanded, for example the work being undertaken with Mudiad Meithrin to open new nursery groups.
4. **Childcare Funding (Wales) Bill** – although this Bill relates to a fairly technical part of the implementation of the 30-hours offer, it provides an opportunity to strengthen the legislation in terms of Welsh-medium childcare provision. For example, the legislation may strengthen and expand the requirements already included in the regulations and statutory guidance resulting from the Childcare (Wales) Act 2006. This could include:
 - A duty to gather information from parents regarding the provision they would wish their child to receive



Comisiynydd y
Gymraeg
Welsh Language
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- Providing information on the benefits of Welsh-medium education and bilingualism in general.
- A duty on local authorities to ensure the adequacy of Welsh-medium childcare, in line with the wishes of parents and in the light of the Government's Cymraeg 2050 strategy and the local authority's WESPs targets.

Any new legislation would need to consider carefully the reasons for the lack of progress in Welsh-medium childcare provision in the context of the current legislation.

5. **The workforce** – it is difficult to see how any of the above plans could be delivered without ensuring that sufficient numbers of the workforce have adequate Welsh language skills. The Welsh Government has a plan for improving the skills of the workforce, and projects like Cam wrth Gam have been successful in increasing the numbers of qualified Welsh-medium staff in the sector. However, it is clear that further schemes and investment are needed to this end.

I have attempted to answer the Committee's questions as fully as possible, but please feel free to contact me if you wish to receive further information on these points.

Yours sincerely

Meri Huws
Welsh Language Commissioner



Appendix 1: The main language of provision in numbers and percentages in all local authorities, according to CIW data (25 September 2017)

Awdurdod Lleol	Cymraeg		Saesneg		Y Ddwy Iaith	
Cymru Gyfan	500	13%	2993	77%	389	10%
Abertawe	7	3%	205	93%	9	4%
Blaenau Gwent	2	3%	62	94%	2	3%
Bro Morgannwg	9	4%	207	93%	6	3%
Caerdydd	28	6%	390	88%	24	5%
Caerffili	20	8%	214	87%	13	5%
Castell-nedd Port Talbot	5	3%	138	93%	6	4%
Casnewydd	2	1%	158	96%	4	2%
Ceredigion	46	41%	30	27%	35	32%
Conwy	27	19%	94	68%	18	13%
Gwynedd	129	64%	19	9%	55	27%
Merthyr Tudful	3	7%	38	84%	4	9%
Pen-y-bont ar Ogwr	8	5%	135	92%	4	3%
Powys	22	11%	160	82%	12	6%
Rhondda Cynon Taf	18	7%	221	88%	13	5%
Sir Benfro	19	13%	121	82%	7	5%
Sir Ddinbych	24	17%	92	67%	22	16%
Sir Gaerfyrddin	76	35%	66	30%	78	35%
Sir y Fflint	9	4%	221	91%	14	6%
Sir Fynwy	1	1%	121	98%	1	1%
Torfaen	3	3%	89	94%	3	3%
Wrecsam	11	5%	178	88%	13	6%
Ynys Môn	31	28%	34	31%	46	41%



Appendix 2: The percentage of 7 year old children receiving Welsh-medium education (Welsh Language Strategy annual report 2016-17) and the percentage of Welsh-medium childcare settings (according to CIW data) by local authority

	% of 7 year old children receiving Welsh-medium education in 2016	Percentage of Welsh-medium childcare provisions according to CIW data in 2017
Anglesey	72%	28%
Gwynedd	98%	64%
Conwy	23%	19%
Denbighshire	27%	17%
Flintshire	7%	4%
Wrexham	13%	5%
Powys	19%	11%
Ceredigion	75%	41%
Pembrokeshire	21%	13%
Carmarthenshire	57%	35%
Swansea	15%	3%
Neath Port Talbot	17%	3%
Bridgend	8%	5%
Vale of Glamorgan	15%	4%
Rhondda Cynon Taf	19%	7%
Merthyr Tydfil	11%	7%
Cardiff	16%	6%
Caerphilly	17%	8%
Blaenau Gwent	4%	3%
Torfaen	11%	3%
Monmouthshire	7%	1%
Newport	5%	1%
Wales	22%	13%

Culture, Welsh Language and Communications Committee

6 December 2018

Background Briefing on the National Broadcast Archive

The National Broadcast Archive is a proposed £9 million project developed by the National Library of Wales. The Library is planning to request around half of the funding from the Heritage Lottery Fund, £2 million has been allocated from National Library of Wales private funds, £0.5 million is to be raised from trusts and foundations (underwritten by the National Library) and £1 million has been requested from the Welsh Government. The remainder of the funding of around £0.9 million is made up of in kind contributions from the National Library, BBC Cymru Wales and volunteer time.

The Library see the NBA as a major development which would see the physical programme archive of BBC Cymru Wales, transferred to the National Library, along with the institutional archive and digitised copies of the programme archive. The BBC has agreed for the Library to make 1,000 broadcast clips available on-line, and for the entire broadcast archive to be available from four regional CLIP Centres in Cardiff, Carmarthen and Wrexham, as well as at the Library site in Aberystwyth.

Access to the BBC Cymru Wales Archive would be a major addition to the resources available to researchers from the National Library, and the Library feel that the CLIP centres would enhance the profile of the Library and extend its reach into communities across Wales.

Welsh Government Support

The Minister for Culture, Tourism and Sport has consistently expressed the support of the Welsh Government for the ambition of the National Library to establish a National Broadcast Archive for Wales.

However, the Minister confirmed to the President of the National Library on 20 November that the Welsh Government would not provide strategic support for the project, or make £1 million available to support the implementation of the NBA *in its current form*. This decision was based on concerns regarding the project design, a lack of clarity on the impact the NBA could have on existing Library activities during the period of the HLF project, and the costs of sustaining the archive over the long term, amounting to some £400k per annum once the HLF funding comes to an end in 2023.

Concerns regarding the NBA project have been raised with the National Library by officials, and in correspondence between the Minister for Culture, Tourism and Sport and the President of the National Library over an extended period. In August, the Minister requested a thorough review of the project and where necessary a reshaping of the project to ensure its sustainability. This review was not undertaken, and although some progress has been made in discussions with BBC Cymru Wales and other partners regarding the long term sustainability, the information provided by the National Library did not address fully the concerns surrounding the project.

Future of the Project

It should be noted that the physical archive has already been digitised by the BBC. The Welsh Government is willing to continue to engage with the National Library and to support the efforts of the Library to develop a robust and sustainable plan for the creation of a National Broadcast Archive, and arrangements are being made for a meeting as soon as this can be arranged. The partners are seeking to extend the submission date for the Heritage Lottery Fund bid to enable further discussions to be held and, if possible, to secure a positive outcome.

Aberystwyth SY23 3BU | 01970 632800 | gofyn@llyfrgell.cymru | www.llyfrgell.cymru

3 December 2018

Annwyl Dafydd

Thank you for your letter dated 20 November 2018 which was discussed at a meeting of the Board of Trustees on 23 November. The Board unanimously expressed their disappointment with the Welsh Government decision not to support the Broadcast Archive proposal in the second round of the Heritage Lottery Fund Grants Scheme and expressed concern that, as a consequence, £5m of funding may be in jeopardy. We consider that the gifting of the BBC Cymru Wales archive will augment the existing national film and sound archive and will ensure that Wales is a major player in international media archives. In addition, access to the digital version will triple the size of the Library's digital resources and provide a wonderful bilingual resource for educational, community and personal use as well as providing extensive research opportunities. Your officials have been made aware that broadcast law prohibits placing the entire archive online however, working with strategic partners, there is an opportunity to provide access beyond Aberystwyth and to place a thousand programme clips online through the project.

In delivering its Strategic Plan agreed with the Welsh Government in 2016, which includes the proposal to establish a National Broadcast Archive, the Library acknowledges the need for due diligence in managing its resources and has shared relevant information relating to the National Broadcast Archive proposal with your officials since the first round proposal was supported by your predecessor in 2016.

The Library is, of course, prepared to consider all options to preserve this historic Broadcast Archive and to ensure public access to this unique collection. We are now aware that there will be an opportunity to submit the second round proposal by the end of March 2019. Therefore, I would welcome an opportunity for your officials to discuss with ourselves and the BBC how we could move forward and together agree a strong proposal which could be considered by Heritage Lottery Fund at a UK level in early summer 2019.

Dymuniadau gorau



Rhodri Glyn Thomas
President

 llywydd@llgc.org.uk

Rt Hon Dafydd Elis Thomas AM
Minister for Culture, Tourism and Sport
Welsh Government
Tŷ Hywel
Cardiff Bay CF99 1NA

10 December 2018

Dear Dafydd

National Broadcast Archive

The President and Librarian of the National Library gave evidence to the Committee at our meeting in Aberystwyth on 6 December. Among other matters, the Committee scrutinised the Library's representatives about the application to the Heritage Lottery Fund for £5 million to help establish a National Broadcast Archive.

Members also had sight of the briefing note on the issue circulated by your Private Secretary on 5 December. That note has now been published as a paper to note for this week's meeting of the Committee, alongside the President of the Library's letter to you of 3 December.

At the meeting last week, we were told that the deadline for the funding application is the beginning of March next year but that the effective deadline is the date of the planned meeting between you and representatives of the Library in February. If the Government contribution is not agreed by that date, the project is unlikely to proceed.

Committee Members expressed concern at the apparent prevarication by the Welsh Government over whether it will provide the £1 million of financial support that is needed to bring the project to fruition. Members struggled to understand why the Welsh Government is potentially jeopardising the project for reasons that currently seem unclear and vague.

Members were also concerned that the Welsh Government's objections to the project seem more fundamental than was apparent in the answers you provided following Dai Lloyd's topical question in the Chamber on 28 November.



Given the urgency, and in an attempt to get a clearer understanding of your concerns, the Committee agreed to invite you to attend the Committee's meeting on Thursday 10 January to answer Members' questions on this matter.

I would be grateful if your officials could liaise with the Clerk of the Committee to arrange the precise details.

Yours sincerely

A handwritten signature in black ink that reads "Bethan Sayed". The signature is written in a cursive style with a large initial 'B'.

Bethan Sayed AM
Chair

