



# Public Audit (Wales) Act 2004

## 2004 CHAPTER 23

### PART 2

#### LOCAL GOVERNMENT BODIES IN WALES

### CHAPTER 2

#### STUDIES AND PERFORMANCE STANDARDS

#### *Studies*

#### **41 Studies for improving economy etc in services**

- (1) The Auditor General for Wales must for each financial year undertake or promote studies designed to enable him to make recommendations—
  - (a) for improving economy, efficiency and effectiveness in the discharge of the functions of best value authorities in Wales;
  - (b) for improving economy, efficiency and effectiveness in the provision of services provided by other local government bodies in Wales;
  - (c) for improving the financial or other management of local government bodies in Wales.
- (2) The studies which the Auditor General for Wales is required to undertake or promote under subsection (1) include in particular—
  - (a) studies designed to enable the Auditor General for Wales to determine what directions he should give under section 47;
  - (b) studies of information published in pursuance of section 47 which are designed to enable the Auditor General for Wales to determine, in relation to each financial year, what comparative information to publish himself about the standards of performance achieved by bodies which are relevant bodies for the purposes of that section.

---

*Status: This is the original version (as it was originally enacted).*

---

- (3) The Auditor General for Wales may undertake or promote other studies relating to the provision of services by local government bodies in Wales.
- (4) Where the Auditor General for Wales undertakes or promotes a study under this section, he must publish or otherwise make available—
  - (a) the results of the study, and
  - (b) any recommendations made by him.
- (5) Before undertaking or promoting a study under this section, other than a study of a kind mentioned in paragraph (a) or (b) of subsection (2), the Auditor General for Wales must consult—
  - (a) any associations of local government bodies in Wales which appear to him to be concerned, and
  - (b) any associations of employees which appear to him to be appropriate.
- (6) The Auditor General for Wales and the Assembly must co-operate with each other with respect to the exercise of their respective functions under this section and sections 94 and 95 of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) (reviews, investigations and studies by Assembly).

#### **42 Studies on impact of statutory provisions etc**

- (1) The Auditor General for Wales must undertake or promote studies designed to enable him to prepare reports as to the impact of —
  - (a) the operation of any statutory provisions, or
  - (b) any directions or guidance given by the Assembly (whether or not under a statutory provision),
 on economy, efficiency and effectiveness in the discharge of the functions of local government bodies in Wales.
- (2) The Auditor General for Wales must from time to time lay before the Assembly a report of any matters which, in his opinion—
  - (a) arise out of studies under this section, and
  - (b) ought to be drawn to the attention of the Assembly.
- (3) Before undertaking or promoting a study under this section, the Auditor General for Wales must consult—
  - (a) any associations of local government bodies in Wales which appear to him to be concerned, and
  - (b) any associations of employees which appear to him to be appropriate.
- (4) The Auditor General for Wales and the Assembly must co-operate with each other with respect to the exercise of their respective functions under this section and section 95(2) of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) (studies by Assembly on impact of statutory provisions).

#### **43 Co-operation with Audit Commission**

The Auditor General for Wales must co-operate with the Audit Commission where it seems to him appropriate to do so for the efficient and effective discharge of his functions under sections 41 and 42.

#### **44 Studies at request of local government bodies in Wales**

- (1) The Auditor General for Wales may, at the request of a local government body in Wales, undertake or promote studies designed to enable him to make recommendations for improving economy, efficiency and effectiveness in the discharge of the functions of the body.
- (2) Before making the request the body must consult any associations of employees which appear to it to be appropriate.

#### **45 Benefit administration studies for Secretary of State**

- (1) The Auditor General for Wales may, at the request of the Secretary of State, conduct, or assist the Secretary of State in conducting, benefit administration studies.
- (2) Benefit administration studies are studies designed to enable recommendations to be made for improving economy, efficiency, and effectiveness and quality of performance in the discharge by one or more local authorities in Wales of functions relating to the administration of housing benefit or council tax benefit (or both).
- (3) Any information obtained in the course of a benefit administration study may be disclosed by the Auditor General for Wales to the Secretary of State for the purposes of any functions of the Secretary of State which are connected with housing benefit or council tax benefit.
- (4) The Auditor General for Wales must send to the Secretary of State a copy of a report of a benefit administration study carried out by the Auditor General for Wales.
- (5) The Secretary of State or the Auditor General for Wales may send a copy of a report of a benefit administration study to any local authority to which the study relates.
- (6) The Secretary of State may publish a report of a benefit administration study in conjunction with the Auditor General for Wales.
- (7) The Auditor General for Wales may conduct, or assist the Secretary of State in conducting, a benefit administration study only if the Secretary of State has made arrangements for the payment to the Auditor General for Wales of a fee in respect of the study.
- (8) The amount of the fee must be a reasonable amount agreed between the Secretary of State and the Auditor General for Wales.

#### *Performance standards*

#### **46 Performance standards: relevant bodies**

- (1) Each of these local government bodies in Wales is a relevant body for the purposes of sections 47 to 49—
  - (a) a local authority in Wales;
  - (b) a committee of a local authority in Wales (including a joint committee of two or more local authorities in Wales);
  - (c) a National Park authority for a National Park in Wales;
  - (d) a police authority for a police area in Wales;

---

*Status: This is the original version (as it was originally enacted).*

---

- (e) a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21) or a scheme to which section 4 of that Act applies.
- (2) The Assembly may by order provide for sections 47 to 49 to have effect as if any other local government body in Wales were a relevant body for the purposes of those sections.
- (3) In this section “local authority in Wales” does not include a community council.

#### **47 Publication of information as to standards of performance**

- (1) The Auditor General for Wales must give any directions which he thinks fit for requiring relevant bodies to publish the information mentioned in subsection (2).
- (2) The information is information relating to their activities in a financial year which will, in the opinion of the Auditor General for Wales, facilitate the making of appropriate comparisons—
  - (a) between the standards of performance achieved by different relevant bodies in the financial year, or
  - (b) between the standards of performance achieved by relevant bodies in different financial years.
- (3) The comparisons are to be made by reference to the criteria of cost, economy, efficiency and effectiveness.
- (4) If a relevant body is required by a direction under this section to publish information in relation to a financial year, it must—
  - (a) make arrangements for collecting and recording the information which secure that the information is available for publication and (so far as practicable) that everything published in pursuance of the direction is accurate and complete,
  - (b) publish the information in accordance with the direction and in a method permitted under section 48 before the end of the period of 9 months starting immediately after the end of the financial year, and
  - (c) keep a document containing any information published in pursuance of the direction available for inspection by local government electors for its area.
- (5) The Assembly may by order vary the period specified in subsection (4)(b).
- (6) The period specified in an order under subsection (5) must not be longer than 9 months starting immediately after the end of the financial year in question.
- (7) A local government elector for the area of a relevant body may—
  - (a) at all reasonable times and without payment, inspect and make copies of the whole or any part of a document kept available for inspection by the body under subsection (4)(c);
  - (b) require copies of the whole or part of any such document to be delivered to him on payment of a reasonable sum for each copy.
- (8) A person who has custody of a document kept available for inspection under subsection (4)(c) commits an offence if—
  - (a) he obstructs a person in the exercise of his rights under subsection (7), or
  - (b) he refuses to comply with a requirement under subsection (7)(b).

---

*Status: This is the original version (as it was originally enacted).*

---

- (9) A person guilty of an offence under subsection (8) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### **48 Permitted methods of publishing information under section 47**

- (1) The permitted methods of publication referred to in section 47(4)(b) are these.
- (2) The relevant body may publish the information in a newspaper which is—
- (a) printed for sale, and
  - (b) circulating in its area.
- (3) If the relevant body ensures that the distribution condition is met with respect to the information, it may publish the information in a newspaper or periodical publication which—
- (a) is produced and distributed by another person (other than a local authority company), and
  - (b) is free of charge to the recipient.
- (4) A relevant body ensures that the distribution condition is met with respect to information if—
- (a) in any case, the body takes all reasonable steps to secure that a copy of a publication containing the information is distributed to each dwelling house in its area;
  - (b) in a case where the body considers that the information is of concern to persons carrying on business in its area, the body takes such steps as it considers reasonable and practicable to secure that a copy of a publication containing the information is also distributed to business premises in its area.
- (5) A local authority company is a company under the control of a local authority.
- (6) Section 68(1) of the Local Government and Housing Act 1989 (c. 42) (company under control of local authority) has effect for the purposes of subsection (5) as it has effect for the purposes of Part 5 of that Act.

#### **49 Directions under section 47**

- (1) A direction under section 47 requiring the publication of information must—
- (a) identify the financial year or years in relation to which the information is to be published,
  - (b) specify or describe the activities to which the information is to relate, and
  - (c) make provision as to the matters to be contained in the information and as to the form in which it is to be published.
- (2) A direction under section 47—
- (a) may be given so as to apply either to all relevant bodies or to all relevant bodies of a description specified in the direction;
  - (b) may be varied or revoked by a subsequent direction under that section.
- (3) Before giving a direction under section 47 which imposes a new requirement on a relevant body as to the publication of any information the Auditor General for Wales must consult—
- (a) any associations of relevant bodies he thinks fit, and

---

*Status: This is the original version (as it was originally enacted).*

---

- (b) any other persons he thinks fit.
- (4) A direction under section 47 imposing a new requirement on a relevant body as to the publication of any information must not be given later than the 31 December in the financial year which precedes the relevant financial year.
- (5) The relevant financial year is the financial year in relation to which the information is to be published.
- (6) If the Auditor General for Wales gives a direction under section 47 he must—
- (a) publish the direction in the manner he considers appropriate for bringing it to the attention of members of the public, and
  - (b) send a copy of the direction to every relevant body on which duties are imposed by virtue of the direction.
- (7) References in this section to the imposition of a new requirement on a relevant body as to the publication of information are to—
- (a) the imposition of a requirement by the first direction under section 47 to apply to the body;
  - (b) any subsequent extension of or addition to—
    - (i) the matters to be contained in the information which the body is required to publish in relation to a financial year in pursuance of directions under section 47, or
    - (ii) the activities to which any such information is to relate.