



# Local Government and Public Involvement in Health Act 2007

## 2007 CHAPTER 28

### PART 8

#### LOCAL SERVICES: INSPECTION AND AUDIT

### CHAPTER 2

#### AUDIT COMMISSION AND AUDITORS: FUNCTIONS AND PROCEDURE

#### *Benefits inspections*

#### **147 Powers of the Audit Commission relating to benefits**

- (1) In section 13 of the Local Government Act 1999 (c. 27) (reports by Audit Commission relating to best value authorities), after subsection (4) insert—

“(4A) If a report relates to any extent to the administration of housing benefit or council tax benefit and the Commission thinks fit to do so, it shall as soon as reasonably practicable send a copy of the report to the Secretary of State.”

- (2) [<sup>F1</sup>In section 139D of the Social Security Administration Act 1992 (c. 5) (power of Secretary of State to give directions following report), in subsection (1), after paragraph (ba) insert—

“(bb) a copy of a report has been sent to a local authority under subsection (3) of section 13 of the Local Government Act 1999 and to the Secretary of State under subsection (4A) of that section;”.]

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*Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Chapter 2. (See end of Document for details)*

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#### Textual Amendments

- F1** S. 147(2) repealed (1.4.2013 for specified purposes) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 1](#); [S.I. 2013/358](#), art. 8(c), [Sch. 4](#) (with arts. 9, 10, [Sch. 5](#))

#### Commencement Information

- I1** S. 147 in force at 1.4.2008 by [S.I. 2008/172](#), art. 4(b)

### <sup>F2</sup>148 **Benefit Fraud Inspectorate: transfers to the Audit Commission**

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#### Textual Amendments

- F2** S. 148 omitted (1.4.2015) by virtue of [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 81](#) (with [Sch. 12 para. 85](#)); [S.I. 2015/841](#), art. 3(x)

#### *Interaction with other authorities*

### <sup>F3</sup>149 **Interaction of the Audit Commission with other authorities**

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#### Textual Amendments

- F3** S. 149 repealed (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 1 Pt. 2](#); [S.I. 2015/841](#), art. 3(a) (with arts. 5-8, [Sch.](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

### 150 **Interaction of benefits inspectors with the Audit Commission**

[<sup>F4</sup>After section 139B of the Social Security Administration Act 1992 (c. 5) insert—

#### **“Interaction with Audit Commission**

- (1) A person authorised under section 139A(1) must from time to time, or at such times as the Secretary of State may specify by order, prepare—
  - (a) a document setting out what inspections of English authorities he proposes to carry out (an “inspection programme”);
  - (b) a document setting out the way in which he proposes to carry out his functions of inspecting and reporting on such authorities (an “inspection framework”).
- (2) The person authorised under section 139A(1) must—
  - (a) consult the Audit Commission before preparing an inspection programme or an inspection framework; and
  - (b) once an inspection programme or inspection framework is prepared, send a copy of it to—
    - (i) the Secretary of State; and

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- (ii) the Audit Commission.
- (3) The Secretary of State may by order specify the form that inspection programmes or inspection frameworks must take.
- (4) A person authorised under section 139A(1)—
- (a) must co-operate with the Audit Commission, and
  - (b) may act jointly with the Audit Commission,
- where it is appropriate to do so for the efficient and effective discharge of the person's functions in relation to English authorities.
- (5) In this section—
- “the Audit Commission” means the Audit Commission for Local Authorities and the National Health Service in England;
  - “English authorities” means authorities administering housing benefit or council tax benefit in England;
  - “person” does not include the Audit Commission.”]

#### Textual Amendments

**F4** S. 150 repealed (1.4.2013 for specified purposes) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 1](#); [S.I. 2013/358](#), [art. 8\(c\)](#), [Sch. 4](#) (with [arts. 9, 10](#), [Sch. 5](#))

#### Commencement Information

**I2** S. 150 in force at 1.4.2008 by [S.I. 2008/172](#), [art. 4\(c\)](#)

### *Inspections and audit*

## **151 Powers of auditors and inspectors to obtain information**

<sup>F5</sup>(1) .....

- (2) In section 11 of the Local Government Act 1999 (c. 27) (inspectors' powers and duties in connection with best value inspections)—

- (a) after subsection (1) insert—

“(1A) The right conferred by subsection (1)(b) includes power to inspect, copy or take away the document.”;

- (b) after subsection (2) insert—

“(2A) In relation to a document kept in electronic form, the power in subsection (2)(b) to require a person to produce a document includes power to require it to be produced in a form in which it is legible and can be taken away.

- (2B) In connection with inspecting such a document, an inspector—

- (a) may obtain access to, and inspect and check the operation of, any computer and associated apparatus or material which he considers is or has been used in connection with the document;
- (b) may require a person within subsection (2C) to afford him such reasonable assistance as he may require for that purpose.

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(2C) A person is within this subsection if he is—

- (a) the person by whom or on whose behalf the computer is or has been used; or
- (b) a person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material.”;
- (c) in subsection (5), after “reasonable excuse” insert “ obstructs the exercise of any power conferred by this section or ”.

#### Textual Amendments

**F5** S. 151(1) repealed (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 1 Pt. 2](#); [S.I. 2015/841](#), [art. 3\(a\)](#) (with [arts. 5-8](#), [Sch.](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

#### Commencement Information

**I3** S. 151 in force at 31.1.2008 by [S.I. 2008/172](#), [art. 2\(1\)\(b\)](#)

## 152 Inspections of best value authorities

(1) Section 10 of the Local Government Act 1999 (inspections) is amended as follows.

(2) Before subsection (1) insert—

“(A1) The Audit Commission may carry out an inspection of a best value authority's performance of its functions or of any particular function or functions.”

(3) In subsection (1), after “may” insert “ , in particular, ”.

#### Commencement Information

**I4** S. 152 in force at 1.4.2008 by [S.I. 2008/172](#), [art. 4\(d\)](#)

### *Studies and reports etc*

## <sup>F6</sup>153 National studies

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#### Textual Amendments

**F6** S. 153 repealed (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 1 Pt. 2](#); [S.I. 2015/841](#), [art. 3\(a\)](#) (with [arts. 5-8](#), [Sch.](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

## 154 Studies at request of particular bodies

In the Audit Commission Act 1998, omit—

- (a) section 35 (studies at request of bodies subject to audit);
- (b) section 35A (studies for functional bodies at request of Greater London Authority).

*Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Chapter 2. (See end of Document for details)*

**Commencement Information**

**I5** S. 154 in force at 31.1.2008 by [S.I. 2008/172](#), [art. 2\(1\)\(d\)](#)

**155 Registered social landlords**

(1) In section 40(1) of the Audit Commission Act 1998 (studies relating to registered social landlords), omit “(other than registered social landlords in Wales)”.

<sup>F7</sup>(2) .....

<sup>F8</sup>(3) .....

(4) Omit section 42 of that Act (consultancy services relating to audit of accounts of registered social landlords).

<sup>F9</sup>(5) .....

**Textual Amendments**

- F7** S. 155(2) repealed (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 16](#); [S.I. 2010/862](#), [art. 3](#) (with [Sch.](#))
- F8** S. 155(3) repealed (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 1 Pt. 2](#); [S.I. 2015/841](#), [art. 3\(a\)](#) (with [arts. 5-8](#), [Sch.](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)
- F9** S. 155(5) repealed (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 16](#); [S.I. 2010/862](#), [art. 3](#) (with [Sch.](#))

**Commencement Information**

**I6** S. 155 in force at 31.1.2008 by [S.I. 2008/172](#), [art. 2\(1\)\(e\)](#)

**156 Information about performance standards of local authorities etc**

In the Audit Commission Act 1998 (c. 18), omit sections 44 to 47 (publication of information about standards of performance).

**Commencement Information**

**I7** S. 156 in force at 1.4.2008 by [S.I. 2008/172](#), [art. 4\(e\)](#)

<sup>F10</sup>**157 Reports on English local authorities**

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**Textual Amendments**

- F10** S. 157 repealed (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 1 Pt. 2](#); [S.I. 2015/841](#), [art. 3\(a\)](#) (with [arts. 5-8](#), [Sch.](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

F11158 Reports categorising English local authorities

Textual Amendments

F11 S. 158 repealed (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), Sch. 12 para. 123(e); S.I. 2015/841, art. 3(x)

Miscellaneous

F12159 Appointment of auditors

Textual Amendments

F12 Ss. 159-165 repealed (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), Sch. 1 Pt. 2; S.I. 2015/841, art. 3(a) (with arts. 5-8, Sch.) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F12160 Inspection and disclosure of personal information

Textual Amendments

F12 Ss. 159-165 repealed (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), Sch. 1 Pt. 2; S.I. 2015/841, art. 3(a) (with arts. 5-8, Sch.) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F12161 Right to make objections at audit

Textual Amendments

F12 Ss. 159-165 repealed (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), Sch. 1 Pt. 2; S.I. 2015/841, art. 3(a) (with arts. 5-8, Sch.) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

F12162 Appointment of auditor to carry out agreed audits

Textual Amendments

F12 Ss. 159-165 repealed (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), Sch. 1 Pt. 2; S.I. 2015/841, art. 3(a) (with arts. 5-8, Sch.) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

*Changes to legislation:* There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Chapter 2. (See end of Document for details)

<sup>F12</sup>**163 Consent for the purposes of agreed audit**

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**Textual Amendments**

**F12** Ss. 159-165 repealed (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 1 Pt. 2](#); [S.I. 2015/841](#), art. 3(a) (with arts. 5-8, [Sch.](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

<sup>F12</sup>**164 Disclosure of information obtained by the Audit Commission or an auditor**

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**Textual Amendments**

**F12** Ss. 159-165 repealed (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 1 Pt. 2](#); [S.I. 2015/841](#), art. 3(a) (with arts. 5-8, [Sch.](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

<sup>F12</sup>**165 Publication of information by the Audit Commission**

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**Textual Amendments**

**F12** Ss. 159-165 repealed (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 1 Pt. 2](#); [S.I. 2015/841](#), art. 3(a) (with arts. 5-8, [Sch.](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Chapter 2.