



# Local Government and Public Involvement in Health Act 2007

## 2007 CHAPTER 28

### PART 8

#### LOCAL SERVICES: INSPECTION AND AUDIT

#### CHAPTER 1

#### CONSTITUTION OF THE AUDIT COMMISSION

#### <sup>F1</sup>145 Membership

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##### Textual Amendments

**F1** Ss. 145, 146 repealed (1.4.2015) by *Local Audit and Accountability Act 2014* (c. 2), s. 49(1), **Sch. 1 Pt. 2**; S.I. 2015/841, art. 3(a) (with arts. 5-8, Sch.)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>F1</sup>146 Change of name

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##### Textual Amendments

**F1** Ss. 145, 146 repealed (1.4.2015) by *Local Audit and Accountability Act 2014* (c. 2), s. 49(1), **Sch. 1 Pt. 2**; S.I. 2015/841, art. 3(a) (with arts. 5-8, Sch.)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, Part 8. (See end of Document for details)

**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) [F2] 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;”.]

**Textual Amendments**

**F2** S. 147(2) repealed (1.4.2013 for specified purposes) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10,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\(b\)](#)

**F3 148 Benefit Fraud Inspectorate: transfers to the Audit Commission**

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**Textual Amendments**

**F3** 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*

**F4 149 Interaction of the Audit Commission with other authorities**

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**Textual Amendments**

**F4** 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)

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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, Part 8. (See end of Document for details)

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## 150 Interaction of benefits inspectors with the Audit Commission

[<sup>F5</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
    - (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

- F5** 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>F6</sup>(1) .....

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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, Part 8. (See end of Document for details)

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- (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.
- (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

**F6** 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\(d\)](#)

*Changes to legislation:* There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 8. (See end of Document for details)

### *Studies and reports etc*

#### **F7 153 National studies**

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##### **Textual Amendments**

- F7** 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).

##### **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)”.

**F8**(2) .....

**F9**(3) .....

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

**F10**(5) .....

##### **Textual Amendments**

- F8** 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.)
- F9** 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)
- F10** 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\(1\)\(e\)](#)

*Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 8. (See end of Document for details)*

**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>F11</sup>157 Reports on English local authorities**

**Textual Amendments**

**F11** 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)

**<sup>F12</sup>158 Reports categorising English local authorities**

**Textual Amendments**

**F12** 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*

**<sup>F13</sup>159 Appointment of auditors**

**Textual Amendments**

**F13** 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>F13</sup>160 Inspection and disclosure of personal information**

**Textual Amendments**

**F13** 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)

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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, Part 8. (See end of Document for details)*

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**F13 161 Right to make objections at audit**

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**Textual Amendments**

**F13** 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)

**F13 162 Appointment of auditor to carry out agreed audits**

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**Textual Amendments**

**F13** 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)

**F13 163 Consent for the purposes of agreed audit**

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**Textual Amendments**

**F13** 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)

**F13 164 Disclosure of information obtained by the Audit Commission or an auditor**

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**Textual Amendments**

**F13** 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)

**F13 165 Publication of information by the Audit Commission**

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**Textual Amendments**

**F13** 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)

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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, Part 8. (See end of Document for details)*

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## CHAPTER 3

### AUDITOR GENERAL FOR WALES AND AUDITORS

#### 166 Registered social landlords in Wales

After section 145C of the Government of Wales Act 1998 (c. 38) insert—

##### “145D Advice and assistance for registered social landlords

- (1) The Auditor General for Wales may, if he thinks it appropriate to do so, provide advice or assistance to a registered social landlord in Wales for the purpose of the exercise by the registered social landlord of its functions.
- (2) Advice or assistance under this section may be provided on such terms and conditions, including conditions as to payment, as the Auditor General for Wales thinks fit.
- (3) This section has effect without prejudice to paragraph 21 of Schedule 8 to the Government of Wales Act 2006 (arrangements between Auditor General for Wales and certain bodies).
- (4) In this section, “registered social landlord in Wales” means a body which is—
  - (a) registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996, and
  - (b) mentioned in any of paragraphs (a) to (c) of section 56(2) of that Act.”

#### Commencement Information

**I8** S. 166 in force at 31.1.2008 by [S.I. 2008/172](#), [art. 2\(1\)\(g\)](#)

#### 167 Disclosure of information obtained by the Auditor General for Wales or an auditor

- (1) The Public Audit (Wales) Act 2004 (c. 23) is amended as follows.
- (2) In section 54 of that Act (restriction on disclosure of information), after subsection (2) insert—
 

“(2ZA) A person who is, or acts on behalf of a person who is, a public authority for the purposes of the Freedom of Information Act 2000, may also disclose such information—

  - (a) in accordance with section 145C(5) or (8) of the Government of Wales Act 1998; or
  - (b) in any other circumstances, except where the disclosure would, or would be likely to, prejudice the effective performance of a function imposed or conferred on the person by or under an enactment.

(2ZB) An auditor who does not fall within subsection (2ZA), or a person acting on his behalf, may also disclose such information except where the disclosure would, or would be likely to, prejudice the effective performance of a function imposed or conferred on the auditor by or under an enactment.



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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, Part 8. (See end of Document for details)*

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(2ZC) A person who does not fall within subsection (2ZA) or (2ZB) may also disclose such information in accordance with consent given by the Auditor General for Wales or an auditor.

(2ZD) Section 54ZA makes further provision about consent for the purposes of subsection (2ZC).”

- (3) Omit subsection (2A) of that section.
- (4) In subsection (3) of that section, for “subsection (2)” substitute “ this section ”.
- (5) In subsection (4) of that section—
  - (a) in paragraph (a), omit “to imprisonment for a term not exceeding six months or” and “or to both;”;
  - (b) omit paragraph (b).
- (6) After that section insert—

**“54ZA Consent under section 54(2ZC)**

- (1) Consent for the purposes of section 54(2ZC) must be obtained in accordance with this section.
- (2) A person requesting consent (“the applicant”) must make a request for consent which—
  - (a) is in writing,
  - (b) states the name of the applicant and an address for correspondence,
  - (c) describes the information in relation to which consent is requested, and
  - (d) identifies the person to whom the information will be disclosed.
- (3) Consent must be given except where the disclosure would, or would be likely to, prejudice the effective performance of a function imposed or conferred on the Auditor General for Wales or an auditor by or under an enactment.
- (4) Consent may be given or refused orally or in writing; but where it is given or refused orally the consent or refusal must be confirmed in writing.
- (5) A refusal (or, where the refusal is oral, the confirmation of the refusal) must contain the reasons for the refusal.
- (6) A person to whom a request for consent is made must give or refuse consent not later than the twentieth working day following the day on which the request is received.
- (7) “Working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.”
- (7) Omit section 54A of that Act (disclosure of information by or on behalf of public authorities).
- (8) Nothing in this section has effect in relation to a disclosure made before the commencement of this 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, Part 8. (See end of Document for details)

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#### **Commencement Information**

**19** S. 167 in force at 31.1.2008 by [S.I. 2008/172](#), [art. 2\(1\)\(h\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 8.