



Local Government Act 1992

1992 CHAPTER 19

PART I

CITIZEN'S CHARTER PROVISIONS

Performance standards of local authorities etc.

1 Publication of information as to standards of performance

- (1) The Audit Commission and the Scottish Accounts Commission shall each give such directions as it thinks fit for requiring relevant bodies to publish such information relating to their activities in any financial year as will, in that Commission's opinion, facilitate the making of appropriate comparisons (by reference to the criteria of cost, economy, efficiency and effectiveness) between—
 - (a) the standards of performance achieved by different relevant bodies in that financial year; and
 - (b) the standards of performance achieved by such bodies in different financial years.
- (2) Where a relevant body are required by a direction under this section to publish information in relation to any financial year, it shall be the duty of that body—
 - (a) to make such arrangements for collecting and recording the information as 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) within the period of nine months beginning with the end of that financial year, to publish the information, in accordance with the direction, in a newspaper circulating in the area of that body; and
 - (c) to keep a document containing any information published in pursuance of the direction available for inspection by interested persons.
- (3) The Secretary of State may by order made by statutory instrument vary the period for the time being specified in paragraph (b) of subsection (2) above so as to fix the latest

time for the publication of information in accordance with that paragraph at any such time, within the period of nine months after the end of the financial year in question, as may be specified in the order; and a statutory instrument containing an order under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

- (4) An interested person shall be entitled—
 - (a) at all reasonable times and without payment, to inspect and make copies of the whole or any part of a document kept available for inspection under subsection (2)(c) above; and
 - (b) to require copies of the whole or a part of any such document to be delivered to him on payment of a reasonable sum for each copy.
- (5) Any person having custody of any document kept available for inspection under subsection (2)(c) above who—
 - (a) obstructs a person in the exercise of his rights under subsection (4) above; or
 - (b) refuses to comply with a requirement under subsection (4)(b) above,
 shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (6) References in this section to an interested person, in relation to any document which is required to be kept available by a relevant body in England and Wales, are references to any local government elector (within the meaning of the 1972 Act) for the area of that body.
- (7) References in this section and sections 2 and 3 below to a relevant body are references—
 - (a) in relation to England and Wales, to any body with which the Audit Commission is concerned, other than one falling within subsection (8) below; and
 - (b) in relation to Scotland, to any local authority, joint board or joint committee, within the meaning of the 1973 Act.
- (8) Subject to section 4 below, the bodies with which the Audit Commission is concerned which shall not be relevant bodies for the purposes of this section and sections 2 to 3 below are—
 - (a) parish and community councils and any parish meeting of a parish not having a separate parish council;
 - (b) charter trustees constituted under section 246 of the 1972 Act;
 - (c) health service bodies within the meaning of Part III of the 1982 Act;
 - (d) port health authorities;
 - (e) licensing planning committees;
 - (f) internal drainage boards;
 - (g) probation committees; and
 - (h) Passenger Transport Executives.

2 Directions under s. 1

- (1) A direction under section 1 above requiring the publication of information shall—
 - (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 1 above—
 - (a) may be given so as to apply either to all the relevant bodies with which the Commission giving the direction is concerned or to all such bodies as are of a description specified in the direction; and
 - (b) may be varied or revoked by any subsequent direction under that section.
- (3) Before giving a direction under section 1 above which imposes a new requirement on any relevant body as to the publication of any information the Audit Commission or Scottish Accounts Commission shall consult such associations of relevant bodies and such other persons as it thinks fit.
- (4) A direction under section 1 above imposing a new requirement on any relevant body as to the publication of any information shall not be given any later than the 31st December in the financial year which precedes that in relation to which the information is to be published.
- (5) Where the Audit Commission or the Scottish Accounts Commission gives a direction under section 1 above, it shall—
 - (a) publish the direction in such manner as it 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 whom duties are imposed by virtue of the direction.
- (6) References in this section to the imposition of a new requirement on a relevant body as to the publication of information are references to—
 - (a) the imposition of any requirement by the first direction under section 1 above to apply to that body; or
 - (b) any subsequent extension of, or addition to, either—
 - (i) the matters to be contained in the information which that body are required to publish in relation to any financial year in pursuance of directions under section 1 above; or
 - (ii) the activities to which any such information is to relate.

3 Functions of auditor and studies by the Commissions

- (1) In section 15(1) of the 1982 Act (duties of auditors), at the end of paragraph (c) there shall be inserted “and
 - (d) in a case where that body are required to publish information in pursuance of a direction under section 1 of the Local Government Act 1992 (publication of performance information), that that body have made such arrangements for collecting and recording the information, and for publishing it, as are required for the performance of their duties under that section.”
- (2) In section 99 of the 1973 Act (which makes corresponding provision for Scotland), at the end of paragraph (c) there shall be inserted “and
 - (d) in a case where that body are required to publish information in pursuance of a direction under section 1 of the Local Government Act 1992 (publication of performance information), that body have made

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such arrangements for collecting and recording the information, and for publishing it, as are required for the performance of their duties under that section.”

- (3) The comparative and other studies which the Audit Commission is required to undertake or promote under section 26(1) of the 1982 Act, and those which the Scottish Accounts Commission is required to undertake or promote under section 97A(1) of the 1973 Act, shall include, in particular—

- (a) studies designed to enable the Audit Commission or, as the case may be, the Scottish Accounts Commission to determine what directions it should give under section 1 above; and
- (b) studies of information published in pursuance of directions under section 1 above which are designed to enable the Commission in question to determine, in relation to each financial year, what comparative information to publish itself about the standards of performance achieved by relevant bodies;

but neither Commission shall be required by section 26(4) of the 1982 Act or section 97A(3) of the 1973 Act to consult any person before undertaking or promoting a study falling within paragraph (a) or (b) above.

4 Application to parish and community councils and charter trustees

- (1) The Secretary of State may by order provide for sections 1 to 3 above to have effect as if—
- (a) parish and community councils in England and Wales; and
 - (b) charter trustees constituted under section 246 of the 1972 Act,
- were relevant bodies for the purposes of those sections.
- (2) The power to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) The power to make an order under this section shall include power—
- (a) to make such incidental, consequential, transitional or supplementary provision as the Secretary of State thinks necessary or expedient; and
 - (b) to make different provision for different cases, including different provision for different localities and for different bodies.