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# Local Democracy, Economic Development and Construction Act 2009

## 2009 CHAPTER 20

### PART 2

#### LOCAL AUTHORITIES: GOVERNANCE AND AUDIT

### CHAPTER 3

#### AUDIT OF ENTITIES CONNECTED WITH LOCAL AUTHORITIES

#### *Public interest reports*

PROSPECTIVE

#### **49 Consideration of report by local authority**

- (1) Where a report is made under section 45 in relation to an entity, the local authority with which the entity is connected must—
  - (a) consider the report and the entity's decision or decisions under section 48(4) at a relevant meeting, and
  - (b) decide whether the report and the decision or decisions require the authority to take any action, and if so what.
- (2) A local authority must discharge its duty under subsection (1) before the end of the period of one month starting with the day on which the entity notifies the local authority under section 48(5).
- (3) The person who made the report may extend the period of one month mentioned in subsection (2) if satisfied that it is reasonable to do so to allow the local authority to comply with its duty under subsection (1).

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- (4) A period may be extended under subsection (3) more than once.
- (5) In subsection (1)(a) “relevant meeting” means—
- (a) in the case of a local authority not operating executive arrangements, a meeting of the authority or of a committee of the authority;
  - (b) in the case of a local authority operating executive arrangements—
    - (i) a meeting of the executive, or
    - (ii) if the function referred to in that subsection is a responsibility of the authority, a meeting of the authority or of a committee of the authority.
- (6) The notice given of the meeting to members of the authority or of the executive or committee of the authority (as the case may be) must include—
- (a) a copy of the report, and
  - (b) a copy of the notification given by the entity under section 48(5).
- (7) Subsections (8) and (9) apply in relation to a meeting of a local authority or of a committee of a local authority under this section.
- (8) The following powers do not include power to exclude the report—
- (a) the power under section 1(4)(b) of the Public Bodies (Admission to Meetings) Act 1960 (c. 67) to exclude items from the matter supplied under that section (supply of agenda etc to newspapers);
  - (b) the power under [<sup>F1</sup>section 100BA(2)] of the Local Government Act 1972 (c. 70) to—
    - (i) exclude documents from the documents [<sup>F2</sup>published under section 100BA(1)] of that Act, or
    - (ii) exclude items from the matter supplied under [<sup>F3</sup>section 100BA(9)] of that Act (public access to agenda and reports before meetings and supply of agenda etc to newspapers).
- (9) Part 5A of the Local Government Act 1972 has effect in relation to the report as if [<sup>F4</sup>section 100C(1B)(d)] of that Act (public access to copies of reports for six years after meeting) were not limited to so much of the report as relates to an item during which the meeting was open to the public.
- (10) In this section—
- (a) “executive” and “executive arrangements” have the same meanings as in Part 2 of the Local Government Act 2000 (c. 22);
  - (b) references to a committee of a local authority include a sub-committee.
- (11) This section does not affect any duties (so far as they relate to the subject-matter of a report under section 45) imposed by or under any other enactment.

#### Textual Amendments

- F1** Words in s. 49(8)(b) substituted (coming into force in accordance with reg. 1(2) of the amending S.I.) by [The Local Government and Elections \(Wales\) Act 2021 \(Consequential Amendments and Miscellaneous Provisions\) Regulations 2021 \(S.I. 2021/356\)](#), regs. 1(2), **3(a)(i)** (with regs. 10, 11)
- F2** Words in s. 49(8)(b)(i) substituted (coming into force in accordance with reg. 1(2) of the amending S.I.) by [The Local Government and Elections \(Wales\) Act 2021 \(Consequential Amendments and Miscellaneous Provisions\) Regulations 2021 \(S.I. 2021/356\)](#), regs. 1(2), **3(a)(ii)** (with regs. 10, 11)

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| <p><b>F3</b> Words in s. 49(8)(b)(ii) substituted (coming into force in accordance with reg. 1(2) of the amending S.I.) by <a href="#">The Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Miscellaneous Provisions) Regulations 2021 (S.I. 2021/356)</a>, regs. 1(2), <b>3(a)(iii)</b> (with regs. 10, 11)</p> <p><b>F4</b> Words in s. 49(9) substituted (coming into force in accordance with reg. 1(2) of the amending S.I.) by <a href="#">The Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Miscellaneous Provisions) Regulations 2021 (S.I. 2021/356)</a>, regs. 1(2), <b>3(b)</b> (with regs. 10, 11)</p> |
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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied (with modifications) by [S.I. 2024/414 art. 5Sch. 1 para. 16](#)