

LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6: Performance and Governance Of Principal Councils

Chapter 1: Performance, Performance Assessments and Intervention

Section 98 – Auditor General’s powers of entry and inspection etc.

473. [Section 98](#) confers powers on the Auditor General, including a person to whom the Auditor General’s powers have been delegated (see subsection (5)) to do certain things for the purposes of a special inspection of a principal council under section 95.
474. Subsection (1) enables the Auditor General to enter the premises of a principal council to do things that the Auditor General considers necessary for the purposes of a special inspection of that council.
475. This includes inspecting documents held by the council. “Document” is defined in section 112 as including information recorded in any form. Having entered the premises of a council the Auditor General may inspect, for example, information held by that council on a computer or in an electronic information storage facility.
476. Examples of things the Auditor General could require from a principal council under subsection (2) are: to be sent a document or to be allowed to use an office or copying facilities in the council’s premises while the inspection is being carried out.
477. Subsection (3) allows the Auditor General to require a person to appear before them (for example, at the offices of the Auditor General or at an office in a principal council which the Auditor General is using) to provide:
- information;
 - an explanation (for example, an explanation of why that person thinks something happened); or
 - a document.
478. Subsection (4) sets out the Auditor General’s powers to make copies of documents, to require councils to make copies for the Auditor General’s use and to retain documents which the Auditor General has inspected or been provided with. If the Auditor General decides that it is necessary to retain a document (for example, the original of a letter which the Auditor General considers it necessary to examine further), the Auditor General may retain the document only for as long as is necessary for the purposes of the special inspection.