



# Local Government and Elections (Wales) Act 2021

2021 asc 1

## PART 6

### PERFORMANCE AND GOVERNANCE OF PRINCIPAL COUNCILS

#### CHAPTER 1

##### PERFORMANCE, PERFORMANCE ASSESSMENTS AND INTERVENTION

###### *Special inspections by Auditor General for Wales*

#### **95 Power of Auditor General to carry out a special inspection**

- (1) If the Auditor General for Wales (“the Auditor General”) considers that a principal council is not, or may not be, meeting the performance requirements, the Auditor General may carry out an inspection in order to assess the extent to which the council is meeting those requirements.
- (2) In this Chapter, an inspection under subsection (1) is referred to as a “special inspection”.
- (3) The Welsh Ministers may request the Auditor General to consider whether—
  - (a) a particular principal council is not, or may not be, meeting the performance requirements, and
  - (b) to carry out a special inspection.
- (4) Before determining whether to carry out a special inspection of a principal council, the Auditor General must consult the Welsh Ministers, unless the Welsh Ministers made a request under subsection (3) in relation to the council.

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*Status: This is the original version (as it was originally enacted).*

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- (5) Before carrying out a special inspection of a principal council the Auditor General must give notice in writing to the council specifying—
- (a) the Auditor General’s reasons for considering that the council is not or may not be meeting the performance requirements, and
  - (b) the matters that the Auditor General intends to inspect (but the Auditor General is not restricted to inspecting only the matters specified in the notice).
- (6) Following a special inspection of a council the Auditor General must make a report setting out—
- (a) the Auditor General’s conclusions as to the extent to which the council is meeting the performance requirements, and
  - (b) any actions which the Auditor General recommends that the council or the Welsh Ministers take for the purposes of—
    - (i) increasing the extent to which the council meets the performance requirements;
    - (ii) improving the effectiveness of local government for the area of the council.
- (7) As soon as reasonably practicable the Auditor General must—
- (a) publish the report, and
  - (b) send the report to—
    - (i) the council,
    - (ii) Her Majesty’s Chief Inspector of Education and Training in Wales, and
    - (iii) the Welsh Ministers.
- (8) As soon as reasonably practicable after receiving the report from the Auditor General, the council must make it available to its governance and audit committee.
- (9) If a report deals with the administration of housing benefit by the council, the Auditor General may send the report to the Secretary of State.