



# Local Government (Wales) Measure 2009

**2009 nawm 2**

## **PART 1**

### **LOCAL GOVERNMENT IMPROVEMENT**

#### *Improvement audits and assessments*

#### **17 Improvement information and planning: audit**

In respect of each financial year, the Auditor General for Wales must carry out an audit for the purpose of determining—

- (a) whether a Welsh improvement authority has during that year discharged its duties under section 15(1) to (7); and
- (b) the extent to which the authority has during that year acted in accordance with any guidance issued under section 15(8).

#### **18 Improvement assessments**

- (1) In respect of each financial year, the Auditor General for Wales must carry out an assessment for the purpose of determining whether a Welsh improvement authority is likely during that year to comply with the requirements of this Part.
- (2) In conjunction with an assessment under subsection (1), the Auditor General may carry out an assessment for the purpose of determining whether the Welsh improvement authority is likely to comply with the requirements of this Part in subsequent financial years.

#### **19 Audit and assessment reports**

- (1) Each financial year, the Auditor General for Wales must issue a report or reports in respect of each Welsh improvement authority—
  - (a) certifying that the Auditor General has carried out an audit under section 17 in respect of the previous financial year;

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*Status: This is the original version (as it was originally enacted).*

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- (b) stating whether as a result of the audit the Auditor General believes—
    - (i) that the authority has discharged its duties under section 15(1) to (7); and
    - (ii) that the authority has acted in accordance with any guidance issued under section 15(8);
  - (c) certifying that the Auditor General has carried out an assessment under section 18 in respect of the financial year;
  - (d) describing the extent to which information and documents provided to the Auditor General under section 33 have been taken into account in carrying out that assessment;
  - (e) stating whether as a result of the assessment the Auditor General believes that the authority is likely to comply with the requirements of this Part during the financial year;
  - (f) if the Auditor General thinks it appropriate in the light of an audit or assessment, recommending action that the authority should take in order to comply with the requirements of this Part or act in accordance with guidance issued under section 15(8) (whether in respect of that or a subsequent financial year);
  - (g) if the Auditor General thinks it appropriate in the light of an audit or assessment, recommending that the Welsh Ministers should—
    - (i) provide assistance to the authority by exercising their power under section 28;
    - (ii) give a direction under section 29 and, if so, the type of direction;
  - (h) stating whether, in the light of an audit or assessment, the Auditor General is minded to carry out a special inspection under section 21.
- (2) The Auditor General must send a copy of any report issued under this section to the authority concerned and the Welsh Ministers.
- (3) Copies of a report must be sent in accordance with subsection (2)—
- (a) by 30 November in the financial year during which the audit was carried out or to which the assessment relates; or
  - (b) by such other date as the Welsh Ministers may specify by order.
- (4) But the Welsh Ministers may by direction set a date for the sending of a report in relation to a specified Welsh improvement authority which differs from the date which would otherwise apply under subsection (3) if—
- (a) the Auditor General for Wales has requested that the Welsh Ministers give such a direction; and
  - (b) in the opinion of the Welsh Ministers, the circumstances are exceptional.

## **20 Response to section 19 reports**

- (1) The following subsections apply where any report received by a Welsh improvement authority under section 19(2)—
- (a) contains a recommendation under section 19(1)(f) or (g); or
  - (b) states under section 19(1)(h) that the Auditor General for Wales is minded to carry out a special inspection.
- (2) The authority must prepare a statement of—
- (a) any action which it proposes to take as a result of the report; and

- (b) its proposed timetable for taking that action.
- (3) A statement required by subsection (2) must be prepared—
- (a) before the end of the period of 30 working days starting with the day on which the authority receives the report; or
  - (b) if the report specifies a shorter period starting with that day, before the end of that period.
- (4) The authority must incorporate the statement in its improvement plan for the next financial year.
- (5) If the report recommends that the Welsh Ministers give a direction under section 29, the authority must send a copy of the statement to the Welsh Ministers—
- (a) before the end of the period of 30 working days starting with the day on which the authority receives the report; or
  - (b) if the report specifies a shorter period starting with that day, before the end of that period.
- (6) For the purposes of this section a working day is a day other than—
- (a) a Saturday or Sunday;
  - (b) Christmas Day or Good Friday; or
  - (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales.