

PUBLIC AUDIT (WALES) ACT 2004

EXPLANATORY NOTES

TERRITORIAL EXTENT AND DEVOLUTION

Part 2, Chapter 2: Studies and Performance Standards

Performance standards

Section 46: Performance standards: relevant bodies

97. This section specifies which local government bodies in Wales are required to comply with the provisions set out in sections 47 to 49. These are: a county council or county borough council in Wales; a committee or joint committee of a county council or county borough council in Wales; a National Park authority in Wales; a fire and rescue authority in Wales; and a police authority in Wales. The Assembly may by order extend the application of sections 47 to 49 to other local government bodies in Wales (as defined in section 12).

Section 47: Publication of information as to standards of performance

98. This section requires the Auditor General to give directions to relevant local government bodies in Wales, specified in (or in an order made under) section 46, as to the information they should publish so as to facilitate comparisons:-
- between the standards of performance achieved by different relevant bodies in a specified financial year; or
 - between the standards of performance achieved by relevant bodies in different financial years.

The comparisons must be made by reference to the criteria of cost, economy, efficiency and effectiveness.

99. Provision is also made for the collection, recording, accuracy, completeness, retention and publication of the relevant information. The information must be published in accordance with the direction given, by a method permitted under section 48 and not later than 9 months after the end of the financial year in question. The section also makes provision for the local government electors for the area of the relevant body to inspect and make copies (free of charge) of documents containing the published information, or to require copies to be sent to them (on payment of a reasonable charge). A person who has custody of a document kept available for inspection commits an offence if he obstructs the rights of electors in this regard or refuses to comply with a requirement to supply copies.

Section 48: Permitted methods of publishing information under section 47

100. This section sets out the ways in which information required by a direction made under section 47 is permitted to be published. The local government body is free (in accordance with its own powers) to publish the information in other forms in addition

to the specified methods, such as publication on its internet site. But it must use at least one of the permitted methods as a minimum.

Section 49: Directions under section 47

101. This section sets out the requirements relating to the content, making and publication of a direction under section 47. A direction imposing a new requirement on a relevant body must be the subject of consultation by the Auditor General with any associations of relevant bodies and other persons that the Auditor General thinks fit, and must be given no later than 31 December in the financial year preceding the financial year in relation to which the information is to be published (e.g. 31 December 2005 in respect of information relating to the 2006-07 financial year).
102. The Auditor General must publish any directions he gives in a way designed to bring it to the attention of members of the public, as well as sending a copy to all bodies to which the direction relates.