

6 FEBRUARY 2008

**Local Government Reorganisation in
County Durham – Transitional
Arrangements**



Report of Lesley Davies, Acting Director of Corporate Services

Introduction

1 This report proposes additions to the County Council's executive arrangements and joint overview and scrutiny arrangements during the transitional period of the Local Government Review process.

Background

Following the Government's announcement of the decision to introduce a unitary system of local government in County Durham an Order giving effect to that decision (the draft Structural Change Order) has been laid in Parliament and is expected to come into force in the near future.

2 During the transitional period (between the coming into effect of the Order and 1 April 2009) the County Council will have an additional statutory function of "preparing for and facilitating the economic, effective, efficient and timely transfer of the district councils' functions, property, rights and liabilities". This is called "the main transitional function". Other specific functions (which may be County or District functions) may be added by further Order or regulation.

3 Part 3 of the draft Order prescribes the mechanism for the discharge of the transitional functions. During the "first transitional period" (this runs from the day on which the Order comes into effect until the fourth day after the May 2008 elections) the transitional functions are to be discharged by a committee of the County Council's executive, to be known as the "Implementation Executive". (During the second transitional period, from the fourth day after the elections until 1 April 2009 these functions would be discharged by the newly elected Council's executive).

4 In discharging its functions the Implementation Executive is required to have regard to the County Council's response to the Secretary of State in support of its proposal for single tier local government in County Durham.

Membership and Proceedings of Implementation Executive

5 The membership of the Implementation Executive is prescribed in the draft Order as follows:-

- (a) the leader for the time being of the County Council,
- (b) nine other County Councillors nominated by the County Council,

- (c) one other person nominated by the County Council who, for the time being, is a Conservative Party member of that Council, and
- (d) seven District Council Members one to be appointed by each District/Borough Council.

The County and District Councils each have a specific duty to co-operate in the establishment of the Implementation Executive.

6 The draft Order also provides for the establishment of a team of officers drawn from the County and District Councils to assist the Implementation Executive.

7 Within the Order there are specific provisions relating to the conduct and proceedings of the Implementation Executive.

Overview and Scrutiny

8 The Order enables the County and District councils to establish a joint Overview and Scrutiny Committee (JOSC) to review the decisions of the Implementation Executive and prepare reports and recommendations to the Executive.

9 It has been informally agreed that the JOSC should consist of 18 members as follows:

County Council

Chair and Vice-Chair of Overview and Scrutiny together with the Chair of each Overview and Scrutiny Sub-Committee.

District Councils

The Chair or Lead Member of Overview and Scrutiny Committee from each District/Borough Council.

Minority Groups

A representative from each of Durham County Council's minority groups, i.e. Liberal Democrats, Independents and Conservatives.

10 Recommendations

The County Council is recommended to make the following decisions subject to the implementation of the County Durham (Structural Change) Order 2008:-

- (1) Amend its executive arrangements so that during the first transitional period the "main transitional function" and the other transitional functions referred to in Article 7 of the draft Order are to be discharged by a committee of the Council's executive, to be known as the Implementation Executive, constituted as set out in the Order.

- (2) Appoint 11 County Councillors to the Implementation Executive, including one Conservative Member.
- (3) Appoint a Joint Overview and Scrutiny Committee as set out in paragraph 8 and approve the County Council's membership as set out in paragraph 9.

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29 January 2008