
EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the establishment, on 1st April 2009, of a single tier of local government in the county of County Durham (article 3). The area of the county remains unchanged. A new district is created, with the same area as the county.

The county will be administered by a county council, referred to in this Order as “the County Durham council”.

Article 4 of the Order provides for the winding up and dissolution on 1st April 2009 of the district councils in County Durham:

Chester-Le-Street District Council,
Derwentside District Council,
Durham City Council,
Easington District Council,
Sedgefield Borough Council,
Teesdale District Council, and
Wear Valley District Council.

Those councils are referred to in this Note and the Order as “the district councils”.

The districts administered by the district councils are also abolished.

The term of office of all district councillors expires on 1st April 2009 (article 5).

In Part 3 of the Order, article 6(1) confers on the County Durham council the function of preparing for the transfer on 1st April 2009 of the district councils’ functions, property, rights and liabilities (its “main transitional function”). Article 6(3) requires the County Durham council to arrange for the discharge of its main transitional function by a committee of its executive, to be known as its “Implementation Executive”. This arrangement is to begin when this Order comes into force and end on the fourth day after the ordinary day of election of councillors in 2008 (“the first transitional period”), when councillors newly-elected to the County Durham council come into office. The membership of the Implementation Executive is to be drawn from both the County Durham council and the district councils. Article 7 enables the Secretary of State, by the making of an order or regulations, to make other functions (including functions of the County Durham council or any of the district councils) the responsibility of the Implementation Executive during the first transitional period (“article 7 functions”).

Article 8(1) makes the discharge of the main transitional function and the article 7 functions a responsibility of the Implementation Executive during the first transitional period. Article 8(2) and (3) modifies section 15(7) and (9) of the Local Government Act 2000 (“the 2000 Act”) so as to extend the range of arrangements available to the Executive for the discharge of that responsibility. Article 8(4) disapplies, until the end of the first transitional period, and in relation to the Implementation Executive, section 21 of the 2000 Act, which deals with the overview and scrutiny of decisions of local authorities. Instead, paragraphs (5) and (6) of article 8 enable arrangements to be made by the County Durham council and the district councils under section 101(5) of the Local Government Act 1972 for the review or scrutiny by a joint committee of decisions or other action taken by the Implementation Executive, and for recommendations or reports to be made to the Executive. Where

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a joint committee is established, article 8(7) provides for that committee to make a report to the County Durham council and the district councils.

Article 9 requires the Implementation Executive to prepare an Implementation Plan which must include budgets, plans and timetables relevant to the process of transition to single tier local government. In discharging the main transitional function and the article 7 functions, the Implementation Executive is required to have regard to the County Durham council's response to the Secretary of State in support of its proposal for single tier local government in County Durham.

Article 10 provides for the establishment of a team of officers drawn from the County Durham council and the district councils to assist the Implementation Executive during the first transitional period and the executive of the County Durham council during the second transitional period (the period beginning at the end of the first transitional period and ending on 1st April 2009).

Article 11 provides for the dissolution of the Implementation Executive, any sub-committee of that Executive and any joint committee established by virtue of article 8(6) at the end of the first transitional period. Thereafter, the discharge of the main transitional function, the article 7 functions, and functions under article 9, become the responsibility of the County Durham council's executive. Provision is also made for that executive to arrange for the discharge of its functions by officers of any of the district councils.

Part 4 of the Order relates to the functions of the County Durham council and the district councils in the period before 1st April 2009. Article 12 requires the County Durham council and the district councils to prepare for the transition to single tier local government, to consult and co-operate, to disclose relevant information and, generally, to further the purposes of the Order.

In Part 5 of the Order, article 13 requires the holding of a whole council election to the County Durham council in 2008. The election is to be conducted on the basis of the 63 electoral divisions established by article 3 of the County Durham (Electoral Changes) Order 2005 ([S.I. 2005/176](#)). Each division is to return two councillors, giving the County Durham council a total of 126 councillors.

Article 14 cancels the parish council elections that would otherwise have taken place in 2011. The term of office of parish councillors elected in 2007 or at subsequent by-elections is varied to the fourth day after the ordinary day of election of councillors in 2013, when all parishes will hold elections.

A full impact assessment has been produced for this and other orders that provide for a change to single tier local government. A copy of the assessment has been deposited in the Library of both Houses of Parliament and may be accessed at www.communities.gov.uk