
STATUTORY INSTRUMENTS

2008 No. 493

The County Durham (Structural Change) Order 2008

PART 3

TRANSITIONAL FUNCTIONS AND THEIR DISCHARGE

Main transitional function and Implementation Executive

6.—(1) On the coming into force of this Order there shall be added to the functions of the County Durham council the function, which is to be exercisable only during the first and second transitional periods, of preparing for and facilitating the economic, effective, efficient and timely transfer of the district councils' functions, property, rights and liabilities ("the main transitional function").

(2) Throughout the first transitional period, section 15 of the 2000 Act (discharge of functions: leader and cabinet executive) shall have effect in relation to the County Durham council and—

- (a) the main transitional function, and
- (b) the other transitional functions referred to in article 7 ("the article 7 functions"),

as if, in subsection (1), after the words "19 or 20," there were inserted "or under the County Durham (Structural Change) Order 2008,".

(3) The County Durham council's executive arrangements shall provide for the discharge of the main transitional function and the article 7 functions to be the responsibility, throughout the first transitional period, of a committee of the council's executive, to be known as the Implementation Executive.

(4) Such statutory provisions as apply to, or in relation to, committees of a local authority's executive shall apply throughout the first transitional period to, or in relation to, the Implementation Executive subject only to paragraphs (5), (6) and (8) to (10) of this article and article 8(2) to (4); and for this purpose "statutory provisions" includes —

- (a) any enactment contained in an Act passed after the making of this Order; and
- (b) any instrument made at any time under an enactment (including an enactment contained in an Act passed after the 2007 Act).

(5) The Implementation Executive shall consist of—

- (a) the person who is for the time being the leader of the County Durham Council,
- (b) nine other persons nominated by that Council who are for the time being members of that Council,
- (c) one other person nominated by that Council who is for the time being a Conservative Party member of that Council, and
- (d) seven persons nominated by the district councils, each of whom is nominated by one of the district councils and is for the time being a member of the council by which he is nominated (whether or not he is for the time being the leader of that council's executive).

(6) In making the nominations referred to in paragraph (5)(b) and (d), the County Durham council and the district councils shall, to the extent that it is practicable to do so, secure that at all times

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the Conservative Party, the Labour Party and the Liberal Democrats are each represented on the Implementation Executive by at least one member.

(7) It shall be the duty of the County Durham council and each of the district councils to cooperate in the establishment of the Implementation Executive.

(8) The leader of the Implementation Executive shall be the person who is for the time being the leader of the County Durham council's executive; and that person shall preside at all meetings of the Implementation Executive at which he is present.

(9) The Implementation Executive shall regulate its own proceedings, but a question to be decided by the Executive shall, in the first instance, be decided by the majority of those present and voting at the meeting at which the question is put, each member (including the leader of the Executive) having one vote.

(10) In the case of an equality of votes, the person presiding at the meeting (whether or not the leader of the Executive) shall have a casting vote, in addition to any other vote the person may have.