

### **3.5 THE CHIEF EXECUTIVE AND CHIEF OFFICERS**

**3.5.1** The Chief Executive and Chief Officers are authorised to make decisions relating to any executive function carried out by services under their management other than taking “key decisions” as defined by Article 13 of this Constitution which are the responsibility of the Mayor or Executive itself, unless specifically delegated by the Mayor or Executive to an Executive Sub-Committee or a Chief Officer.

**3.5.2** The Chief Executive and Chief Officers are authorised to make decisions relating to any Council function carried out by services under their management other than those referred to in the terms of reference of the Council or any Council Committee or Sub-Committee unless the Council or that Committee or Sub-Committee specifically delegates it to the officer concerned.

**3.5.3** The Chief Executive and Chief Officers may delegate decisions or functions for which they are responsible to one or more officers within their directorate provided that they maintain a ~~directorate~~Directorate scheme~~Scheme~~ of ~~management~~Management which is notified to the Monitoring Officer and published in Part 8 of this Constitution in due course.

**3.5.4** Any officer taking a decision on an executive function under delegated authority must ensure that the Mayor and/or any relevant Member of the Executive is consulted on matters of a controversial nature and, where appropriate, these matters should be referred to the Executive for decision.

**3.5.5** The Chief Executive may exercise any functions delegated to other officers and may delegate decisions or functions to one or more officers in any of the Council's Directorates, save where prohibited by law.

## **3.6 SCHEME OF MANAGEMENT**

### **Introduction**

- 3.6.1** This Scheme delegates certain powers and duties of the Council to Officers under Section 101 of the Local Government Act 1972 and all other powers enabling such delegation. It is adopted with the intent that it should lead to a streamlining and simplification of the decision-making processes of the Council and accordingly it should be interpreted widely rather than narrowly.
- 3.6.2** The Scheme delegates to Chief Officers and other Authorised Officers the powers and duties necessary for the discharge of the Council's functions within the broad functional description set out, together with the specific delegations therein, and should be taken to include powers and duties within those descriptions under all present and future legislation, and all powers incidental to that legislation including the application of the incidental powers under Section 111 of the Local Government Act 1972, including the power to affix the Common Seal of the Council.
- 3.6.3** An Officer may decline to exercise delegated powers and instead report to the Mayor, ~~the~~ Cabinet or appropriate Committee.
- 3.6.4** For the purpose of this Scheme "Authorised Officer" means an Officer who is specified under this Scheme as having the authority to exercise delegated powers and duties on behalf of the Council.