

Article 10 - Decision Making

10.1 Principles of decision making

All decisions of the Council will be made in accordance with the following principles:

- (a) proportionality / the action to be proportionate to the desired outcome;
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights and equalities;
- (d) presumption in favour of openness and transparency;
- (e) clarity of aims and desired outcomes
- (f) consideration of any alternative options;
- (g) the giving of reasons for the decision and the recording of reasons.

10.2 Decision making by Full Council

Decisions reserved to Full Council are set out in Article 4. The Council meeting will follow the Full Council Procedure Rules in Part 2 of the Constitution when considering any matter.

10.3 Decision making by Committees

Apart from matters reserved to Full Council, committees and sub-committees will be responsible under their terms of reference for all decisions which are key.(as defined in Article 2). All Theme Committee reports (Policy & Resources; Children, Education, Libraries & Safeguarding; Adults & Safeguarding; Environment; Assets, Regeneration & Growth; Housing; Community Leadership) will be in the name of the Chairman and approved by him/her and all reports for all committees will be cleared by the Chairman other than Planning and Licensing Sub-Committees.

10.4 Decision making by Chairmen of Theme Committees jointly with Chief Officers

Chairmen of Theme Committees (Policy & Resources, Children, Adults, Environment, Assets, Housing, Community Leadership) jointly with Chief Officers have delegated authority to make decisions which are not key decisions and which have a value between £165k and £500k. A written report will be prepared for every decision.

10.5 Decision making by Chief Officers

Chief Officers have delegated authority to make decisions in accordance with the powers delegated (see Article 9) and other Officers under the Schemes of Delegation maintained by Chief Officers and published on the council's website. A written report is not necessary but the Chief Officer will maintain a list of all decisions over £50,000 as required under Article 9.

10.6 Decision making by Council bodies acting as tribunals

The Council, a councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

10.7 Urgent Decisions

If a decision on an issue is required as a matter of urgency an Urgency Committee comprising of the Leader, the Deputy Leader, and the Leader of the Opposition will be called. The Chairman of the relevant Committee should be consulted.

10.8 Decisions relating to Property

(See Table A below) Where the Council is required by law to sell or let or otherwise dispose of its property no decision is required to authorise the transaction.

10.9 Decisions relating to Procurement

(See Table B below)

TABLE A – Land and Property Transactions Authorisation Delegated Powers

	Authorisation Level¹	Acquisitions	Lease in	Lease out for Rent or Consideration	Licences, Easements and Consents	Compensations, Settlements and Covenants	Disposals	Compulsory transaction
A	<i>Less than £165,000</i>	<i>Approved Officer</i>	<i>Approved Officer</i>	<i>Approved Officer</i>	<i>Approved Officer</i>	<i>Approved Officer</i>	<i>Full DPR – Director of Resources (unless a Less Than Best transaction, which must be reported to Assets, Regeneration and Growth Committee (ARG))</i>	<i>A No authority or decision is required provided the Council has been advised that the price is as required or justified by the relevant legislation</i>
B	<i>£165,000 to £500,000</i>	<i>Full DPR – Chairman of the appropriate Committee jointly with Director of Resources</i>	<i>Full DPR – Chairman of the appropriate Committee jointly with Director of Resources</i>	<i>Full DPR – Chairman of the appropriate Committee jointly with Director of Resources</i>	<i>Full DPR – Chairman of the appropriate Committee jointly with Director of Resources</i>	<i>Full DPR – Chairman of the appropriate Committee jointly with Director of Resources</i>	<i>Full DPR – Chairman of the appropriate Committee jointly with Director of Resources</i>	<i>As A above</i>
C	<i>More than £500,000 (Key Decision)</i>	<i>Report to Assets Regeneration and Growth Committee (ARG)</i>	<i>Report to Assets Regeneration and Growth Committee (ARG)</i>	<i>Report to Assets Regeneration and Growth Committee (ARG)</i>	<i>Report to Assets Regeneration and Growth Committee (ARG)</i>	<i>Report to Assets Regeneration and Growth Committee (ARG)</i>	<i>Report to Assets Regeneration and Growth Committee (ARG)</i>	<i>As A above</i>
D	<i>'Non-Value' Variations post Authorisation</i>	<i>Summary DPR</i>	<i>Summary DPR</i>	<i>Summary DPR</i>	<i>Summary DPR</i>	<i>Summary DPR</i>	<i>Summary DPR – Director of Resources Report to next Asset Regeneration and Growth Committee (ARG)</i>	<i>As A above</i>

This Table applies to Land and Building activity NOT included in the approved Annual Work Plan

These values may be either Capital or Annualised Income/Expenditure

Definitions:

*“**Acquisition**” is the process by which the Council acquires an interest in property (whether freehold or a lease);*

*“**Approved Officer**” means any Director, Assistant Director, Lead Commissioner or Head of Service in accordance with the Scheme of Delegation who has responsibility for client management of the Estates function.*

*“**Best Value Disposal**” is a Disposal in respect of which the Council is required by law to be paid not less than a specified amount, subject to exceptions;*

*“**Compulsory Transaction**” means a disposal of an interest in property which the Council is required by law to do;*

*“**Disposal**” is the sale or grant by the Council of an interest in property belonging to the Council (freehold or lease);*

*“**Lease**” is a transaction in which the Council gives the right to a third party to exclusively use land or property belonging to the Council, or the Council is given the right exclusively to use the land or property of a third party in either case for a specified time;*

*“**Less Than Best Transaction**” is a Best Value Disposal where the Council proposes to dispose of land for less than the sum required by law;*

*“**Licence**” is a personal and non exclusive right to occupy and/or use land or a property for a defined period of time.*

TABLE B – Procurement Authorisation and Acceptance Thresholds

	Procurement value	Authorisation to commence a procurement process	Authorisation Documentation	Procurement method	Acceptance process	Acceptance Documentation	Variation or extension Acceptance	Supplier Notification method and contract
A	Under £9,999 (Purchase Order)	Head of Service Council Officer as designated by approved Scheme of Delegation	Audit trail	Reasonable means of selection* and evidence of having sourced and considered the local Barnet supplier market	Head of Service Council Officer as designated by approved Scheme of Delegation	Audit Trail	Must move to next threshold if above £10,000	Purchase Order
B	£10,000 to £50,000	Audit Trail	Procurement Forward Plan Summary DPR	Minimum 2 written Competitive Quotations received**	Head of Service Council Officer as designated by approved Scheme of Delegation	Audit Trail	Audit Trail	Purchase Order
C	£50,001 - £165,000	Director/Assistant Director	Chief Officer List of Decisions	Minimum 2 written Competitive Quotations received No PQQ - Suitability Assessment Questions only	Council Officer as designated by approved Scheme of Delegation	Chief Officer List of Decisions	Chief Officer List of Decisions	Notification letter Signed low value contract up to £50k value Signed contract £50,001 to £165,000

D	£165,000 and £500,000	Committee Chairman jointly Chief Officer	Full DPR	Works and Concession Contracts: Full OJEU Tender above £4,104,394	If within Budget- Council Officer in consultation with Chairman of relevant theme	If within Budget and agreed savings target on forward plan Officer Full DPR If not within Budget or on Forward Plan Relevant Thematic Committee Report	If within Budget -Relevant Thematic Committee	Standstill Notification letter released following statutory officer report review Publication of report post standstill period
	£500,000 and above	Relevant Thematic Committee Procurement Forward Plan	Theme Committee Report Procurement Forward Plan	Goods: Full OJEU Tender				