

## **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; Housing & Growth; 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 Chief Officers jointly with Theme Committee Chairmen**

Chief Officers in consultation with Theme Committee Chairmen (Policy & Resources; Children, Education & Safeguarding; Adults & Safeguarding; Environment; Housing & Growth; Community Leadership and Libraries) have delegated authority to make decisions which are not key decisions and which have a value between £189,330 and £500,000. 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 (except for decisions which (i) grant a permission or licence; (ii) affect the rights of an individual; or (iii) award a contract or incur expenditure which, in either case, materially affects that

relevant local government body's financial position) 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.

Reports to committees marked as urgent are exempt from referral to Council or parent committee (see Article 2, Section 2.3 (e)). Reports to committees marked as urgent are exempt from referral to Council or parent committee (see Article 2, Section 2.3 (e)). Where a report is marked as urgent, the reason for urgency must be clearly stated in the body of the report and consultation must occur with the Chairman in the case of a committee report, or the relevant Chief Officer in the case of a delegated powers report.

#### **10.8 Key Decisions**

A key decision is one which will result in the council incurring expenditure or savings of £500,000 or more, or is significant in terms of its effects on communities living or working in an area comprising two or more Wards.

#### **10.9 Emergency Decisions**

The Chief Executive or relevant Chief Officer is empowered on behalf and in the name of the Council to take decisions in exceptional circumstances on emergency matters which would normally require a committee decision where it is not possible to convene a meeting of a committee provided that:

1. The Leader, or in his/her absence, the Deputy Leader are consulted on the reasons for it being an emergency matter;
2. In respect of matters falling within the terms of reference of a committee: the Chief executive or relevant Chief Officer will consult with the Chairman, or in his/her absence, the Vice-Chairman; and a report on the decision will be reported to the next meeting of the committee.

#### **10.10 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.

#### **10.11 Decisions relating to Procurement**

(See Table B below).

**TABLE A – Land and Property Transactions Authorisation Delegated Powers<sup>1</sup>**

	<b>Authorisation Level<sup>2</sup></b>	<b>Acquisitions</b>	<b>Lease in</b>	<b>Lease out for Rent or Consideration</b>	<b>Licences, Easements and Consents</b>	<b>Compensations, Settlements and Covenants</b>	<b>Disposals</b>	<b>Compulsory transaction</b>
<b>A</b>	<i>Less than £189,330</i>	<i>Approved Officer</i>	<i>Approved Officer</i>	<i>Approved Officer</i>	<i>Approved Officer</i>	<i>Approved Officer</i>	<i>Full DPR – Deputy Chief Executive (unless a Less Than Best transaction, which must be reported to Housing and Growth Committee)</i>	<i>Approved Officer</i>
<b>B</b>	<i>£189,330 to £500,000</i>	<i>Full DPR – Deputy Chief Executive in consultation with Theme Committee Chairman</i>	<i>Full DPR – Deputy Chief Executive in consultation with Theme Committee Chairman</i>	<i>Full DPR – Deputy Chief Executive in consultation with Theme Committee Chairman</i>	<i>Full DPR – Deputy Chief Executive in consultation with Theme Committee Chairman</i>	<i>Full DPR – Deputy Chief Executive in consultation with Theme Committee Chairman</i>		<i>As B</i>
<b>C</b>	<i>More than £500,000 (Key Decision)</i>	<i>Report to Housing and Growth Committee</i>	<i>Report to Housing and Growth Committee</i>	<i>Report to Housing and Growth Committee</i>	<i>Report to Housing and Growth Committee</i>	<i>Report to Housing and Growth Committee</i>	<i>Report to Housing and Growth Committee</i>	<i>As C</i>
<b>D</b>	<i>'Non-Value' Variations post Authorisation</i>	<i>Chief Officer Decision</i>	<i>Chief Officer Decision</i>	<i>Chief Officer Decision</i>	<i>Chief Officer Decision</i>	<i>Chief Officer Decision</i>	<i>Chief Officer Decision – Deputy Chief Executive Report to next Housing and Growth Committee</i>	<i>As A above</i>

<sup>1</sup> This Table applies to Land and Building activity NOT included in the approved Annual Work Plan

<sup>2</sup> These values may be either Capital or Annualised Income/Expenditure

**Table B – Authorisation and Acceptance Thresholds**

	Procurement Value	Procurement Commencement Process		Procurement method	Bid Acceptance Process		Variation or Extension Acceptance Process		Contract Requirement
		Authorisation	Documentation		Authorisation	Documentation	Authorisation	Documentation	
A	Under £10,000	Council Officer as designated by approved Scheme of Delegation	Under £10k Audit Form	Reasonable means of selection * and evidence of having sourced and considered the local Barnet supplier market	Council Officer as designated by approved Scheme of Delegation	Under £10k Audit Form	Must move to next threshold if £10,000 or above	Under £10k Audit Form	Purchase Order
B	£10,000 - £24,999	Chief Officer Decision; or Procurement Forward Plan	Chief Officer Decision Report; or Procurement Forward Plan	Minimum 2 written Competitive Quotations sought**	Council Officer as designated by approved Scheme of Delegation	Chief Officer Decision Report	Must move to next threshold if £25,000 or above	Chief Officer Decision Report	Purchase Order
C	£25,000 - £189,329	Chief Officer Decision; or Procurement Forward Plan	Chief Officer Decision Report; or Procurement Forward Plan	Minimum 2 written quotations  No SQ – Suitability Assessment Questions only	Council Officer as designated by approved Scheme of Delegation	Chief Officer Decision Report	Council Officer as designated by approved Scheme of Delegation	Chief Officer Decision Report	Signed Contract Contract Award Notice
D	£189,330 - £500,000	Delegated Powers Report; or Procurement Forward Plan	Chief Officer in Consultation with Theme Committee Chairman Delegated Powers Report; or Procurement Forward Plan	Services/Goods – OJEU Tender Works – Competitive Quotation	Council Officer as designated by approved Scheme of Delegation	Officer Delegated Power Report	Council Officer as designated by approved Scheme of Delegation	If within Budget: Officer Delegated Power Report  If not within Budget: Chief Officer in Consultation with Theme Committee Chairman Delegated Powers Report	Signed and sealed contract Contract Award Notice

	Procurement Value	Procurement Commencement Process		Procurement method	Bid Acceptance Process		Variation or Extension Acceptance Process		Contract Requirement
		Authorisation	Documentation		Authorisation	Documentation	Authorisation	Documentation	
E	£500,000 and above	Relevant Theme Committee Report; or Procurement Forward Plan	Committee Report; or For items authorised via the Procurement Forward Plan in accordance with reporting requirements detailed in the approved Plan	Competitive quotation for works contracts for values £500,000 to £4,733,252  Works and Concession Contracts: Full OJEU Tender above £4,733,252  Goods: Full OJEU Tender  Services: Full OJEU Tender  Health, educational, cultural and social care related services: Light Touch Regime Tender above £633,540	Council Officer as designated by approved Scheme of Delegation	If within Budget: Officer Delegated Power Report  If not within budget: Theme Committee Report	Council Officer as designated by approved Scheme of Delegation	If within Budget: Officer Delegated Power Report  If not within budget: Committee Report	Signed and sealed contract Contract Award Notice