

# Donations Received Policy

DRAFT

## Document

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## 1. Purpose and scope

- 1.1 The Council may from time to time be offered donations from individuals or organisations. The purpose of this policy is to provide guidance on the acceptance and oversight of such donations.
- 1.2 The scope of the policy is monetary donations.
- 1.3 Donations of objects and other heritage material to the Council's Museum Service and Archives do not fall within the scope of this policy and are instead covered by the Collections Development Policy.

## 2. Definitions

- 2.1 A "donation" is a gift for which no direct benefit is sought. A donation may take various forms and can be received through several methods – online, in person, regular "giving" or "gifting" or as a legacy.

## 3. Legal Framework

- 3.1 Section 85 (Acceptance of gifts of property) of the Local Government Act states:

*'A Local Authority may accept, hold, and administer –*

- a *For the purpose of discharging any of their functions, gifts of property, whether heritable or moveable, made for that purpose; or*
- b *For the benefit of the inhabitants of their area or of some part of it, gifts made for that purpose.*

*And may execute any work (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section.'*

## 4. General Donations Principles

- 4.1. The Council will only accept donations that benefit the community. All donations received are only used to enhance the services of Aberdeenshire Council, and do not replace statutory responsibilities.
- 4.2. The Council will not take donations if they could be seen to interfere with regulatory duties.
- 4.3. Donation agreements will not restrict the Councils ability to carry out its duties fairly and ethically.
- 4.4. Donations will be accepted from those that are consistent with the Councils strategic priorities as set out within the Council Plan. The Council may seek advice to ensure donors support mutual goals.
- 4.5. Council representatives (officers and elected members) will not personally benefit from donations, and any benefits, pecuniary or otherwise, should help the community, not individuals. Officers must declare conflicts of interest.
- 4.6. Donations will be recorded under the donor's name.
- 4.7. It will for the Council to decide if donors will be acknowledged in its publicity. The donor reserves the right to remain anonymous.
- 4.8. Donations are not subject to VAT as this is income which is freely given with no strings attached and treated by the Council as a gift.

## 5. Acceptance of Donations

- 5.1. The Council has the discretion to decline donations from any organisation or individual.
- 5.2. The final decision for declining donations up to the value of £10,000 is delegated to the Head of Finance. Any donations over £10,000 which are declined should be approved by the Head of Finance, in consultation with the Chief Executive and the Leader.

- 5.3. The Council may refuse a donation if the donor's activities or proposals do not align with the Council's strategic priorities or could harm the community.
- 5.4. Potential donation arrangements will be assessed by the Service contacted about the donation for real or perceived conflicts of interest and offers may be declined if the donor's involvement could compromise the Council's role, image, or if the donor were to gain or be perceived to gain undue advantages from Council decisions.
- 5.5. Donations cannot be solicited or accepted from political parties or used for political purposes.
- 5.6. The Council will not make agreements with donors facing regulatory actions from the Council.
- 5.7. Donations will not be accepted for services that are the Council's statutory obligation and can only be used to enhance the services that the Council provides, and not replace statutory responsibilities.
- 5.8. Donations that must be refused include:
- Those that come from an illegal source or with an illegal condition (for example where the donation has come from terrorist or other criminal activity)
  - Is from a donor who does not have the mental ability to decide to donate. This is sometimes called lack of capacity.
- 5.9. Regardless of whether a declaration has been made or not, donations will not be accepted from individuals where the Council has reason to believe that a donor may be experiencing vulnerable circumstances and that accepting the donation would be ethically wrong and/ or harmful to the donor.
- 5.10. Donations that may need to be refused:
- Is for purposes that fall outside the Council's purpose.
  - Would result in a valid legal claim or risk of claim against the Council if it was accepted.
  - Would result in additional costs to the Council.
  - Has features or conditions that may undermine the Council's independence.
  - Would bring unacceptable burdens that outweigh its benefit to the Council.
  - May involve unacceptable private benefit to an individual or organisation.

- 5.11. If the donor expects benefits, like marketing opportunities, this will be treated as a business arrangement under the Councils Commercial Sponsorship Policy.
- 5.12. Donations may be directed to specific services or events at the Councils discretion, considering the donor's intended purpose.
- 5.13. Where cash donations are received, for example in collection boxes, these should be clearly signposted as such within the venue, including how these donations plan to be spent.
- 5.14. Donated income is freely given with no strings attached and as such is treated as a gift.
- 5.15. The Council's Policy is to include a 14 day "cooling off" period to allow the donor to change their mind. After such time, the donation is considered complete and non-returnable.
- 5.16. It is solely for the Council to determine how the donation is to be administered, and what expenditure is permitted, providing that all decisions are consistent with this Policy.
- 5.17. The Council will maintain a register of all Donations received.
- 5.18. Strategic Finance will provide quarterly briefing note to Members for inclusion on ward pages and a full report annually to the Policy Committee on the donations received and how these have been used.