



# Donations Policy

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Approved by: Finance and Partnership Committee

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## Contents:

1. Introduction
2. Scope
3. Legislative Framework
4. Principles for Making Donations
5. Ineligible Donations
6. Procedure for Making Donations
7. Donation Received by the Council
8. Conflicts of Interest
9. Transparency and Accountability
10. Review

## 1. Introduction

This donation policy sets out the principles and procedures that Emersons Green Town Council will follow when offering or receiving donations. It aims to ensure transparency, legality, accountability, and the proper use of public resources.

## 2. Scope

This policy applies to:

- Donations made by the Town Council to individuals, community groups, charities or other organisations.
- Donations received by the Town Council from third parties.

## 3. Legislative Framework

This policy is governed by relevant legislation, including:

- **Local Government Act 1972 (s.137 and s.142):** Allows local authorities to incur expenditure for purposes not otherwise authorized by law if it is in the interests of and will bring direct benefit to their area or residents.
- **Localism Act 2011 (s.1):** General power of competence, allowing councils to do anything individuals may legally do, including making donations, subject to statutory limitations.
- **Charities Act 2011:** Relevant when the council interacts with or donates to registered charities.
- **Public Contracts Regulations 2015:** If the donation involves services or partnerships, procurement laws may apply.
- **Code of Conduct for Councillors:** Donations must align with ethical standards and declarations of interest.

## 4. Principles for Making Donations

The Council will only make donations when:

- The recipient is a not-for-profit organisation or community group operating for public benefit.
- The donation aligns with the Council's strategic objectives and supports community well being.
- There is a demonstrable public benefit to the local community or residents.
- The donation is financially prudent, within budget, and lawful under s.137 or other powers.
- There is no conflict of interest or appearance of undue influence.

## **5. Ineligible Donations**

The Council will not make donations to:

- Individuals (except in exceptional cases such as hardship relief under a lawful scheme).
- Political parties or organisations affiliated with political causes.
- Profit-making businesses.
- Activities that conflict with Council policies or values.

## **6. Procedure for Making Donations**

- **Application or Proposal:** Applicants must submit a written request with the purpose, benefit, and financial breakdown.
- **Assessment:** Council officers will assess applications against the criteria and available budget.
- **Decision-Making:** Decisions will be made by Full Council or a relevant committee and recorded in minutes.
- **Monitoring and Reporting:** Recipients may be required to report on the use and impact of the donation.

## **7. Donations received by the Council**

The Town Council may accept donations, gifts, or bequests if:

- They support the Council's functions or community projects.
- No conditions are attached that compromise the Council's independence or obligations.
- Acceptance is lawful and appropriately recorded.

All significant donations will be reported to the Finance & Partnership Committee and recorded in the finance process.

## **8. Conflicts of Interest**

Councillors and staff must declare any personal interest in connection with any donation decision, in accordance with the Code of Conduct and relevant Standing Orders.

## **9. Transparency and Accountability**

- All donations given or received above £100 will be published in the Council's annual report.

- Donations will be subject to audit and financial controls in accordance with the Council's Financial Regulations.

## **10. Review**

A review of this policy will take place every 3 years, or in the event of a change in legislation, or when the council feels it is appropriate.