

Donations Policy



POLICY REFERENCES

Sponsor	Group Manager Planning & Development
Effective	18 August 2016
Review due	Within 3 years of adoption date

1. INTRODUCTION

- 1.1 Council frequently receives requests from people wishing to donate items to Council for the benefit of the public. In most instances Council is happy to receive these items.
- 1.2 In the absence of any formal Council policy the line can sometimes be blurred as to what is acceptable and what is not. Council needs a policy in order to:
- Avoid situations where the costs of donated items (such as ongoing maintenance) outweigh the benefits they deliver to the community or cannot be justified as a priority with regards to the annual plan and long term plan provisions.
 - Ensure there is an immediate or future need or use for donated items.
 - Ensure that donations are made in a transparent way and do not affect Council's impartiality, integrity or reputation.
- 1.3 This policy provides guidance to Council in assessing receipt of such donations including:
- Decision-making – how we decide
 - Delegation – who decides
 - Disposal - when we will remove or replace an item.
- 1.4 In this policy "donation" means a gift (in money or by way of goods or services), made voluntarily and without expectation that goods and services will be provided in return. Donations can range from cash to public art, park furniture and trees to a parcel of land. A donation does not include a donation or prize where Council has made an application for the donation.

2. POLICY OBJECTIVES

- 2.1 To ensure that donations can be managed consistent with Council's strategic direction (vision, values, community outcomes, strategic priorities, strategies, major projects).
- 2.2 To consider and evaluate the ongoing cost of a donation to Gisborne communities and ratepayers compared to the benefits it may deliver in decisions on donations.
- 2.3 To meet the needs of the donor and Council's asset management activities, having regard, in particular, to Council's long term plan and annual plan provisions.
- 2.4 To ensure there is an open and transparent process in managing the receipt and use of donations and their disposal.

2.5 To ensure that any conditions attaching to donations do not unreasonably fetter Council's ability to manage the donation for the benefit of communities.

POLICY PROVISIONS

3.1 Decision-making

3.1.1 Prior to accepting any donation, Council must be satisfied that:

- There has been a transparent and open process leading to the offer of the donation.
- Any risks associated with accepting or declining the donation have been carefully considered and minimised (refer to Schedule 1).
- No donor (or employee of the donor) will benefit directly or gain advantage over others in respect of services provided by Council as a result of the donation or gift.
- Council staff will not benefit personally from any donation.
- The donation complies with relevant legal requirements and health and safety standards.
- Any conditions attached to the donation are acceptable and can be met by Council.
- The donation does not impact on Council's ability to deliver services and maintain assets in a manner that is acceptable to Council in all aspects.
- Appropriate and transparent processes are in place to manage the receipt and use of the donation.
- The offer is provided voluntarily to Council without expectation of receiving goods and services in return.

3.1.2 The following criteria will be considered when assessing offers of donations.

While Council's preference will be for donations that rank highly in respect of these criteria, it is acknowledged that certain criteria may be attributed a greater weighting, depending on the nature of the donation being considered.

Decision-making Matrix			
Criteria	Low	Medium	High
Quality of the item	Low or poor quality	Good quality and craftsmanship	Excellent quality and craftsmanship
Links to Council's strategic direction (vision, values, community outcomes, strategic priorities, strategies and major projects)	Inconsistent with Council's strategic direction	Broadly supports Council's strategic direction	Contributes to the achievement of Council's strategic direction
Promotes Tairāwhiti's reputation, identity and sense of place	Does not promote Tairāwhiti's reputation, identity and sense of place	Is recognised locally as contributing to sense of place	Is recognised widely as a significant contributor to the region's reputation, identity and sense of place

Decision-making Matrix			
Criteria	Low	Medium	High
Contributes to urban revitalisation	Has a negative effect on urban revitalisation	Is consistent with or supports urban design initiatives and outcomes	Makes a strong positive contribution to urban design and revitalisation
Compatible with the context in which it is to be used/viewed (including consideration of any conditions on acceptance/use/management of the donation)	Not compatible with the receiving environment	Compatible with the receiving environment	Actively enhances the function and value of the receiving environment
Not impeding public access or accessibility	Impedes public access or accessibility	Does not impede public access or accessibility	Enhances public access or accessibility
Risk (as described in schedule)	Considered to carry high risks	Some risks identified but considered acceptable	Few or no risks associated with the donated item
Costs – installation and ongoing maintenance	Costs outweigh the benefits	Some costs but are outweighed by the benefits	Delivers significantly more benefits than costs.

3.1.3 Any person wishing to donate any item shall cover all costs associated with purchase and installation unless agreed by Council prior to the receipt of the donation. These costs will include the purchase of the stock item or plant, freight, preparation work (such as a concrete pad for a seat), costs associated with planting or installation and the cost of producing and affixing any acknowledgement plaque.

3.1.4 Council may consider requesting that the cost of depreciation be included in the donation to cover some or all of the costs of ongoing maintenance.

3.2 Delegation

3.2.1 All Council managers have delegated authority to accept any donation (up to the value of \$100,000) of items such as park furniture, trees, plants, money for specific projects. Decisions to accept will be made in line with section 3.1 (Decision-making) of this Policy.

3.2.2 Any offer of donation to the Council above \$100,000 or where there is uncertainty around the costs, benefits and risks should be directed to the relevant Group Manager for decision.

3.2.3 Any offer of donation (or bequest) of land (including for reserve purposes) will be considered by the relevant manager to identify its suitability to the organisation and to the community, and shall then be reported to Council for a decision.

3.2.4 Approved donations are deemed to be unconditional or have conditions that are acceptable to Council (at Council's sole discretion).

3.2.5 The Council will be under no obligation to accept any donation offered.

3.2.6 Process

3.2.7 To ensure the consistent application of this policy, the following process will be used for donated items to Council:

1. Donor provides initial information and discusses with a Council officer.
2. All applications associated with the donation of any kind must be in writing. Application assessed by managers in accordance with the above criteria and delegations (and any other relevant policies and delegations). Any costs arising should be discussed with the donor at this stage (refer 3.1.3 and 3.1.4 above).
3. Application accepted, declined or alternatives offered. Discussion with donor regarding installation/planting, meeting on site may be required.
4. Donor notified that installation/planting/transfer is complete if undertaken by Council.
5. Documentation completed; copy of record sent to donor and database management, including name of donor or their representative to be added to assets register.

3.3 Disposal

3.3.1 Any donated item will be maintained by Council during the normal life of that item. Maintenance will be subject to any change in Council priorities or circumstances such as requiring the removal or change of use of donated item or area. Council may not accept any donation which is likely to require excessive ongoing maintenance and repair.

3.3.2 No donated item will be considered to be a feature of any park, reserve or building in perpetuity. Once the natural life expectancy of that item has been reached Council accepts no obligation for replacement or significant maintenance or repair. Any replacement which Council may undertake will no longer be considered as being associated with the original donation.

3.3.3 Once the donated item is installed the council shall assume ownership of it. If a donated item is to be disposed of, the disposal process for gifts and bequests shall be:

- If the original donor is still alive and can be contacted, by giving the donor the choice of repossessing the donated item at their cost within a reasonable timeframe
- If the original donor is deceased or uncontactable, and the estate is uncontactable, the donated item may be disposed of by any method that Council sees fit.

3.3.4 Council retains the discretion to dispose of any donated asset considered to have reached the end of its useful life or no longer fit for purpose (e.g. in the event it is destroyed or vandalised and deemed cost prohibitive to repair).

Schedule 1: Risks to be considered

- Probity Risk:
 - That the donation or gift may be perceived to affect Council's impartiality
 - Place Council under an obligation to the donating party
 - Have a commercial influence over Council's purchasing decisions
- Reputational risks that may be seen to affect Council's integrity.
- Risks that proposed donation does not align with Council's vision, values, community outcomes and strategic priorities.
- Risks that the donation or gift will impact on Council's ability to perform its functions as set out in the Local Government Act 2002.
- Risks that accepting the donation or gift would give rise to adverse publicity or public concern.
- Risks that declining the donation or gift might pose to Council's reputation or relationship with the donor.
- Risks relating to any conditions imposed by the donor on receipt and/or subsequent use of the donated item.
- Health, safety, and environmental risks.