TALATON PARISH COUNCIL

POLICY ON

THE ACCEPTANCE OF GIFTS OF PROPERTY

APPROVED AT APRIL 2025 PC MEETING

REVIEWED AND APPROVED BY TALATON PARISH COUNCIL AT ITS MEETING ON 4TH MARCH 2026

1. Scope

This policy sets out the actions Talaton Parish Council (`the Council`) will take on receipt of an offer of a Gift of Property (`Gift`) to the Council.

The Council`s policy on gifts or hospitality offered to individual Councillors or Employees is outside the scope of this policy but is covered by the Council's Code of Conduct.

2. Background

Under the Local Government Act 1972, section 139, a local council may generally accept Gifts for the purpose of discharging any of its functions, or for the benefit of the inhabitants of the whole or part of its area. A common example is the Gift to a local authority of a sports/recreation ground held by a welfare organisation, with a view to the local council holding and administering the ground for the benefit of the local inhabitants. Gifts are free of inheritance tax to the donor.

The decision about whether to accept a Gift must be carefully considered to avoid any misinterpretation or placing the Council under any obligation.

3. Definition

A Gift to the Council may take the form of the provision of land, goods, money or services.

4. Gifts Of Land and Buildings

Gifts of land and buildings ('real property') may be accepted free of any liabilities or restrictions. Conversely, this sort of Gift may be offered subject to restrictive covenants, such as a covenant that the land will always be held and used for a specified purpose and for none other without the prior consent of the donor.

On receipt of an offer of a Gift the Council will investigate the title to the property (usually by its solicitors) to ensure any such liabilities or restrictions are known at the outset. It is important to acquire an asset, rather than a liability.

Property which a local council is not authorised to accept under section 139, or under any other statutory provision, is property which would be held in trust for an ecclesiastical charity or for a charity for the relief of poverty

5. Other Gifts

The term 'Property' in the above context is not restricted to land and buildings. A local council may accept a Gift of any article or thing (including money) provided it is either 'for the purpose of discharging a statutory function' or 'for the benefit of the inhabitants'. Examples might include a Gift of a wayside seat or an item of playground equipment.

6. Consideration Of An Offer Of A Gift

6.1 An offer of a Gift must be reported to the Chair and Parish Clerk.

6.2 Details of the offer must be provided in writing to the Council. It must be made clear whether the offer is made by a person or an organisation.

6.3 The Council will:

a. write back to the person or organisation making the offer to acknowledge receipt of the offer,

b. report the offer to the next Council meeting.

c. consider the offer at a Council meeting. This will include:

d. assessment of the benefit to the Parish.

e. assessment of future liabilities such as maintenance.

f. confirming whether it would be proper for the authority to accept the Gift.

g. confirming that there are no obligations resulting from acceptance of the Gift.

h. record the acceptance or non-acceptance of the Gift in the minutes of the meeting.

i. record the Gift for audit purposes and ensure that the Gift is properly applied for the benefit of the authority.

6.4 The Council is not obliged to accept the offer.

6.5 In considering the offer of a Gift it should be recognised by the Council that some commercial organisations and private individuals may regard the provision of Gifts as a means of obtaining influence. It should also be considered that accepting a Gift from a company or individual may lead to others feeling that they may not secure impartial consideration from the Council.

6.6 The Council must not accept any Gift if there is a risk that this may place the Council under an improper obligation or if acceptance may reasonably be open to misinterpretation.

6.7 Having accepted a Gift, the Council has the power to execute any work, including works of maintenance or improvement, incidental to or consequential on, the exercise of the powers. It must be noted that where such works are carried out in connection with a Gift made for the benefit of the inhabitants (as opposed to being made for the discharge of a statutory function), the cost of executing those works must be charged against the discretionary expenditure allowance, under s. 137 of the 1972 Act.