



---

## Report to the Protocol Committee Draft Protocol for the Acceptance of Gifts by Dublin City Council

---

### **Introduction:**

This policy is concerned solely with gifts to Dublin City Council which will have an impact on the Public Realm. It does not apply to donations and gifts to Dublin City Libraries and Archive and the Hugh Lane Gallery who have in place their own specific policies and guidelines.

The overarching purpose of this policy is to protect Dublin City Council's reputation and also the interests of donors. It also seeks to ensure transparency and due diligence in the management of gifts and to ensure best practice is followed. Dublin City Council must apply due diligence to determine the credibility of sources of gifts. It is important to demonstrate the value of private giving in support of communities within Dublin City, but at the same time ensure that there is transparency around whom we accept gifts from and for what purpose.

Philanthropy is described as "a voluntary exchange in which values and aspirations of donors are matched with the values and aspirations of those they benefit". When accepting philanthropic donations, Dublin City Council needs to consider carefully whom they accept gifts from, and for what purpose.

This policy will apply to the offer of gifts from private individuals, commercial organisations, public bodies and local and national governments both within and outside of the Republic of Ireland.

Ethical decision making is a deliberate and conscientious effort to make judgements that reflect Dublin City Council's mission, values and long-term goals. Ethical decisions are made with the public trust and institutional integrity in mind. A major gift is defined as one with a value to the donor of €50,000 or more.

### **Guidelines:**

The Public Realm is defined as the space around, between and within buildings that are publicly accessible, including streets, squares, parks and open spaces. Any decision to accept a gift which impacts on the public realm must be in accordance with Dublin City Council's Public Realm Strategy. Gifts that impact on the public realm includes but is not limited to the following:

- Art Installations
- Sculptures
- Memorials
- Parks/Gardens

In the first instance all public realm gifts should be referred to the Arts and Cultural Advisory Group. Where gifts are assessed to have a value to the donor of €50,000 or less the ACAG will be the authorising body.

The Arts and Cultural Advisory Group will consult with the Area Committee in which the gift is to be located and will give full consideration to the views of those Councillors before making its decision or recommendation.

For gifts in excess of this amount the ACAG will make a recommendation to the Protocol Committee for their evaluation. Gifts with a value in excess of €100,000 will require full Council approval in conjunction with the Executive of the City Council.

<b>Authorisation of the acceptance of philanthropic donations</b>	<b>Authorisation by</b>
Less than €50,000	Arts and Cultural Advisory Group
€50,000 - €100,000	Protocol Committee and Dublin City Council Executive
€100,000 or greater	Full Council following recommendation by the Protocol Committee and Dublin City Council Executive

### **Principles:**

When accepting a major gift consideration should be given to the following issues.

- Has the donor acted illegally in the acquisition of funds?
- Would acceptance damage or limit the operation of Dublin City Council in fulfilling its stated objectives?
- Would acceptance harm relationships with other partners, funders or stakeholders?
- Would it create a significant conflict of interest?
- Would it damage Dublin City Council's reputation?
- Would acceptance lead to unmanageable conditions applied by the donor?
- Dublin City Council does not accept anonymous donations above €100. Dublin City Council will, however, respect a donor's wish for privacy should they wish their details not to be publicised.
- The gift will be applied for the purpose for which it was given, unless explicit consent is given by the donor or in the case of bequests, the executors.

Gifts of €10,000 or over must have a signed Gift Agreement or equivalent. The following statement will be included in all Gift Agreements:

***"It is a legal and moral requirement that gifts do not afford the donor any expectation of benefit from Dublin City Council from the donation."***

Where further background information is needed in relation to the source of a potential gift, the Chief Executive's Office will undertake this work and then make recommendations to the authorising person/s. Where there is concern, there will be discussion with the potential donor of the gift prior to any decision to decline a gift.

Dublin City Council will maintain a record of all major gifts accepted and declined.

**Deidre Ní Raghallaigh**  
**Senior Executive Officer**  
**1<sup>st</sup> June 2018**