

STOCKTON-ON-TEES BOROUGH COUNCIL

CABINET RECOMMENDATIONS

PROFORMA

Cabinet Meeting6th August 2009

1. Title of Item/Report

Appointment of Attorney to act for the Council in Administration of Estates

2. Record of the Decision

It was explained that, although not common, there were occasions when a client of the Council's Social Care Services died intestate and had some funds usually in bank or other accounts. It can also be the case that there are either no relatives alive, known or willing to administer the client's estate.

The client may also owe money to the Council for either non residential or residential care provided by the Council but for which there was a client contribution. If no action takes place the funds remain in the dormant accounts.

For the Council to obtain the money, due as contributions, the only means was for it to seek Grant of Letters of Administration in each estate and follow legal process through the Probate Registry.

Cabinet noted that, as a statutory corporation, the Council had powers to grant a Power of Attorney under Section 101 of the Local Government Act 1972 which provided that a Council could arrange for the discharge of any of its functions by an Officer of the Authority and further, under section 11 of the same Act an Authority had the power to do anything which was calculated to facilitate or was conducive or incidental to the discharge of any of its functions.

If appointed to do so the Head of Support Services could undertake the appropriate actions that would obtain the debt owed to the Council.

RESOLVED that Mr. A.J. Beckwith, Head of Support Services, Children, Education & Social Care, be appointed as the Council's Attorney for the purpose of obtaining Grant of Letters of Administration in relevant Estates of former clients of the Council under section 101 of the Local Government Act 1972.

3. Reasons for the Decision

As Attorney, the Head of Support Services would be able to obtain Grants of Letters of Administration of Estates where the clients had died intestate but owing money to the Council for services provided prior to death.

4. Alternative Options Considered and Rejected

None

5. Declared (Cabinet Member) Conflicts of Interest

None

6. Details of any Dispensations

Not applicable

7. Date and Time by which Call In must be executed

By Midnight, Friday, 14th August 2009

Proper Officer
10 August 2009