

**SURREY COUNTY COUNCIL****CABINET LEAD MEMBER FOR CORPORATE SUPPORT****DATE: 11 SEPTEMBER 2018****LEAD OFFICER: HEAD OF LEGAL SERVICES****SUBJECT: ADMINISTRATION OF ESTATE OF DECEASED DEBTOR****SUMMARY OF ISSUE:**

To appoint the Head of Legal Services as a nominee in an application to the probate register for a grant to administer the estate of the late Violet Dewsnap.

Previously, on March 14 2016, the relevant Cabinet member Denise Le Gal authorised the appointment of the then Director of Legal, Democratic and Cultural Services Ann Charlton to apply to administer the estate. However, the process was not completed and Ann Charlton has since left.

A debt for unpaid care fees has accrued and there are assets in the estate. No one, however, is willing or able to take out a grant of probate to administer the estate. As a debtor, the Council is entitled to take out a Grant of Probate.

It would be in the Council's best interests to administer the estate in order to recover the debt due.

**RECOMMENDATIONS:**

It is recommended that:

- i. the Head of Legal Services, Sarah Baker, be appointed to apply as a nominee in an application to the probate register, and
- ii. the Head of Legal Services be authorised to seal copies of each of the nominations made for the purpose of this application.

**REASON FOR RECOMMENDATIONS:**

The Council will be able to recover debt owed to it from the deceased's estate.

**DETAILS:****History of case**

1. Surrey County Council (the Council) was the local authority under a duty pursuant to section 21(1)(a) of the National Assistance Act 1948 (as amended) to make arrangements for providing residential accommodation for the deceased, Violet Dewsnap.

2. The Council, pursuant to section 22(1) National Assistance Act 1948 (as amended) was under an obligation to assess the amount the deceased was liable to contribute towards her care fees.
3. The debt owed to the Council is around £37,000.00. At all times the deceased managed her own financial affairs.
4. The deceased's estate has been estimated to have a value in excess of the debt due to the Council, the details of which are outlined in the Part 2 report.
5. The Council is not aware of any other creditors.
6. Taking into consideration the above points, the deceased's assets are likely to be sufficient to pay off the debt in full.
7. It will be in the Council's best interests to administer the estate to recover the debt due to it.

#### **CONSULTATION:**

8. N/A.

#### **RISK MANAGEMENT AND IMPLICATIONS:**

9. In 2013, the Council placed adverts in local papers appealing for family members to come forward, and for any other creditors, the results for this were negative. In view of the time that has elapsed the Council will advertise again prior to administering the estate.
10. The deceased has a sister who the Council has contacted but she does not wish to have anything to do with her late sister's affairs. The Council is not aware of anyone else that would be interested in administering the deceased's estate or would dispute the Council administering the deceased's estate.

#### **Financial and Value for Money Implications**

11. **Application fee - £215**  
**Advert fee (London Gazette) - £84.60**
12. The fees will be funded through the Legal Services budget and this will be reimbursed from the monies of the deceased's estate.

#### **Section 151 Officer Commentary**

13. The Section 151 Officer supports the recommendations made in this report.

#### **Legal Implications – Monitoring Officer**

14. There are no legal implications apart from those set out under Risk Management and Implications.

#### **Equalities and Diversity**

15. N/A

**WHAT HAPPENS NEXT:**

16. Legal Services will make an application to the Probate Registry for a Grant of Probate to enable it to administer the deceased's estate.

**Contact Officer:**

Carmel Briody, Principal Solicitor, 0208 541 7122

**Consulted:**

Cllr Helyn Clack, Cabinet Member

Tracie Evans, Executive Director for Economy, Growth and Commercial

**Annexes:**

None - Part 2 report with financial details attached to agenda

**Sources/background papers:**

- Cabinet Member report 14.03.16

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