

DECISION NOTICE OF AN INDIVIDUAL MEMBER OF GWYNEDD COUNCIL CABINET

DATE OF DECISION 8 December 2021

DATE DECISION PUBLISHED 10 December 2021

DATE DECISION WILL COME INTO FORCE and implemented,
unless the decision is called in, in accordance with section 7.25 of
the Gwynedd Council Constitution 17 December 2021

Cabinet Member:Dafydd Meurig : Cabinet Member for Adults, Health and Wellbeing

SUBJECT

Appointment of a Nominee of the Council for the purposes of taking out Letters of Administration

DECISION

That Dafydd Richard Jones, Solicitor of the Legal Service at Gwynedd Council, be appointed as a Nominee of the Council for the purposes of taking out Letters of Administration in relation to all estates of deceased persons in respect of which the Council is entitled to administer the estate as creditor

REASON WHY THE DECISION IS NEEDED

Please see attached officer report

DECLARATIONS OF PERSONAL INTEREST AND ANY RELEVANT DISPENSATIONS APPROVED BY THE COUNCIL'S STANDARDS COMMITTEE

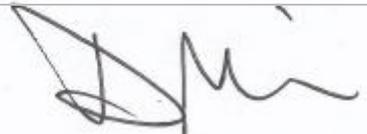
None

ANY CONSULTATIONS UNDERTAKEN PRIOR TO MAKING THE DECISION

Consultation with
Gwynedd Council Statutory Officers

The results of the consultations are reported upon in the attached report

TAFLEN BENDERFYNIAD AELOD UNIGOL O GABINET CYNGOR GWYNEDD – ADRODDIAD SWYDDOG

Name and Title of the Cabinet Member :	Councillor Dafydd Meurig : Cabinet Member for Adults, Health and Wellbeing
Name and Title of the Report Author :	Iwan G D Evans – Head of Legal Service
Date of Decision :	08 12 2021
Signature of Cabinet Member/s :	 Accept the recommendation

Title

Appointment of a Nominee of the Council for the purposes of taking out Letters of Administration

Recommendation for Decision:

That Dafydd Richard Jones, Solicitor of the Legal Service at Gwynedd Council, be appointed as a Nominee of the Council for the purposes of taking out Letters of Administration in relation to all estates of deceased persons in respect of which the Council is entitled to administer the estate as creditor.

Background

1. Under Part 4 of the Social Services and Wellbeing (Wales) Act 2014 local authorities have a duty to meet the assessed needs of individuals. Under Part 5 of the Act the local authority may impose a charge for providing for the needs based on an assessment of the individual's resources. The legislation provides that the Council may defer the charges for

until the sale of the individuals property and then recover the amount due from the sale proceeds. This negates the need for an enforced sale of property where the resident may not yet feel ready to sell. Gwynedd Council has routinely implemented this provision and has deferred the charges.

2 In some cases the property is not sold until after the individuals death. In such cases the property is usually sold by the administrators of the estate and the debt to the Council is discharged. However, there are some instances where the debt to the Council exceeds the estimated value of the estate and the potential executors are unwilling to accept the responsibility for the administration of the estate solely for the benefit of the Council.

3. In such cases the Council is left with no other option but to administer the estates as a creditor in order to secure the outstanding debt in part if not in full. A grant of Letters of Administration is needed in order to prove authority to administer the estates. In order to apply for this grant, it is a requirement of the Probate Rules that the Council nominates a named person to apply for a grant on their behalf, and make a resolution under its seal to this effect. A certified copy of the resolution is required with the application, and a grant will then be made to the Nominee for the use and benefit of the Council.

4. At its meeting on the 20th of November 2012 the Cabinet resolved:

“To authorise the Cabinet Member for Care to appoint a member of staff of the Gwynedd Council Legal Unit as a Nominee on behalf of the Council for the purpose of taking out Letters of Administration in relation to all estates of deceased persons in respect of which the Council is entitled to administer the estates as a creditor.”

CONSULTATIONS

Local Member Observations

Dim yn fater ward unigol

Monitoring Officer

Awdur yr Adroddiad

Finance Officer

No objection from the perspective of financial propriety.