
Decision Maker: CARE SERVICES PORTFOLIO HOLDER
FOR PRE-DECISION SCRUTINY BY CARE SERVICES POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Date: Wednesday 4 March 2015

Decision Type: Non-Urgent Executive Non-Key

Title: **THE ESTATE OF MISS JEAN ELLEN CASTLE (DECEASED): APPOINTMENT OF NOMINEE**

Contact Officer: Jim Kilgallen, Senior Lawyer
Tel: 020 8313 4763 E-mail: jim.kilgallen@bromley.gov.uk

Chief Officer: Mark Bowen, Director of Corporate Services

Ward: N/A

1. Reason for report

- 1.1 The report requests that Jim Kilgallen, Senior Lawyer London Borough of Bromley, is authorised by the Council to act as its nominee to apply for a Grant of Representation to administer the estate of the late Miss Jean Ellen Castle.
- 1.2 The reason for this request arises due to the fact that a debt in respect of Miss Castle's client contribution for the cost of her residential care is owed to the London Borough of Bromley. Miss Castle left a will, but the executor and the sole beneficiary have both renounced their right to apply for a Grant of Representation. This means that the Council can apply to the Probate Registry for a Grant as a creditor to Miss Castle's estate, administer her estate and pay her outstanding debts. To do this a nominee must be appointed.

2. **RECOMMENDATION**

Members are asked to agreed that Jim Kilgallen, Senior Lawyer, is authorised (as shown in the attached document) to apply for a Grant of Representation on behalf of the London Borough of Bromley and agree the following wording: "That James Francis Kilgallen, Senior Lawyer, Corporate Services, be and is hereby appointed nominee of the London Borough of Bromley for the purpose of taking out Letters of Administration (with will annexed) in the estate of Miss Jean Ellen Castle of Bromley Park Nursing Home, 75 Bromley Road, Beckenham, Kent (formerly of 7 Brandram House, Upper Elmers End Road, Beckenham) who died on the 11th day of February 2013 and of whom the said London Borough of Bromley is a creditor".

Corporate Policy

1. Policy Status: Not Applicable:
 2. BBB Priority: Excellent Council
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Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Not Applicable
 4. Total current budget for this head: Not Applicable
 5. Source of funding: Not Applicable
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Staff

1. Number of staff (current and additional): None
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: None:
 2. Call-in: Applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): None
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable

3. COMMENTARY

- 3.1 Miss Castle was a retired Bank Clerk living in the Beckenham area who, towards, the end of her life, was living in Bromley Park Nursing Home. Unfortunately Miss Castle's health deteriorated in her final years and she was unable to manage her finances and there was no one to help her do so. As there was no one with authority to access Miss Castle's bank and building society accounts her nursing home fees were paid by the London Borough of Bromley.
- 3.2 In the circumstances Miss Castle, who had been known to Social Services for some years, was referred to the Appointee and Deputyship Service in the Civic Centre with a view to them applying for authority to manage Miss Castle's Social Security Benefits (as a DWP appointee) and subsequently applying to the Court of Protection to be appointed her financial affairs deputy to manage her capital assets and pay her care home fees and any debts.
- 3.3 The application to the DWP to be appointed Miss Castle's appointee was made on the 6th February 2013, but unfortunately she died a few days later, on the 11th February 2013, before the application could be processed.
- 3.4 At the date of her death Miss Castle owed the London Borough of Bromley £33,047. Her assets comprised £22,780 in an HSBC account and £12,543 in an Halifax account. From the former account funeral expenses of £1,431 have been paid. After deduction of the debt owed to LBB, this leaves a net estate of £845, which will be offset against the £1,500 fee that the London Borough of Bromley is entitled to charge in respect of its costs for applying for a Grant of Representation.
- 3.5 Miss Castle made a will appointing the Midland Bank Trust Company as her executor, but HSBC (as the successor organisation to Midland Bank) renounced their right to act as executor. The sole beneficiary of Miss Castle's will is St Christopher's Hospice, but, on being appraised of the nature of her assets and debts, they too renounced their right to apply for a Grant of Representation.
- 3.6 This means that, in these unusual circumstances, the London Borough of Bromley is now entitled to apply for a Grant of Representation as a creditor to Miss Castle's estate. The process to be undertaken by a Local Authority requires a formal resolution designating a nominee to apply for and obtain a Grant from the Probate Registry. In this instance it is proposed that Jim Kilgallen is authorised to make this application and that he should be formally appointed as nominee.

4. POLICY IMPLICATIONS

- 4.1 None

5. FINANCIAL IMPLICATIONS

- 5.1 The money recovered will be used to pay Miss Castle's debt to the Council.

6. LEGAL IMPLICATIONS

- 6.1 There are no Council wide legal implications, but the appointment of a nominee will allow the Council to recover a substantial debt.

7. PERSONNEL IMPLICATIONS

Non-Applicable Sections:	None
Background Documents: (Access via Contact Officer)	None

**IN THE HIGH COURT OF JUSTICE
PRINCIPAL REGISTRY OF THE FAMILY DIVISION**

IN THE ESTATE OF MISS JEAN ELLEN CASTLE (DECEASED)

APPOINTMENT OF A NOMINEE OF THE COUNCIL TO TAKE A GRANT OF REPRESENTATION

At a meeting of the Care Services Portfolio Holder of the London Borough of Bromley held at the Civic Centre, Stockwell Close, Bromley, BR1 3UH on the 4th day of March 2015 IT WAS RESOLVED:

That James Francis Kilgallen, Senior Lawyer, Corporate Services, be and is hereby appointed nominee of the London Borough of Bromley for the purpose of taking out Letters of Administration (with will annexed) in the estate of Miss Jean Ellen Castle of Bromley Park Nursing Home, 75 Bromley Road, Beckenham, Kent (formerly of 7 Brandram House, Upper Elmers End Road, Beckenham) who died on the 11th day of February 2013 and of whom the said London Borough of Bromley is a creditor

I certify the above to be a true copy of the minute of the Resolution duly passed at the above mentioned meeting.

Signed:

Director of Corporate Services