**REPORT TO:** CABINET MEMBER - CORPORATE SERVICES

**DATE:** 14 October 2009

SUBJECT: Notice Of Motion- Purchase of Grave plots

WARDS AFFECTED: All Wards

**REPORT OF:** Leisure Director and Finance and Information

Services Director

**CONTACT OFFICER:** John Proffitt – Head of Cemeteries and Crematoria

- 01704 533443 John Farrell - Assistant Director

**EXEMPT/CONFIDENTIAL:** NO

### **PURPOSE/SUMMARY:**

To update the Cabinet Member for Corporate Services on the production of a leaflet advising residents of how to pre arrange funerals.

### **REASON WHY DECISION REQUIRED:**

The Cabinet member for Corporate Services Deferred a decision on the Council's Notice of Motion 16<sup>th</sup> September 2009 pending a request for further information.

### **RECOMMENDATION(S):**

That the Cabinet Member for Corporate Services is requested to consider the original Notice of Motion and:

- a. to endorse the Overview and Scrutiny Recommendation, 'not to agree the introduction of a 2 year 'payment by installment plan for the purchase of grave plots by Sefton residents'.
- note the contents and intention to publish an information leaflet on pre arranging funeral payments, and in light of the spending freeze, to consider whether to publish the leaflet at no cost (Option1 Paragraph 3.1 or in a printed form at a cost of £800-£1000 (Option 2 Paragraph3.1)
- c. As this is a matter for Cabinet, refer the above decisions to Cabinet to inform their deliberation.

FORWARD PLAN:	Yes – Published 12 August 2009				
IMPLEMENTATION DATE:	Following the expiry of the Call-In period for the Minutes of the meeting				
ALTERNATIVE OPTIONS:					
IMPLICATIONS:					
Budget/Policy Framework:					
Financial	option 2 £800-£	2 (paragra <sub>l</sub>	oh 3.1), wo	ould be ap	based on proximately ned within
Financial:		2009/	2010/	2011/	2012/
CAPITAL EXPENDITURE		2010 £	2011 £	2012 £	2013 £
Gross Increase in Capital Exper	nditure	~	~	~	~
Funded by:					
Sefton Capital Resources					
Specific Capital Resources	Specific Capital Resources				
REVENUE IMPLICATIONS					
Gross Increase in Revenue Exp	enditure				
Funded by:					
Sefton funded Resources					
Funded from External Resource	es				
Does the External Funding have an expiry date?					
How will the service be funded post expiry?					

Yes

**KEY DECISION:** 

**Legal:** The information leaflet will not be able to

recommend specific companies as this could be

seen as promoting one ahead of another

Asset Management:	None		
CONSULTATION UNDERTA	KEN/VIEWS		

# **CORPORATE OBJECTIVE MONITORING:**

**Risk Assessment:** 

Corporate		<u>Positive</u>	<u>Neutral</u>	<u>Negative</u>
<u>Objective</u>		<u>Impact</u>	<u>Impact</u>	<u>Impact</u>
1	Creating a Learning Community		<b>✓</b>	
2	Creating Safe Communities		<b>✓</b>	
3	Jobs and Prosperity		<b>✓</b>	
4	Improving Health and Well-Being		<b>√</b>	
5	Environmental Sustainability		✓	
6	Creating Inclusive Communities	✓		
7	Improving the Quality of Council Services and Strengthening local Democracy		<b>√</b>	
8	Children and Young People		<b>√</b>	

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT	

### 1. BACKGROUND

- 1.1 At the Cabinet Member for Corporate Service's meeting on the 16<sup>th</sup> of September a report was presented (Annex 1) referring to Cllr Jones Notice of Motion
  - (1) That in order to assist Sefton residents, with limited financial means to purchase grave plots (currently costing £618), this Council requests the Cabinet to agree to the establishment of a 'payment by instalments plan' by which grave plots can be purchased by residents in affordable stages, subject to the Council being satisfied that any remaining outstanding balance due would be met from the deceased's estate."
- 1.2 The report had previously been presented the Scrutiny and Overview Committee Corporate Services who resolved that the following recommendations should be made to the Cabinet Member for Corporate Services that
  - (1) the Cabinet Member Corporate Services be recommended not to agree the introduction of a 2 year 'payment by installment plan' for the purchase of grave plots by Sefton residents; and
  - (2) subject to (1) above, the Cabinet Member Corporate Services be requested to give consideration to recommending the investigation of private sector funding sources for the purchase of grave plots installments.
- 1.2 Following consideration of the report the Cabinet Member resolved

**Minute 38** 'That consideration of this item be deferred to allow officers to respond to the Cabinet Member's request for further information in relation to the possible production of leaflets advising of the 'payment by installment plan' process to include useful contact details.

In doing so the Cabinet Member requested that Officers produce an information leaflet, which could be provided for Members, the public and published on the Council's website and in reception areas. This leaflet should provide details of how to access information on arranging prepayment for a funeral.

### 2. FURTHER INFORMATION FOR RESIDENTS

- 2.1 Officers have produced a draft leaflet Annex 2 (the final version will be professionally produced), which outlines sources of information and the process for arranging to pay for a funeral in advance.
- 2.2 This leaflet provides information for residents on prearranging and paying for their funeral and will advise them of useful contact information and telephone numbers should they require assistance.

- 2.3 As pre payment plans are provided by a large number of private sector organisations including:
  - Funeral Directors
  - Insurance Companies
  - Large retailers including Supermarkets
  - Charities

It would be difficult for the Council to maintain it's impartial position ,if it was to name individual companies in the leaflet, also due to the number and type of companies who provide this service this list would be extensive.

By publishing specific names and contact details it might also be viewed as the Council promoting one of these companies over another, which could lead to claims against it if the service provided by the company wasn't what the customer expected.

Therefore the information contained in the leaflet gives general guidance and contact numbers for bereavement service charities and the Direct Gov website (<a href="www.direct.gov.uk">www.direct.gov.uk</a>). Which provides clear and concise information on bereavement planning. Annex 3

## 3.0 Costs of Introducing a Leaflet and Options for Distribution

- 3.1 The following two options show the costs involved in production and distribution of the leaflet.
  - **Option 1** Not to provide a printed leaflet, but to publish the information electronically on the Council's Website. Which could be achieved at no additional cost.
  - **Option 2 –** Produce a one off print run of 10,000 leaflets, which would be held at the cemeteries and crematoria offices and distributed direct to Members, One Stop Shops, libraries etc and to the public and other agencies on request.

This would cost approximately £800-£1000. As there are no specific resources to cover this expenditure, but with prudent housekeeping, the cost could be contained within existing budgets.

### 4.0 Conclusions and Recommendations

4.1 That the Cabinet Member for Corporate Services is requested to consider the original Notice of Motion and;

to endorse the Overview and Scrutiny Recommendation, 'not to agree the introduction of a 2 year 'payment by installment plan for the purchase of grave plots by Sefton residents'.

4.2 note the contents and intention to publish an information leaflet on pre arranging funeral payments, an in light of the spending freeze, to consider whether to publish the leaflet at no cost or in a printed form at a cost of £800-£1000 4.3 As this is a matter for Cabinet, refer the above decisions to Cabinet to inform their deliberation.

### **ANNEX 1**

**REPORT TO:** OVERVIEW AND SCRUTINY COMMITTEE

**CORPORATE SERVICES** 

CABINET MEMBER FOR CORPORATE

SERVICES AND CABINET

**DATE:** 1/09/2009 O&S

16/9/2009 CMCS 1/10/2009 Cabinet

SUBJECT: Notice Of Motion- Purchase of Grave plots

WARDS AFFECTED: All Wards

**REPORT OF:** Paul Edwards, Finance & Information Services

Director Graham Bayliss, Leisure Director and

**CONTACT OFFICER:** Diane Proffitt –Accountant 0151 934 4311, John

Proffitt - Head of Cemeteries and Crematoria -

01704 533443

**EXEMPT/CONFIDENTIAL:** NO

### **PURPOSE/SUMMARY:**

To respond to the request by the Council to investigate the issues associated with the introduction of a 'payment by instalment plan, by which grave plots can be purchased by residents, spread over a 2 year period.

### **REASON WHY DECISION REQUIRED:**

The report has been requested by full Council, so that members can decide whether to introduce 'a payments by instalment plan for burial plots' proposed by Councillor Jones' Notice of Motion (6<sup>th</sup> May 2009).

# **RECOMMENDATION(S):**

1. Overview and Scrutiny (Performance and Corporate Services):

- a Considers the implications of implementing a pre purchase agreement for burial plots by instalments and whether by introducing the system it wishes to extend the Council's debt recovery by up to £250,000.
- b. In consideration of recommendation (a) it agrees and recommends to the Cabinet Member for Corporate Services that a scheme is/ is not introduced for all Sefton residents to purchasing graves on instalments
- 2. Cabinet Member for Corporate Services
  - a. Considers the Overview and Scruting Recommendation
  - b. Recommends to Cabinet that the Scheme is / is not introduced for Sefton Residents
- 3. Cabinet
  - a. Considers the recommendations from Overview and Scrutiny and the Cabinet Member for Corporate Resources
  - b. Considers whether or not to introduce a scheme to allow Pre Purchase of Graves to be made on an instalment plan basis.

**KEY DECISION**: No

FORWARD PLAN: Yes

**IMPLEMENTATION DATE:** Following the Call in period

### **ALTERNATIVE OPTIONS:**

Not to introduce an agreement

### **IMPLICATIONS:**

### **Budget/Policy Framework:**

**Financial** There are likely to be some additional

administration costs borne by the Council's Debt Recovery service, which is now provided by Arvato. Any costs will be subject to negotiation

between Arvato and the Council.

Introduction of a payment by instalments plan for this type of payment in the worst case could see the Council Debt increase by up to £250,000 per annum based upon current purchases. With any debt the Council would expect that there would be an element of non-payment and based upon current experience this could be 10% or £25k based on the worst case of £250,000. There may also be a small cost as a consequence of the delayed cashflow to the Council, although this may be offset by an increase in the number of grave plot purchases.

There is currently no budget to cover the cost of any non-payment or administration cost.

Financial:	2009/	2010/	2011/	2012/
CAPITAL EXPENDITURE	2010 £	2011 £	2012 £	2013 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
REVENUE IMPLICATIONS				
Gross Increase in Revenue	Upto			
Expenditure	£25k			
	p.a.			
Funded by:				
Sefton funded Resources	Upto			
	£25k			
	p.a.			
Funded from External Resources				
Does the External Funding have an expi	ry date?			1
How will the service be funded post expi	ry?			

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A legally binding agreement would need to be

drawn up

**Risk Assessment:** The risk of none payment of debt is increased

and could be anything up to £250,000

Asset Management: None

### **CONSULTATION UNDERTAKEN/VIEWS**

**FD...107 - .** The Finance and Information Services Director has been consulted and his comments have been incorporated into this report.

The views of the Leisure Services Department and Legal Department have been considered within this report, along with officers in the Finance Department's Client Unit and Financial Management Division.

# **CORPORATE OBJECTIVE MONITORING:**

Corporate Objective		Positive Impact	Neutral Impact	Negative Impact
1	Creating a Learning Community		<b>✓</b>	
2	Creating Safe Communities		<b>√</b>	
3	Jobs and Prosperity		<b>√</b>	
4	Improving Health and Well-Being		<b>√</b>	
5	Environmental Sustainability		<b>✓</b>	
6	Creating Inclusive Communities	<b>✓</b>		
7	Improving the Quality of Council Services and Strengthening local Democracy		<b>✓</b>	
8	Children and Young People		<b>√</b>	

# LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

**Bereavement Benefits** 

 $\underline{\text{http://www.jobcentreplus.gov.uk/JCP/stellent/groups/jcp/documents/websiteconten}}\\ \underline{\text{t/dev } 016113.pdf}$ 

### 2. BACKGROUND

- 1.1 At full Council on the 6<sup>th</sup> May 2009 Cllr Jones tabled the following motion
  - (1) That in order to assist Sefton residents, with limited financial means to purchase grave plots (currently costing £618), this Council requests the Cabinet to agree to the establishment of a 'payment by instalments plan' by which grave plots can be purchased by residents in affordable stages, subject to the Council being satisfied that any remaining outstanding balance due would be met from the deceased's estate."
- 1.2 Council resolved that the motion be referred to the Overview and Scrutiny Committee and the Cabinet Member prior to consideration by the Cabinet.
- 1.3 Further discussions with Councillor Jones, clarified that
  - (a) he was looking for the introduction of a two year, staged payment agreement for the purchase of grave plots, on an interest free instalment basis, to assist families on low income.
  - (b) The introduction of the agreement should be subject to the Council being satisfied that the applicant is able to pay.
- 1.4 The Council do already provide an option for pre purchasing graves, known as a pre purchase which involves the applicant purchasing the grave for a one off payment.

# 2. FINANCIAL ASSISTANCE CURRENTLY AVAILABLE FOR SEFTON RESIDENTS

3.3 Financial support is already provided by the Department of Work and Pensions for Sefton's residents on low income, this in the form of a Social Fund and Bereavement Benefits.

**Social Fund**: Providing that the partner \* of the deceased is in receipt of one or more of the following benefits. (\*The term 'partner' is used here to mean a person you are married to, or person you live with as if you are married to them, or a civil partner, or person you live with as if you are civil)

- income Support
- income-based Jobseeker's Allowance
- income-related Employment and Support Allowance
- Pension Credit
- Housing Benefit
- Council Tax Benefit (or the Council Tax payer where you live gets a Second Adult Rebate because you are on a low income)

- Working Tax Credit which includes a disability or severe disability element
- Child Tax Credit at a rate higher than the family element

# The Social Fund will provide:

- The cost of the Cremation or Burial (£451.50 and £493.00 respectively for Sefton Residents
- Plus £700.00 towards the cost of the funeral arrangements e.g. coffin, hearse grave plots
- 2.2 <u>Bereavement Benefits</u>- For those people who are not in receipt of benefits but have paid national insurance contributions, the Department of Work and Pensions also administer the Bereavement Benefits Fund, (which replaced the widow's benefit) and provides a grant of up to £2,000.00 towards funeral costs upon application by the deceased's partner\*

# 3. IMPLICATIONS OF PROVIDING ADDITIONAL SUPPORT FOR SEFTON RESIDENTS

- 3.1 In principal a 'payments by instalment plan' could be introduced. However, debt recovery from the deceased estate, if the applicant dies before full payment is made, would be difficult and would therefore rely on the deceased's family/executor being willing and able to pay any outstanding debt.
- 3.2 Experience from other Council Services show that it is not feasible to means test people to ascertain financial means or to ask what is potentially in a will in order that any outstanding fees may be cleared. Also wills can be changed at any time and it is generally very difficult to obtain payment from deceased estates. One possibility could be to only give the "rights to the plot" over to the family when it was paid for. However, the person could have died before this has happened and then the Council would have to make arrangements with the deceased family at a traumatic time.
- 3.3 The current procedure is that the Funeral Directors pay fees due to the Council on behalf of the family. If the Family default on their payments to the Funeral Director, then they take legal action against the family. If the Funeral Directors defaults on payment to the Council, initially credit facilities would be removed and a payment schedule would be agreed and failing this legal action for the debt recovery would be taken against the Funeral Director.
- 3.4 There are approximately 400 graves plots sold per year. If this system of payment by instalments was introduced it would mean that the Council could have to recover £250,000 per year over a two year period (based on 400 plots at £618 each). This assumes that every applicant chooses this option, which is likely as the funeral directors would be keen to promote this and pass the debt to the Council. Thus burdening the Council with a £250,000 debt, which it currently does not have.

- 3.5 The Council would potentially be going from a situation where we recover monies from Funeral Director's, with safeguards in place regarding bad debt, to a situation of having a potential debt of thousands of pounds. Which could have repercussions for increasing the bad debt provision.
- 3.6 The problem of bad debt, would need to be considered carefully. Say for example, that the purchase was started by the deceased, who had been paying using an income on a monthly basis, once they die, the income ceases. Repaying the remaining debt would fall to their executor or next of kin who may be unwilling or unable to pay. Recovering this debt from the deceased's estate may be difficult or indeed impossible and the Council would then potentially have to write the debt off. Experience with managing debts suggest that it would be prudent to expect that the cost to the Council of non-payment could be as high as 10% of the debt or £25k based on the worst case of £250,000 per annum.
- 3.7 A second example might be if the deceased's Executor had requested a payment by instalment plan on the day that they are buried. If the Executor then defaulted on this payment the Council would have to take legal action against the Executor for the debt recovery. Once granted there is no option of removing the 'right of burial' from the Executor irrespective of whether they have paid or not.
- 3.8 Overview and Scrutiny should also consider that all other Service's e.g Cremations (£451.50) are paid for by Funeral Directors and the introduction of an instalment arrangement may in the future have to be extended to include this, resulting in a increase in debt recovery of over £1 million.
- 3.9 In addition to the comments made above, the administration of such a system would largely fall on the Council's Debt Recovery service, which is now provided by Arvato under contract with the Council. As such, this additional service is not included in the current Contract, and whether this could be managed within the existing contract payment to Arvato will depend upon the level of extra work that this proposal will create. Any costs will be subject to negotiation between Arvato and the Council and are not quantified at present. In addition, some extra work would fall on the Council's Legal Department in finalising legal agreements with individual clients wishing to buy grave plots, and on the Leisure Services staff who would have to administer the agreements. However it is not considered that it would cost either department significantly more to operate the scheme.

### 4 Conclusion

- 4.1 There is substantial financial assistance already available towards the cost of grave plots for families on low income, which is provided by the Department of Work and Pensions.
- 4.2 If Cabinet are minded to introduced an instalment arrangement, careful consideration would need to be given as to how to deal with families who are unable or unwilling to pay the remainder of the debt, particularly if the initial agreement was with the deceased.

- 4.3 Additional cost of administering this would need to be included in any agreement including the cost of debt recovery and interest on the loan.
- 4.4 Cabinet should also note that the introduction of a payment by instalments agreement could potential see the Council having to recover up to £250,000 over a two year period and may lead to requests to extend this to other payments increasing the potential debt to over £1million.

### 5 Recommendations

- 1. Overview and Scrutiny (Performance and Corporate Services):
  - a Considers the implications of implementing a pre purchase agreement for burial plots by instalments and whether by introducing the system it wishes to extend the Council's debt recovery by up to £250,000.
  - b. In consideration of recommendation (a) it agrees and recommends to the Cabinet Member for Corporate Services that a scheme is/ is not introduced for all Sefton residents to purchasing graves on instalments
- 2. Cabinet Member for Corporate Services
  - a. Considers the Overview and Scrutiny Recommendation
  - b. Recommends to Cabinet that the Scheme is / is not introduced for Sefton Residents

### 3. Cabinet

- a. Considers the recommendations from Overview and Scrutiny and the Cabinet Member for Corporate Resources
- b. Considers whether or not to introduce a scheme to allow Pre Purchase of Graves to be made on an instalment plan basis.

### **Annex 2 LEAFLET**

### **ARRANGING AND PAYING FOR A FUNERAL IN ADVANCE**

It can be difficult enough coping with the loss of a loved one without worrying about the funeral arrangements and the cost. Some families choose to plan ahead and prearrange their funerals.

The following advice is provide for your information and contains a series of links and telephone numbers to sources of information, which should assist you with decision making and planning.

# Who normally pays for a funeral?

Normally the cost of a funeral is paid for from the estate of the person who has died - that is, their bank accounts, property and possessions etc. Or if the deceased had an insurance policy this may also cover the costs.

If you are in receipt of benefit or have paid National Insurance, assistance may be available via the 'Social Fund', or Bereavement Benefits, which is administered by the Department of Work and Pensions and can be discussed at your local job centre.

However, you may also like to plan for the future and make your own arrangements to ensure that you and your family receive the type of funeral you wish for, and in this respect making provision via a prepaid plan or savings may be preferable.

## What are Prepaid funeral plans?

Some people choose pay for their funeral in advance through a pre-purchase funeral plan.

This is a type of insurance policy, which you make payments into until such time as it is required..

There are a number of companies who provide this type of service including funeral directors, insurance companies and other large organisations.

Equally you could also pay this money into a savings account and make your own arrangements.

# Advice on Arranging a Prepaid Plan

If you're thinking of buying a prepaid funeral plan, as with any purchase, <u>it's worth shopping around</u>. Please ensure you find as much out about the plan as possible e.g. what will happen to your plan if you move house, or if you die before payments are complete.

You should also ensure that you ask what services <u>will and won't</u> be included in the purchase price. For example some pre-paid funeral plans only cover the cost of a basic funeral, e.g. the cars personnel and coffin and any extra services or items e.g. grave plots grave digging or cremation fees, may need to be paid for separately by the person arranging the funeral so make sure you ask as these items can be expensive.

If as part of your funeral arrangements you decide that burial would be your preferred option, and you do not already own a grave, then the cost of pre purchasing may also be able to be include this in your purchase costs.

Alternatively graves can be pre purchase direct from the Council for a one off payment.

# Where would I find more information?

The internet is a good place to start and the following websites offer advice on funerals. If you do not have a computer access to the internet can be arranged at your local library.

www.direct.gov.uk www.bereavementadvice.org www.mariecurie.org.uk/. www.ageconcern.org.uk

**N.B.** Other information is available if you search online.

If you do not have access to the internet, the following organisations may be able to help.

Bereavement Advice 0800 634 9494 Marie Currie 020 7599 7777 Age Concern 020 8765 7200

Alternatively you may wish to speak to your local funeral director or insurance provider.

**Please note**: the information in this leaflet is provided to assist your decision making. It is not exhaustive and you should discuss the matter with your financial and legal advisors. The listing of any particular organisation is not a recommendation by the Council or any product or service that they may provide.

### Annex 3

