

2 November 2015

Policy, Finance and Resources Committee

Proof of Life Certificate

Report of: *Chris Leslie, Finance Director*

Wards Affected: *N/A*

This report is: *Public*

1. Executive Summary

- 1.1 Members are asked to determine the future provision of the Council's Proof of Life Certification service. The options are to continue provision of the service for free, charge for the service or cease the service.

2. Recommendation

- 2.1 That a charge of £25 for the provision of a proof of life certification service is approved.**

3. Introduction and Background

- 3.1 A Proof of Life Certificate is a way in which a beneficiary must prove they are alive to continue receiving a pension. This usually affects pensioners receiving a pension from abroad and is required annually.
- 3.2 The Council is under no obligation to provide this service but currently does so free of charge. Alternative providers are available in the private sector and potentially through the embassy of the Country concerned.
- 3.3 In September 2014 the Council stopped providing the service due to concerns around Solicitors Regulation Authority rules. Details of alternative providers were made available to people requesting the service. However due to the cost and inconvenience of using alternative providers the Council still experienced demand for the service.
- 3.4 Due to the demand from residents the service resumed again in September 2015 to allow Members to make an informed decision as to

the future of the service. The previous legal issues have been resolved and the service is currently performed free of charge as before.

4. Issue, Options and Analysis of Options

4.1 The Council has no obligation to provide a proof of life certification service and alternative providers are available. However due to cost factors and convenience the Council is well positioned to offer the service.

4.2 Existing statutory powers allow the Council to charge for providing a proof of life certificate and given this Members are asked to consider three options:

4.3 Option 1 – Provide the Service for Free

Currently the service is provided for free with costs spread over Council Tax payers rather than service users.

4.4 Option 2 – Charge for the Service

Service users would pay for the cost of providing the service. A charge of £25 is advised as reasonable to cover all associated costs. This compares to some Notaries who charge £50.

4.5 Option 3 – Stop the Service

There is no obligation for the Council to provide the service and the service could be stopped allowing resources to be made available for other activities.

5. Reasons for Recommendation

5.1 These recommendations have been made so Members have the opportunity to decide on the future provision of a Council service.

6. References to Corporate Plan

6.1 The report is in line with the Council's priority of being a Modern Council. It seeks to look at the services the Council offers while making sure taxpayers money is spent wisely and having regard to entrepreneurial aspirations.

7. Implications

Financial Implications

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- 7.1 Based on past demand it is estimated that 24 people a year would use the service. With a charge of £25 each this would provide additional income of £600.
- 7.2 The revenue generated could potentially be increased by raising awareness of the service.

Legal Implications

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- 7.3 There is no specific obligation on the part of a local authority to provide this service, which is carried out by a Notary Public or staff at the Embassy of the Country concerned. The Local Government (Overseas Assistance) Act 1993 enables a local authority as defined, which would include Brentwood, to provide advice and assistance as respects any matter in which they have skill and experience to a body engaged outside the United Kingdom in the carrying on of the activities of local government. There are regulations which allow charging at the discretion of the Local Authority having regard to the cost: Statutory Instrument No 1978 of 1996 refers. There is no need for any consent from the Secretary of State: Statutory Instrument No 2840 of 2008 refers. The service could be entrusted to Proper Officers for the purpose of Section 234 Local Government Act 1972. It is important to note that a free or low cost service carries responsibilities which may not be insured.

8. Background Papers

None.

9. Appendices to this report.

None.

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