

Bereavement Services - Legal Structures and Arrangements

Briefing Paper



Purpose of briefing

This briefing contains further details to support the Cabinet Decision to create a new service delivery model for bereavement services provided by the Council. The model involves the creation of new legal structures and arrangements for the service which are designed to achieve the primary objective of securing the operation of bereavement services for the city that are high quality, provide sufficient capacity to meet demand and are for the public benefit.

This briefing will provide detail on the reason for the recommended decision, how this aligns with the corporate plan, the alternatives considered, any financial, legal and risk management implications and the proposal legal structures and arrangements themselves.

Reason

The Council continues to face and therefore to embrace external challenges to its finances and increasing demand for its services. At the same time the development of the sector in which the Bereavement Service operates means there is a need to improve quality and capacity to ensure the city can meet customer expectations and predicted future demands.

The purpose of this report is to allow the Council to take advantage of the technical solutions available to it by creating a new service delivery model for the Bereavement Service that address its specific challenges, meet the service's objectives and where possible enhance the green estate and public health objectives of the Council.

Specialist legal and tax advice has set out a solution that will be compliant, tax efficient and benefit from reduced operating costs. The solution will also provide the ability to secure external funding and donations to further enhance the provision, the green estate and public health objectives as well as opening opportunities to explore ways to support families struggling with funeral costs either directly or through partners.

Corporate Plan

The Council continues to *spend money wisely* by finding flexible and innovative approaches to the challenges it faces. Some solutions, of which this is one, are about optimal technical legal and finance structures which enable the Council to deliver more and better whilst also ensuring best value for customers and the citizens of Plymouth. Technical solutions of this nature have no negative implications for service delivery to the customer and instead provide greater efficiency and open up other opportunities for public benefit.

Adopting a strategic forward thinking approach will also ensure legal structures are set up to adapt, flex and ensure scalable solutions.

Creating a sustainable model for the service will safeguard future delivery for the bereaved as well as contributing to Council's Growing City priority of being a *green, sustainable city that cares for the environment* i.e. ensuring the continued care and maintenance of the expanding cemetery and closed churchyard estate.

Alternatives considered

Detailed analysis by specialist legal and tax advisors determined two alternative options and after consideration of all relevant known underlying facts and the relevant legal and tax constraints as applied to those facts one solution is being proposed.

Implications for financial, legal and risk management

There are no material risks associated with the creation of the legal structures and arrangements proposed. Specialist professional advisors have been engaged to ensure all appropriate measures and mechanisms are used to mitigate identified risks.

Legal structures and arrangements

It is proposed in broad terms to set up an independent non-profit legal entity. This would be a company limited by guarantee with charitable status (the “**Charity**”).

The charitable objects (aims and objectives) of the Charity can be designed to focus on public amenities (cemeteries and crematoria), health and environmental protection. The charitable objects will be determined as part of the implementation work and it is clear that there are a range of well-established charitable purposes of relevance to the pursuit of the delivery of bereavement services and the wider green estate and public health objectives of the Council.

The Council will be a Member of the Charity.

The Council will define the skill sets required of the Trustee Directors of the Charity.

The Council will appoint all Trustee Directors of the Charity (and appoint replacements on rotation) consistently with the required skill sets.

Council Officers can be appointed Trustee Directors.

The Council family of companies will provide relevant lease arrangements of assets.

The Council family of companies will provide relevant services on a VAT free basis.

The Council will supply employees providing bereavement services.