

Southend-on-Sea-Borough Council Public Health Act Funeral Policy

Public Health Funerals - The Law

Section 46 of the Public Health (Control of Disease) Act 1984 obliges Southend-on-Sea Borough Council to cause to be buried or cremated the body of a person who died or was found dead in the Borough, where no other arrangements have been or are being made. This legislation allows the Council to recover all their costs incurred in making the funeral arrangements from the estate of the deceased (i.e. their property and possessions).

The legislation does not require the local authority to make funeral arrangements but rather to dispose of a dead body by burial or cremation to protect public health.

How the Council undertakes this role

Where the deceased, has died within the boundary of Southend-on-Sea Borough Council, and there is no one willing or able to arrange the funeral, the Council will make the necessary arrangements. Referrals are received from a number of sources, including the Coroner, hospitals and directly from members of the public. The Council will seek to recover their expenses from the deceased's estate.

Those receiving certain benefits may be entitled to a funeral payment from the Social Fund. If a claim for assistance is rejected by the Social Fund, an application for a public health funeral can be made to the local authority. Evidence of their application for assistance may be required and the Council will then make the necessary arrangements and fund the funeral.

Southend-on-Sea Borough Council will not take on this responsibility if funeral arrangements have already been made, or if the funeral has already taken place.

The Council will try to find a will so that the wishes of the deceased can be respected. The Council will make reasonable efforts to contact the executor of a will, and to find family members. It is expected that if there is an executor or a family member, they would make their own arrangements for the funeral. If the executor wishes to revoke their duties and /or the family members are unable or unwilling to arrange the funeral the Council will make the funeral arrangements. A formal declaration will be required from the relevant parties that they wish the Council to make the funeral arrangements, and that they understand that costs, where available, will be recovered from the deceased's estate.

The Council is able to use assets, belonging to the deceased, to reimburse themselves for all incurred costs and expenses. The costs include the time spent trying to contact family members, dealing with the person's effects and arranging the funeral.

Where the deceased had any ownership of a property the Council will put a charge on the property so that costs can be reclaimed when the property is eventually sold. Where there are any remaining funds from the estate, in excess of £500 after the funeral has been arranged and paid, these funds must be sent to the Government's Legal Department as 'bona vacantia' assets for the Crown.

Organisation of the funeral

The Council will register the death if the next of kin is unable to do so, make arrangements with a funeral director, and pay for the funeral. A cremation service will normally be held at Southend Crematorium, unless it is established that the deceased would have chosen burial for religious, cultural or personal reasons. A check of the Council's burial records is made to see if the deceased owned a grave in the Sutton Road Cemetery and there is room for them to be buried in it. If a burial is required and the deceased did not own a grave, burial will take place in an unmarked public grave in the Sutton Road Cemetery.

The Council's funeral directors will arrange for a coffin, transport of the deceased to the Crematorium or Cemetery and transfer of the coffin to the chapel. The time of the funeral is decided by the local authority. The funeral director will arrange for a minister of religion, representative of the faith of the deceased or a civil funeral celebrant to lead a short simple service, where people are able to be involved with and attend the service. The next of kin, as advised by the family members or as determined by a genealogist, can take the ashes if they wish to. No flowers are included within the cost for the funeral.

Following the cremation, the cremated remains will be interred in the Gardens of Remembrance at Sutton Road Crematorium, two weeks after the service. Family members are able to attend this if they wish to do so. In exceptional circumstances, cremated remains may be given into the care of a close family member or friend with permission of the next of kin.

During emergencies, epidemics or pandemics the Council will follow guidance and principles directed by Government and Public Health organisations, and may deviate from this policy.