

The New Burdens Doctrine

In England a new burden is:

“any policy or initiative which increases the cost of providing local authority services. This includes duties, powers, or any other changes which may place an expectation on local authorities, including new guidance. In some cases, a new burden may arise as a result of a transfer of function.”

The key definition of a New Burden in England is a change that could lead to an increase on council tax, if it was not additionally funded by central government.

The guidance stresses that the NBD in England only applies where central government requires or exhorts authorities to do something new or additional. Action to ensure that they adequately fulfil a role for which they are already funded is not a New Burden.

Wales and Scotland also have initiatives in place to fund new burdens in different ways.

Key Principles of a New Burdens Doctrine for NI

One clear set of rules/guidance for NI.

New Burdens funding provisions should be included in any transfer of powers legislation.

There should be an identifiable department in the lead.

The department lead should be responsible for securing the resources needed to fund the net additional cost falling on local authorities, and for making any necessary resource transfer.

Discussion should take place in relation to how and when resources are transferred to local government.

A review and evaluation process should be a compulsory feature of a new burdens’ regime in Northern Ireland both in relation to the adequacy of funding and the application of the NBD generally.

Potential New Burdens and any linked assessments should be flagged up by DfC or other Departments.

The review and evaluation process should capture data that can be shared across departments and with councils.

The NBD should include a clear requirement to consult throughout the new burdens’ assessment process with both the council and NILGA.

The NBD should include timescales within which new burdens assessments should be completed and any grant awarded paid with the ability to extend this in only exceptional

circumstances. This will enable councils to ensure their needs are prioritised including at times when Government may have different priorities.

Key Stages – Flow Chart

