



New burden assessment pro forma

In advance of discussions with others, or as part of these discussions, the lead department should complete the pro forma below (this can be tailored to the specific policy where appropriate but should cover the same information). As highlighted in the guidance, these issues should be discussed with Communities and Local Government at the earliest possible stage, and the pro forma can be revised as the assessment is taken forward. The signed off pro forma should be sent to Communities and Local Government.

★ If this is a first assessment, departments must complete these fields to provide a sufficient level of reassurance that the requirements of the Cabinet are being met. The remaining fields must then be completed when policy is more developed. Section 20 requires departments to state when a full assessment will be completed.

Details of the proposal	
1. ★ Name of lead department.	Government Equalities Office, Department for Culture, Media and Sport
2. ★ Working level contact in lead department (includes telephone number and e-mail address).	Clayton Smith, Government Equalities Office Department for Culture, Media and Sport 4th Floor, 100 Parliament Street, London, SW1A 2BQ E-mail: [REDACTED] Telephone: [REDACTED]
3. ★ Name of policy/duty/expectation.	Marriage (Same Sex Couples) Act 2013 – implementation.
4. ★ Description of the policy objective.	<p>The main policy objectives are:-</p> <ul style="list-style-type: none"> - To extend marriage under the law of England and Wales to same sex couples. - To enable couples who have registered a civil partnership to convert their civil partnership into marriage.

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	<ul style="list-style-type: none"> - To enable married transsexual individuals to change their legal gender (by obtaining a full Gender Recognition Certificate (GRC)) without the need to first end their marriage.
<p>5. ★ Stage proposal is at (e.g. initial draft, consultation document, Cabinet clearance, etc.). If first draft, please state when update will be submitted.</p>	<p>The Act received Royal Assent on 17 July 2013.</p> <p>http://www.legislation.gov.uk/ukpga/2013/30/contents/enacted</p> <p>The Act now needs to be implemented to enable same sex couples to marry.</p>
<p>6. ★ Brief expected timeline of the forthcoming key stages, including committee clearance.</p>	<p>The Government has announced that the first same sex weddings (following the standard 15 day notice period) can take place from 29 March 2014. Deathbed marriages and those qualifying for a waiver of the notice period will be possible from 13 March 2014.</p>
<p>7. ★ What the proposal requires local authorities to do, and how this differs from what they are doing now. If there is no difference, why is the new power/duty/ expectation being made?</p>	<p>The extension of marriage to same sex couples will require those who conduct civil marriages, ie registrars (who are formally employed by local authorities but who work according to guidance and procedures set out by the General Register Office (GRO)), to familiarise themselves with any changes in procedure compared with marriages of opposite sex couples. It is part of the normal job of a registrar to keep up to date with any legislative or procedural changes. The GRO does not currently envisage any major procedural changes; and has confirmed that the work of registrars is exclusively related to births, marriages and deaths ie they do not otherwise perform local authority-related tasks.</p>
<p>8. ★ Expected date the policy impacts on local authorities. If implementation is to be phased in, please give estimated dates for each phase.</p>	<p>There is a phase approach to implementation:</p> <ul style="list-style-type: none"> - Marriages of same sex couples from March 2014. - Marriages of same sex couples in consulates and military bases overseas, and in military chapels, from June 2014. - Conversion of civil partnerships into marriages before the end of 2014. - Married transsexual individuals able to change their legal gender without the need to first end their marriage before the end of 2014.

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<p>9. Is an impact assessment being completed? If this shows that the policy impacts on the private sector in the same way with no disproportionate impact on local authorities, contact the Communities and Local Government New Burdens Team to confirm that the new burdens rules do not apply in this case - this does not mean there are no local government finance matters that might need to be addressed.</p>	<p>An impact assessment of the Act has been completed:- https://www.gov.uk/government/publications/marriage-same-sex-couples-bill</p> <p>The Regulatory Policy Committee (RPC) confirmed that the extension of marriage to same sex couples is a low cost regulatory measure and that "costs to business are negligible", being less than £1million total across the economy - to private sector businesses if they wished voluntarily to adjust IT systems to distinguish between customers/ employees in marriages of same sex and opposite sex couples.</p> <p>The impact assessment shows that the proposal may create small one-off costs for some local authorities, relating to the registering of marriages of same sex couples.</p>
<p>Estimated costs/savings</p>	
<p>10. Has the proposal been appraised in accordance with HM Treasury <i>Green Book</i> principles? What was the outcome of the appraisal?</p>	<p>Yes. Appraisal and evaluation of the policy has been carried out in line with <i>Green Book</i> requirements, and a robust impact assessment has been developed to ensure consistency and transparency.</p> <p>The RPC has confirmed that the extension of marriage to same sex couples is a low cost regulatory measure.</p>
<p>11. Best estimate of reasonable costs and savings involved for local authorities for each individual year. Please give breakdown by financial year and state whether costs are revenue or capital.</p>	<p>No ongoing costs, because future marriages of same sex couples and conversions of civil partnerships will take place on a fee-charging cost recovery basis – as is the case for current civil marriage ceremonies and civil partnership registrations.</p>
<p>(a) Overall additional total costs to local authorities for each year.</p>	<p>There will be some one-off costs of familiarisation – the time needed by registrars to update themselves on any/minor changes to procedures, for example reading guidance, desk training or e-learning. The impact assessment estimates these at £190,000 to £670,000 in the first year for registrars in England and Wales. The upper limit assumes 7 hours "familiarisation" per registrar; the lower limit assumes 2 hours. GRO have indicated that they do not consider there will be many procedural changes.</p>

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	<p>As of April 2012, there are a total of 455 local authorities in England and Wales. There are 433 in England and 22 in Wales.</p> <p>Thus the maximum amount available to local authorities in England is £637,605 (CLG just cover England), and the maximum amount available to local authorities in Wales is £32,395.</p> <p>In practice, the direct cost of “familiarisation” to local authorities is difficult to quantify. This is because:</p> <ul style="list-style-type: none"> (a) there are no “opportunity costs” for local authorities as a result of registrars familiarising themselves with procedural changes, because registrars do not do non-registrar work. (b) the “familiarisation” process could take various forms. <p>There will be no costs to local authorities of producing training manuals or guidance. The GRO will provide these.</p> <p>Any familiarisation or training would need to take place before marriages of same sex couples become lawful in March 2014.</p> <p>If a local authority is able to provide evidence of actual costs arising (for example, as a result of organising/funding formal training), funding is available during 2013/14, up to £670,000 (in total for England and Wales). In practice and for fairness, we would restrict the amount payable to a maximum of £1,472 per local authority by splitting the maximum available funding equally between the 455 local authorities in England and Wales.</p>
<p>i. Element attributable to 'one off' implementation costs.</p>	<p>“Familiarisation costs” are basically costs of staff time which could have been spent on other tasks – “opportunity costs”. Since registrars do not do non-registrar work, any such “opportunity costs” are unlikely to impact on other functions of local authorities.</p> <p>On the basis of discussions with the GRO, we assume that it will take between 2 and 7 hours to</p>

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	<p>fully understand all of the changes to the law, marriage process and records systems. The large range reflects the potential complexity of the processes indicated in GRO's initial assessment. . However, GRO now indicate that there are likely to be only minor changes in procedure compared with procedures for marriages of opposite sex couples. Therefore, we expect any costs to be towards the lower end of the range.</p> <p>We estimate the average wage (median gross pay excluding overtime) for a registrar to be £17.60 per hour. This is based on data from the Annual Survey of Hours and Earnings 2011, published by the ONS. In line with guidance issued by the Department of Business, Innovation and Skills (BIS), we also add non-labour costs of 21% to give an hourly cost of £21.30.</p> <p>Multiplied by the number of registrars, and by the estimated number of hours (2 or 7), this results in one off familiarisation costs for registrars in England and Wales of between £190,000 and £670,000. The proportion of this that is relevant to all local authorities in England is £180,183 to £637,605 based on the number of local authorities in England, and £9,817 to £32,395 based on the number of local authorities in Wales. However, we would not anticipate that all local authorities will require this funding.</p>
ii. Recurring costs element (for the first 3 years).	None. There is no evidence to suggest that there will be a demand for marriage from same sex couples who would not otherwise have chosen to enter a civil partnership.
(b) Estimated specific and identified savings for each year - these must be additional to the annual savings authorities are expected to make and their treatment consistent with the appropriate HM Treasury guidance on efficiency.	None.
(c) What are the direct and indirect impacts on local authorities pay and pensions costs?	We do not expect there to be any material impact on local authorities' pay and pensions costs
(d) Overall estimate of the Net	None.

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Additional Cost (costs-savings) to local authorities for each year.	
Discussion with authorities	
12. ★ What discussions have taken place with local authority associations, e.g. with the LGA or LC? If there is no planned contact with local authorities through representative bodies, please explain why.	There is ongoing dialogue between GRO and locally-based representatives of the registration service in order to plan for the changes. At key points GRO issues communications to the whole of the registration service to ensure they are updated on plans.
13. Give a brief description of the authorities' views, particularly on costs and financing (note: there is no obligation to agree final finance assessments with them).	Birmingham, Newcastle and West Sussex local authorities all responded to the 2012 consultation on equal marriage, and supported the Government's proposals. They did not raise any concerns about possible local authority / registrar costs. (The responses can be provided if required.)
Providing the resources	
14. ★ If there are net additional costs, has the lead department identified where the funding for this new burden is coming from and agreed to fully fund them? Please give details.	The Government Equalities Office in DCMS will provide funding to cover the actual direct costs of registrars familiarising themselves with the new arrangements prior to the first same sex weddings, providing the local authority makes an evidence-based claim based on 'actual costs' in accordance with maximum costs set out above.
15. What costing evidence/analysis do you have/are you going to undertake to demonstrate that the funding is sufficient, and when will you be providing this?	The costings are based on GRO estimates and information (cleared by the GEO Chief Economist) provided in the impact assessment for the Marriage (Same Sex Couples) Act 2013.
16. If costs are to be met by charging, do these cover the full net additional costs, and do authorities have the freedom to determine the fee levels consistent with recovering reasonable costs?	No ongoing costs because future marriages of same sex couples and conversions of civil partnerships will take place on a fee-charging cost recovery basis.
17. If your assessment is that the proposal will result in no additional costs being placed on local authorities, how will you ensure that this is the case?	N/A
DCLG New Burdens Team Sign Off	

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18. ★ Have you shared your assessment with the New Burdens Team?	Yes.
Departmental Finance Director Sign Off	
19. ★ Please state if this is a first or a final assessment of your proposal. If first please indicate when a final assessment will be submitted.	<p>Initial assessment.</p> <p>We will provide a final assessment if/when local authorities come forward with evidence of actual costs that can be funded by DCMS.</p>
20. ★ Certification that the estimated net additional costs falling on local authorities has been assessed in accordance with the guidance on new burdens and that this will be fully funded. That to the best of finance director's knowledge the estimates are a true and fair assessment of the net additional costs falling on authorities. Confirmation that their department is aware that if the proposed policy or initiative is implemented, there may be an independent post-implementation scrutiny carried out (paid for from within their department's existing resources) and that under or over-payments of grant revealed by the scrutiny may inform future decisions on funding.	<p>Signed:</p> <p>Name: Samantha Foley</p> <p>Date: November 2013</p> <p>Telephone Number: [REDACTED]</p> <p>Address: Department for Culture, Media and Sport 4th Floor, 100 Parliament Street, London SW1A 2BQ</p>

Please send the form to the relevant Communities and Local Government contact.

For completion by the DCLG New Burdens Team:

Date received: Reference number:

