

# THE HIGHLAND COUNCIL

Resources Committee  
15<sup>th</sup> April 2009

Agenda Item	
Report No	

## Legal Fees

### Report by Assistant Chief Executive

#### Summary

As the fees chargeable by the Legal Services have not been reviewed for over ten years, it is prudent for these to be reviewed now, to bring them up to date and to ensure that standard fees are charged for similar work across the Highland Council area.

#### 1. Introduction

- 1.1 This paper specifies the minimum fees to be charged by the Council's Legal Services for various aspects of their work.

The level of fees charged has not been reviewed in over ten years and no longer reflects the cost of the work done.

However should any transaction be particularly complex or lengthy, a reasonable uplift in fees will be applied, according to circumstances. Similarly, where the work carried out has not merited the full fee, consideration will be given to reflecting that a modification of the fee.

Once approved, the table of charges will be applied by all Council solicitors throughout the Highland area.

- 1.2 The fees have been reviewed in comparison with the price range of charges made by other local authorities in Scotland, from information gathered by the Society of Local Authority Lawyers and Administrators in Scotland.
- 1.3 The fees represent reasonable remuneration for the time spent by Council solicitors on transactions.

#### 2. Proposed new table of Charges:-

		Former charges— based on figures from HQ and Areas	Proposed new charges-
1	Creation of Securities		
	(a) House Purchase/Home Improvement Loan.	ACT	£350

	(b) Clawback Securities	ACT	£350
<b>2</b>	<b>Standard Securities – Discharge etc.</b>		
	(a) Discharges	£35	£100
	(b) Further Advances	ACT	£100
	(c) Deed of Postponement (Revising)	ACT	£100
	(f) Letters to Lenders and admin fee	ACT	£100
<b>3</b>	<b>Leases –</b>		
	(a) Landlord's Fees	£75-£130	£350
	(b) Assignment	£125-£150	£150
	(c) Rent Reviews	£75	£150
	(d) Termination of Lease where Renunciation is required	£75	£100
	(e) Formal Memorandum	ACT	£150
	(f) Consent to Sub – Lease	£125	£150
	(h) Landlord's Consent /Confirmation Letter	ACT	£150
<b>4</b>	<b>Minute of Waiver</b>	£100-£150	£250
<b>5</b>	<b>Deed of Servitude /Wayleave</b>	£150	£350
<b>6</b>	<b>Conveyance of Ground and Property</b>	£200-£300	£350
<b>7</b>	<b>Sale of Additional Garden Ground</b>	£100-£300	£350
<b>8</b>	<b>S75 Agreements</b>		
	(a) Creation	£250-£300	£500
	(b) Discharge /Relaxation	£75-100	£120

<b>9</b>	<b>Lending of Prior Writs</b>	£35	£50
<b>10</b>	<b>Resiling from Council House Missives at request of Purchasers</b>	ACT	£50
<b>11</b>	<b>Copy of Plan</b>	ACT	£25
<b>12</b>	<b>Discharges of Charging Orders</b>	ACT	£100
<b>13</b>	<b>Site Licence to Occupy</b>	ACT	£150
<b>14</b>	<b>Contract of Excambion</b>	ACT	£500

Notes:

ACT— according to circumstances

The fees proposed above are the minimum fees and may be subject to an uplift, according to circumstances.

### **Recommendation**

That the Resources Committee:

- a) approve the proposed new minimum fees effective from 30<sup>th</sup> April 2009
- b) grant delegated authority to the Head of Legal & Democratic Services to increase these minimum fees in future years in line with inflation.

Signature:

Designation: Leslie Johnstone, Head of Legal & Democratic Services

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Date: 25th March 2009