



**Armagh City
Banbridge
& Craigavon**
Borough Council

Legal Fees Policy

April 2024

ARMAGH CITY, BANBRIDGE AND CRAIGAVON BOROUGH COUNCIL

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AMENDMENT RECORD SHEET

Remove and destroy old pages. Insert new pages as indicated.

Revision Number	Page Number	Date Revised	Description of Revision

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1. INTRODUCTION

Armagh City, Banbridge and Craigavon Borough Council introduced an in-house legal function in March 2019 which deals broadly with the following practice areas:

1. Planning and Regulatory,
2. Land and Property,
3. Commercial, and
4. Public Law.

The Council's Legal Services Team (LST) regularly advises on transactions where the Council is purely reacting to the requirements of a third party, and the transaction is largely for their benefit, for example in land and property transactions and in relation to planning agreements under section 76 of the Planning Act (NI) 2011. In addition, should the transaction be particularly complex or of a specialist nature, the LST (should the specialism or capacity not be held in-house) may arrange for specialist external legal advice to be obtained (to advise on the third party transaction).

Section 79 of the Local Government Act (NI) 2014 (the "General Power of Competence") gives councils the power to do anything that individuals may do unless there is a law to prevent it from doing so. Under the General Power of Competence, the Council is able to charge third parties legal fees for time incurred (and any expenditure) on their transactions by the Council.

This Policy sets out the Council's framework for charging third parties in these circumstances.

This Policy relates to charging for LST time and any expenditure incurred in relation to the following types of transactions involving third parties:

1. Land
2. Property
3. Planning Agreements

However, where the third party is a charity, community group or not for profit entity no fee will be charged to them.

2. PURPOSE

The purpose of this Policy is to set out the Council's approach to charging fees to third parties and to provide a list of the applicable fees to be applied (Appendix 1)

3. LEGAL FEES

The legal fees that will be charged by the Council are listed at Appendix 1 (the “Legal Fees”).

For the avoidance of doubt, the Legal Fees are in addition to any monies paid by the third party to the Council for i.e. the acquisition of land.

The Council reserves the right, at its discretion, to apply the hourly rate listed in Appendix 1 to a transaction instead of the relevant fixed fee set out in Appendix 1. An hourly rate may be applied to a transaction if the LST deems that it is appropriate having regard to (but not limited to) the complexity, value, risk, volume of work estimated to be involved, by the Council, with the transaction.

Where Legal Fees will be charged on an hourly basis, an approximate fee estimate (for the total to be charged) will be provided to the third party at the beginning of the transaction. The estimate provided will be the minimum level and may be increased subject to the complexity/volume of work involved with the transaction.

Should external legal advisers be instructed by the Council to advise on a transaction, due to its complexity or specialist nature, the Council may also recover the fees of the external legal advisers from the third party. An approximate fee estimate (for the total to be charged) will be provided to the third party at the beginning of the transaction. The estimate provided will be the minimum level and may be increased subject to the complexity/volume of work involved with the transaction.

4. LEGAL FEES REVIEW

The Legal Fees listed in Appendix 1 shall be subject to review on an annual basis by the LST and any uplift will be approved by Council via the Governance, Resources & Strategy Committee.

5. PAYMENT OF LEGAL FEES

The third party shall agree, at the beginning of any transaction, to pay the Council’s reasonable legal costs (as provided for under this Policy) incurred in the transaction.

The legal costs payable by a third party shall be paid to the Council prior to completion of the transaction. The Council shall issue the third party with an invoice for payment. The Council reserves the right to withhold issuing any legal documentation to the third party should payment of legal costs not be made when reasonably requested.

Appendix 1 - Legal Fees

Transaction	Detail	Legal Fee
Freehold disposals	Sale Price up to £500k, 1% of Sale Price, Min £1500	£1500.00
	Sale Price over £500k, 2% of Sale Price, Min £1500	£1500.00
	Sale Price under £10k	£550.00
	Sale Price over £10k, 1% of Sale Price, min £1000	£1,000.00
	Sale of freehold reversion	£550.00
Leases	Leases	£1,000.00
	Agreement preceding lease	£1,000.00
	Surrenders - simple	£750.00
	Surrenders - complex	£1,000.00
	Licence to Assign	£750.00
	Licence for Tenant works	£750.00
	Licence to sub-let	£750.00
Licence Agreement	Temporary use of land	£750.00
Deeds	Release or rectification of covenant	£750.00
	Easement	£750.00
	Variation	£750.00
Wayleaves	Wayleaves	£350.00
Planning Agreements	Planning Agreements	£1,000.00
Hourly Rate	Solicitors	£200.00

Appendix 2 - Equality Screening Form

Policy Scoping

Policy Title:

Brief Description of Policy (please attach copy if available). Please state if it is a new, existing or amended policy.

The Council may charge third parties, who transact with Council in respect of matters involving land, property and planning agreements, for the time incurred by the Council's legal team on that transaction or time incurred by an external legal adviser(s) (instructed by the Council to advise on a transaction). The re-charging of legal fees is to assist with protecting department budgets and the rate payer base.

Intended aims/outcomes. What is the policy trying to achieve?

- Compliance with Northern Ireland Audit Office recommendations.
- Compliance with local government legislation.
- Protecting department budgets and officer time and resources.
- Seeking best value for the rate payer.

Policy Framework

Has the policy been developed in response to statutory requirements, legal advice or on the basis of any other professional advice? Does this affect the discretion available to The Council to amend the policy?

- Compliance with Northern Ireland Audit Office recommendations.
- Compliance with local government legislation.

Are there any Section 75 categories which might be expected to benefit from the policy? If so, please outline.

The policy is intended to benefit all customers regardless of equality group they fall within.

Who initiated or wrote the policy (if The Council decision, please state). Who is responsible for implementing the policy?

Who initiated or wrote the policy?	Legal, Governance and Monitoring Officer (Armagh City, Banbridge and Craigavon Borough Council).
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Who is responsible for implementation?	The Legal Services Team
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Are there any factors which might contribute to or detract from the implementation of the policy (e.g. financial, legislative, other)?

No

Main stakeholders in relation to the policy

Please list main stakeholders affected by the policy (e.g. staff, customers, other statutory bodies, community or voluntary sector, private sector)

Staff and third parties.

Are there any other policies with a bearing on this policy? If so, please identify them and how they impact on this policy.

Disposal & Acquisition Policy

Available Evidence

The Council should ensure that its screening decisions are informed by relevant data. What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories. For up to date [S75 Borough Statistics](#)

Section 75 category	Evidence
Religious belief	N/A
Political opinion	N/A
Racial group	N/A
Age	N/A
Marital status	N/A
Sexual orientation	N/A
Men and women generally	N/A
Disability	N/A
Dependants	N/A

Needs, experiences and priorities

Taking into account the information gathered above, what are the different needs, experiences and priorities of each of the following categories in relation to this particular policy/decision?

Section 75 category	Needs, experiences and priorities
Religious belief	N/A
Political opinion	N/A
Racial group	N/A
Age	N/A
Marital status	N/A
Sexual orientation	N/A
Men and women generally	N/A
Disability	N/A
Dependants	N/A

Screening Questions

1. What is the likely impact on equality of opportunity for those affected by this policy for each of the Section 75 categories?

Category	Policy Impact	Level of impact (Major/minor/none)
Religious belief	None	None
Political opinion	None	None
Racial group	None	None
Age	None	None
Marital status	None	None
Sexual orientation	None	None
Men and women generally	None	None
Disability	None	None
Dependants	None	None

2. Are there opportunities to better promote equality of opportunity for people within the Section 75 categories?

Category	If yes, provide details	If no, provide reasons
Religious belief	No	The policy has been written with in compliance with recommendations made by the Northern Ireland Audit Office and local government legislation. It

		does not have a specific impact on any equality category.
Political opinion	No	As above
Racial group	No	As above
Age	No	As above
Marital status	No	As above
Sexual orientation	No	As above
Men and women generally	No	As above
Disability	No	As above
Dependants	No	As above

3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion, or racial group?

Category	Details of Policy Impact	Level of impact (major/minor/none)
Religious belief	None	None
Political opinion	None	None
Racial group	None	None

4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

Category	If yes, provide details	If no, provide reasons
Religious belief		The policy has been written with in compliance with recommendations made by the Northern Ireland Audit Office and local government legislation. It does not have a specific impact on any equality category.
Political opinion		As above
Racial group		As above

Multiple Identity

Generally speaking, people fall into more than one Section 75 category (for example: disabled minority ethnic people; disabled women; young Protestant men; young lesbian, gay and bisexual people). Provide details of data on the impact of the policy on people with multiple identities. Specify relevant s75 categories concerned.

N/A

Disability Discrimination (NI) Order 2006

Is there an opportunity for the policy to promote positive attitudes towards disabled people?

No

Is there an opportunity for the policy to encourage participation by disabled people in public life?

No

Screening Decision

A: NO IMPACT IDENTIFIED ON ANY CATEGORY – EQIA UNNECESSARY

Please identify reasons for this below

The Council may charge third parties, who transact with Council in respect of matters involving land, property and planning agreements, for the time incurred by the Council’s legal team on that transaction or time incurred by an external legal adviser(s) (instructed by the Council to advise on a transaction). The re-charging of legal fees is to assist with protecting department budgets and the rate payer base. The policy has no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

B: MINOR IMPACT IDENTIFIED – EQIA NOT CONSIDERED NECESSARY AS IMPACT CAN BE ELIMINATED OR MITIGATED

Where the impact is likely to be minor, you should consider if the policy can be mitigated, or an alternative policy introduced. If so, an EQIA may not be considered necessary. You must indicate the reasons for this decision below, together with details of measures to mitigate the adverse impact or the alternative policy proposed.

C: MAJOR IMPACT IDENTIFIED – EQIA REQUIRED

If the decision is to conduct an equality impact assessment, please provide details of the reasons.

Timetabling and Prioritising

If the policy has been screened in for equality impact assessment, please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3 with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Policy Criterion

Rating (1-3)

Effect on equality of opportunity and good relations
Social need
Effect on people’s daily lives

The total rating score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the Council in timetabling its EQIAs.

Is the policy affected by timetables established by other relevant public authorities? If yes, please give details.

Monitoring

Effective monitoring will help the authority identify any future adverse impact arising from the policy. It is recommended that where a policy has been amended or an alternative policy introduced to mitigate adverse impact, monitoring be undertaken on a broader basis to identify any impact (positive or adverse).

Further information on monitoring is available in the Equality Commission’s guidance on monitoring (www.equalityni.org).

Identify how the impact of the policy is to be monitored

Further changes may be required to the policy should legislation change.

Approval and Authorisation

A copy of the screening form for each policy screened should be signed off by the senior manager responsible for that policy. The screening recommendation should be reported to the relevant Committee/The Council when the policy is submitted for approval.

Screened by	Position/Job title	Date
Kate McCusker	Legal, Compliance & Monitoring Officer	06/02/2025
Approved by	Position/Job Title	Date
Martina McNulty	Head of Department: Strategy & Performance	06/02/2025

Please forward a copy of the completed policy and form to:

equality@armaghbanbridgecraigavon.gov.uk

who will ensure these are made available on the Council's website.

The above officer is also responsible for issuing reports on a quarterly basis on those policies "screened out for EQIA". This allows stakeholders who disagree with this recommendation to submit their views. In the event of any stakeholder disagreeing with the decision to screen out any policy, the screening exercise will be reviewed.

Appendix 3 - Rural Needs Impact Assessment (RNIA)

SECTION 1

Defining the activity subject to Section 1(1) of the Rural Needs Act (NI) 2016

1A. Name of Public Authority: Armagh City, Banbridge & Craigavon Borough The Council

1B. Please provide a short title which describes the activity being undertaken by the Public Authority that is subject to Section 1(1) of the Rural Needs Act (NI) 2016.

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1C Please indicate which category the activity specified in Section 1B above relates to:

Developing a Policy

Adopting a

Implementing a

Revising a

Designing a Public Service

Delivering a Public Service

1D. Please provide the official title (if any) of the Policy, Strategy, Plan or Public Service document or initiative relating to the category indicated in Section 1C above

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1E. Please provide details of the aims and/or objectives of the Policy, Strategy, Plan or Public Service

The re-charging of legal fees is to assist with protecting department budgets and the rate payer base.

1F. What definition of 'rural' is the Public Authority using in respect of the Policy, Strategy, Plan or Public Service?

Population Settlements of less than 5,000 (Default definition)

Other Definition (Provide details and the rationale below)

A definition of 'rural' is not applicable

Details of alternative definition of 'rural' used

Rational for using alternative definition of 'rural'.

Reasons why a definition of 'rural' is not applicable.

This is a technical policy and not intended to impact on people in rural areas.

SECTION 2

Understanding the impact of the Policy, Strategy, Plan or Public Service

2A. Is the Policy, Strategy, Plan or Public Service likely to impact on people in rural areas?

Yes No If response is No go to 2E

2B. Please explain how the Policy, Strategy, Plan or Public Service is likely to impact on people in rural areas.

2C. If the Policy, Strategy, Plan or Public Service is likely to impact on people in rural areas *differently* from people in urban areas, please explain how it is likely to impact on people in rural areas differently.

2D. Please indicate which of the following rural policy areas the Policy, Strategy, Plan or Public Service is likely to primarily impact on.

- Rural Businesses
- Rural Tourism
- Rural Housing
- Jobs or Employment in Rural Areas
- Education or Training in Rural Areas
- Broadband or Mobile Communications in Rural Areas
- Transport Services or Infrastructure in Rural Areas
- Health or Social Care Services in Rural Areas
- Poverty in Rural Areas
- Deprivation in Rural Areas

- Rural Crime or Community Safety
- Rural Development
- Agri-Environment
- Other (Please state)

If the response to Section 2A was YES GO TO Section 3A.

2E. Please explain why the Policy, Strategy, Plan or Public Service is NOT likely to impact on people in rural areas.

This is a technical policy written to ensure compliance with statutory requirements and good practice. It is not intended to impact on people in rural areas.

SECTION 3
Identifying the Social and Economic Needs of Persons in Rural Areas

3A. Has the Public Authority taken steps to identify the social and economic needs of people in rural areas that are relevant to the Policy, Strategy, Plan or Public Service?

Yes No If response is No go to 3E

3B. Please indicate which of the following methods or information sources were used by the Public Authority to identify the social and economic needs of people in rural areas.

- Consultation with Rural Stakeholders
- Consultation with Other organisations
- Published Statistics
- Research Papers
- Surveys or Questionnaires
- Other Publications
- Other Methods or Information Sources (include details in Question 3C below)

3C. Please provide details of the methods and information sources used to identify the social and economic needs of people in rural areas including relevant dates, names of organisations, titles of publications, website references, details of surveys or consultations undertaken etc.

3D. Please provide details of the social and economic needs of people in rural areas which have been identified by the Public Authority?

If the response to Section 3A was YES GO TO Section 4A.

3E. Please explain why no steps were taken by the Public Authority to identify the social and economic needs of people in rural areas?

This is a technical policy written to ensure compliance with statutory requirements and good practice. It is not intended to impact on people in rural areas.

SECTION 4
Considering the Social and Economic Needs of Persons in Rural Areas

4A. Please provide details of the issues considered in relation to the social and economic needs of people in rural areas.

N/A

SECTION 5
Influencing the Policy, Strategy, Plan or Public Service

5A. Has the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or delivery of the Public Service, been influenced by the rural needs identified?

Yes No If response is No go to 5C

5B. Please explain how the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or delivery of the Public Service, has been influenced by the rural needs identified.

If the response to Section 5A was YES go to 6A.

5C. Please explain why the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or the delivery of the Public Service, has NOT been influenced by the rural needs identified.

This is a technical policy written to ensure compliance with statutory requirements and good practice. It is not intended to impact on people in rural areas.

SECTION 6
Documenting and Recording

6A. Please tick below to confirm that the RNIA Template will be retained by the Public Authority and relevant information on the Section 1 activity compiled in accordance with paragraph 6.7 of the guidance.

I confirm that the RNIA Template will be retained, and relevant information compiled.

Rural Needs Impact Assessment undertaken by: Kate McCusker

Position: Legal, Governance & Monitoring Officer
Department / Directorate: Monitoring Office – Strategy & Performance

Signature: *Kate McCusker*

Date: 06/02/2024

Rural Needs Impact Assessment approved by: Martina McNulty
Position: Head of Dept: Strategy & Performance
Department / Directorate: Strategy & Performance

Signature: *Martina McNulty*

Date: 06/02/2024