

## FEES RELATING TO PROPERTY & LEGAL SERVICES

<b>1. Commercial Land / Property Transactions</b>			
	<b>Transaction/activity</b>	<b>Recommended Fee - Property/Surveyors</b>	<b>Recommended Fee - Legal/Solicitor</b>
1.1	Freehold Transfer / Sale (marketed) (Minimum value £4,000 <sup>1</sup> )	Each party to bear own costs	Each party to bear own costs.
1.2	Freehold Transfer / Sale (off-market / special purchaser) (Minimum value £4,000)	1% of greater of market value or agreed price subject to minimum fee £750	Simple transfers of land under £1000: £750 For all other transfers by agreement with Legal Services or £100 per hour.
1.3	New Commercial Lease (marketed)	Each party to bear own costs	Each party to bear own costs.
1.4	New Commercial Lease (off-market / special purchaser)	10% of greater of greater of market rent / agreed rent or 1% of market value / agreed premium depending on lease type. Subject to minimum fee £750	By agreement with Legal Services or £100 per hour.
1.5	Supplemental Lease / Short Form Lease or Licence	£500	£750
1.6	Renewal of lease on same terms (using the same precedent lease as the tenant's existing lease with no drafting changes (changes to rent, dates etc included).  Note: Costs on renewal can only be charged where the lease is contracted out or where a lease is not contracted out but a represented tenant has agreed to pay costs	£500	£500
1.7	Deed of Release / Deed of Variation or Rectification / Deed of Covenant	£500	£500
1.8	Licence to Assign / Underlet / Change Use / Alter	£500  Note: + 50% additional charge if more than one element – e.g. to assign and alter would be stated fee x 1.5.	Licence to Assign: £300 minimum  Licence to Assign with AGA/GAGA/with guarantor: £500 minimum
1.9	Surrender of Lease / other legal document.	£500  Note: In the case of a surrender and renewal only 50% fee to be charged on surrender and full new lease fee.	£500
1.10	Registration of Assignment, Underletting or Charge (unless fee otherwise stated in lease)	N/A	£40
1.11	Tenancy at Will	£250	£300 minimum

<sup>1</sup> Minimum sale price - if we receive a request to purchase land, the value of which is less than £4,000 then the minimum sale price of £4,000 will apply, plus any other fees and costs linked to that transaction.

1.12	Licence to Occupy / Temporary Access Licence e.g. for works access etc	£500	£500
1.13	Authorised Guarantee Agreement / Other form of Guarantee	£250	
1.14	Rent Deposit Agreement	N/A	£300
1.15	Nomination Agreement	N/A	£300
1.16	Easement / Wayleave / Substation Agreement	Case by case – minimum fee £500 then hourly rate, total capped at £1,500 depending on complexity. Discretion to waive if delivering infrastructure for a Council project.	Simple documents: £750  For all other documents by agreement with Legal Services or £100 per hour.
1.17	Preparation and service of Notices of default (e.g. s.146)	Case by Case – minimum fee £250 then hourly rate.	£300
1.18	Schedule of dilapidations	Case by case	N/A
1.19	Agreement for Lease / Option Agreement	Minimum fee £500 – case by case, hourly rate applied and capped at £10,000.  If off-market, all Council costs to be underwritten.	Simple Agreement: £750  For all other Agreements by agreement with Legal Services or £100 per hour.
<b>2. Right to Buy matters</b>		<b>Property</b>	<b>Legal</b>
2.1	Vacation of mortgage/removal of registered charge including sending deeds to borrower's solicitors	N/A	N/A
2.2	Registration of charge (including deferred charges)	N/A	N/A
2.3	Notice of Assignment	N/A	N/A
2.4	Deed of Variation / Rectification	£250 - £500 depending on complexity.	£350 for Deed of Variation
<b>3. Beach Huts</b>		<b>Property</b>	<b>Legal</b>
3.1	Consent to assign		£25
3.2	Notice of assignment for registration of an assignment or a grant of probate of letters of administration		£40
3.3	Granting new lease		£350
<b>4. S106 Agreements</b>		<b>Property</b>	<b>Legal</b>
4.1	S106 agreements and unilateral undertakings	N/A	£500 minimum 3 or more obligations: £1,500 – £2,500 Large sites: £4,000 - £6,000
<b>5. Other / Disbursements</b>		<b>Property</b>	<b>Legal</b>
5.1	Copy documents (non FOI) - certified	n/a	£50 minimum
5.2	Document recovery charge (if documents held in off site storage)	£10 per box required	At cost
5.3	Provision of soft copy documents where they are already held electronically	No charge	£25
5.4	Local and Environmental Searches	N/A	At cost quoted unless unduly complex

5.5	Land Registry Documents	At cost	At cost
5.6	Advertising	At cost + £25	At cost + £25
5.7	Third party costs (e.g. independent valuation, counsel fees, technical reports needed)	At cost quoted  Note, additional time cost may be incurred if procurement other than single-source is required.	At cost quoted  Note, additional time cost may be incurred if procurement other than single-source is required.

#### 6. Time charges as applicable / if required.

Title	Descriptor (indicative)	Hourly Rate - Property	Legal
Director / Head of Service	Director / Service Lead 10+ years Post Qualification Experience	£150	£150
Team Leader / Senior Surveyor /	Team Leader / Manager	£125	£125
Surveyor / Solicitor/Legal Exec (8 years plus PQE)	Experienced Surveyor / Solicitor / Legal Executive 8 years Post Qualification Experience	£100	£100
Surveyor/ Solicitor/Legal Exec	0-7 years Post Qualification Experience	£85	£85
Graduate Surveyor / Trainee Legal Exec/Trainee Solicitor		£60	£60
Paralegal		£45	£45

#### Notes:

All above fees and charges to be inflated inline with the annually agreed fees and charges and rounded to the nearest £5.

Payments: [insert section on MySouthend once set up]

The holding, letting and management of property is not a statutory service and as such, subject to the terms of any relevant legal agreements, the Council will, where possible and reasonable, seek to recover the costs of dealing with any property transactions or other matters.

Minimum sale price - if we receive a request to purchase land, the value of which is less than £4,000 then the minimum sale price of £4,000 will apply, plus any other fees and costs linked to that transaction. Note: This minimum figure would not necessarily apply to Statutory Valuations (i.e. Leasehold Enfranchisement).

The Council is permitted to recover costs in applying the general charging (cost recovery) provisions contained in Section 93 of the Local Government Act 2003 and/or Sections 1 and 3 of the Localism Act 2011 whereby the Council can seek to recover costs for discretionary services where the person who receives the service has agreed to its provision. Discretionary services are those services that the Council has the power but not a duty to provide.

The fee scale sets out broad guidelines for the charging of fees and where possible the Council will work within these guidelines. However, fees will be considered in the context of the anticipated work involved and the Council reserves the right to levy a bespoke fee structure for particular transactions where appropriate, including where charitable, community or third sector organisations or similar are involved.

VAT is payable on the fees at the prevailing rate (currently 20%). VAT will be charged on all surveying and legal fees, disbursements and third part costs where they themselves are subject to VAT.

Disbursements will be charged at cost in addition to any other fees and depending on the circumstances, the surveyor may require these to be paid on account or covered by a solicitor's undertaking in advance of incurring expenditure. Disbursements are out of pocket expenses which are (or are to be) incurred to a third party as a necessary expense while dealing with a transaction or enquiry. Examples of disbursements include the cost involved in procuring services/documents such as searches, land registry documents, specific surveys, credit referencing, CHAPS payment fees (same day electronic transfer of funds fees), placing public notices, other costs or third-party fees.

**ENDS**