Integrated Impact Assessment (IIA)

Stage 1 Scoping and Assessing for Relevance

Section 1 Details of the Proposal

A. Title of Proposal: Increase of Legal Services Fees

B. What is it? A revised Policy/Strategy/Practice

C. Description of the proposal: Legal Fees for Planning and Property transactions are being increased following a benchmarking exercise with other local authority and to more closely reflect the complexity and solicitor time for each transaction

D. Service Area: Legal Services

Department: Corporate Governance

E. Lead Officer: Sellar, Gillian

F. Other Officers/Partners involved: (List names, job titles and organisations)

G. Date IIA completed: 05/02/2026

Section 2 Will there be any impacts as a result of the relationship between this proposal and other policies?

No

If yes, - please state here

Section 3 Legislative Requirements

3.1 Which groups of people do you think will be or potentially could be, impacted by the implementation of this proposal?
(You should consider employees, clients, customers / service users, and any other relevant groups).

In considering the impact of your proposal on people with equality characteristics, you should take into account the fact that the Equality Act 2010 covers:

A. **Elimination of discrimination (both direct & indirect), victimisation and harassment.** (Will the proposal discriminate? Or help eliminate discrimination?)
B. **Promotion of equality of opportunity?** (Will your proposal help or hinder the Council with this)
C. **Fostering good relations?** (Will your proposal help to foster or encourage good relations between those who have different equality characteristics?)

Protected Characteristics:

Please describe the potential impacts, and how any negative impacts could be mitigated. Some negative impacts may not be capable of mitigation, but the proposal as a whole may still be regarded as a proportionate means of achieving its outcomes.

Age: Older or younger people or a specific age grouping

05/02/2026 The proposal will impact on individuals and corporate bodies that are either purchasing property from the Council or and entering into planning agreements in connection with developments

Disability: A physical or mental impairment that has a substantial and long term adverse effect on a person's ability to carry out normal day to day activities. This may be visible or invisible, progressive or recurring.

Sex: Women and men (girls and boys)

Gender Reassignment: Anybody who is proposing to undergo, is undergoing, or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

Marriage or Civil Partnership: People who are married or in a civil partnership

Pregnancy and Maternity: (refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth).

Answer:

Race: including colour, nationality, ethnic origins, including minorities (e.g. gypsy travellers, refugees, migrants and asylum seekers)

Religion or Belief: different religious or philosophical beliefs, customs (including atheists and those with no aligned belief) e.g. Christianity, Islam, Hindu, pacifism, vegetarianism, gender critical.

Sexual Orientation: e.g. Lesbian, Gay, Bisexual, Heterosexual

3.2 Fairer Scotland Duty

This duty places a legal responsibility on Scottish Borders Council (SBC) to actively consider (give due regard) to how we can reduce inequalities of outcome caused by socioeconomic disadvantage when making strategic decisions.

The duty is set at a strategic level - these are the key, high level decisions that SBC will take. This would normally include strategy documents, decisions about setting priorities, allocating resources and commissioning services.

Is the proposal strategic?

Answer: No

If No go to Section 4

If Yes, Please describe the potential impacts, and how any negative impacts could be mitigated. Some negative impacts may not be capable of mitigation, but the proposal as a whole may still be regarded as a proportionate means of achieving its outcomes.

Low and/or No Wealth: enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future.

Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure and hobbies

Area Deprivation – where you live (e.g. rural areas), where you work (e.g. accessibility of transport), see rural proofing guidance

Socio-economic Background – social class i.e. parents' education, employment and income

Care experienced people

Answer:

Carers paid and unpaid including family members

Homelessness

Addictions and substance use

Those involved within the criminal justice system

3.3 Consumer Duty

This duty places a legal responsibility on Scottish Borders Council (SBC) to have regard to the matters listed below.

This applies to strategic matters so only complete this section if you have marked “Yes” in Section 3.2

How will the proposal impact on users or potential users of the service? E.g. Will the proposal affect the way in which people can access services, will it improve the range of choice accessible to service users, will it improve or hinder access to information for service users?

If there are any negative impacts, do you intend to mitigate these and, if so, how?

3.4 Armed Forces Covenant Duty (Education and Housing/ Homelessness proposals only)

This duty places a legal responsibility on Scottish Borders Council (SBC) to actively consider (give due regard) to the three matters listed below in Education and Housing/ Homelessness matters.

This relates to current and former armed forces personnel (regular or reserve) and their families.

Is the Armed Forces Covenant Duty applicable?

No

If Yes:

For each of the following Covenant Duties, You should cover these two points:

The unique obligations of, and sacrifices made by, the armed forces;

The MOD Statutory Guidance gives the following examples – Link for this can be found here: MOD Statutory Guidance

- Danger
- Geographical Mobility
- Separation from Family
- Service Law

- Unfamiliarity with Civilian Life
- Hours of Work
- Stress

How is the proposal impacted by the following principles?

If there are any negative impacts, do you intend to mitigate these and, if so, how?
Some negative impacts may not be capable of mitigation, but the proposal as a whole may still be regarded as a proportionate means of achieving its outcomes.

The principle that it is desirable to remove disadvantages arising for Service people from membership, or former membership, of the armed forces;

How is the proposal impacted by the following principles?

If there are any negative impacts, do you intend to mitigate these and, if so, how?
Some negative impacts may not be capable of mitigation, but the proposal as a whole may still be regarded as a proportionate means of achieving its outcomes.

The principle that special provision for Service people may be justified by the effects on such people of membership, or former membership, of the armed forces.

How is the proposal impacted by the following principles?

If there are any negative impacts, do you intend to mitigate these and, if so, how?
Some negative impacts may not be capable of mitigation, but the proposal as a whole may still be regarded as a proportionate means of achieving its outcomes.

3.5 UN Convention on the Rights of the Child (UNCRC)
Scottish Borders Council (SBC) has a duty not to act, or fail to act, in a manner incompatible with the requirements of the UNCRC.

This only applies to certain matters, where SBC is acting under:

- An Act of the Scottish Parliament.
- Regulations made under an Act of the Scottish Parliament.
- A general (common law) legal duty.

Is the UNCRC Duty applicable?

No

If "Yes", please complete below

If you have answered yes for any of the Articles, please specify whether it is positive, negative or neutral, the nature of the impact, as well as any mitigations put in place if the effect is negative. Some negative impacts may not be capable of mitigation, but the proposal as a whole may still be regarded as a proportionate means of achieving its outcomes.

Which of the General Principles of the UNCRC are engaged?

Non-discrimination (Article 2)

Impact:

Best interests of the child as a primary consideration (Article 3)

Impact:

Right to life, Survival and Development (Article 6)

Impact:

Right to be heard (Article 12)

Impact:

Other:

Impact:

Section 4 Full Integrated Impact Assessment Required

Select No if you have answered “No” to all of Sections 3.1 – 3.5.

No

If a full impact assessment is not required briefly explain why there are no effects and provide justification for the decision.

Not required as fee increases will apply across the board but there will be discretion regarding community and charity transactions

Signed by Lead Officer: Sellar, Gillian

Designation: Principal Solicitor

Date: 05/02/2026

Counter Signature Director: McKinlay, Nuala

Date: 06/02/2026