



**Cloch Housing Association**

# **Running a Business from Home**

<b>Policy Name</b>	Running a Business from Home
<b>Policy Category</b>	Housing Management
<b>Policy Number</b>	037
<b>Date Adopted</b>	01/12/2010
<b>Last Review</b>	01/08/2017
<b>This Review</b>	August 2022
<b>Next Review</b>	August 2025
<b>Equalities Impact Assessment Required</b>	Yes – to be done retrospectively

## **1. Introduction**

- 1.1 This Policy is intended to clarify the conditions that are required to be met by the tenant in applying to run a business from their home and the Association in permitting a tenant to run a business from their home.

## **2 Scope and Principles**

- 2.1 The Housing (Scotland) Act 2001 and the Scottish Secure Tenancy Agreement makes provision for tenants to run a business from their home with the Association's permission. The Association recognises that people may wish to work from their homes, whether on an employed basis for their employer or in running their own business as either individual, partnership or limited company because of personal, financial or health reasons.
- 2.2 However, the Association is also required to retain some measure of control over how its houses are occupied ensuring that there is a reasonable balance between the needs of tenants who wish to run a business from their homes and considering other residents in the property or surrounding area.

## **3 Aims and Objectives**

- 3.1 The primary objectives of the Running a Business from Home Policy are:
- To generally grant permission to allow a tenant to run a business from home providing that the work or business they carry out does not breach any planning laws, deeds of conditions, the tenancy agreement and is not likely to cause a nuisance or disturbance to others in the property or neighbourhood.
  - Ensuring that the Association, at all times, complies with the law and operates in accordance with good practice.
  - Ensuring that tenants meet all their statutory obligations relating to operating a business from home
  - To take action against tenants who breach planning laws, or their tenancy agreement in line with our Anti-Social Behaviour Policy.
  - Recognising and protecting the rights of the tenant
  - Ensuring that all applications to run a business from home are treated in a fair and equitable manner.
  - Ensuring that the tenant is fully aware of the expectations of the Association in terms of how the business should be run.
  - To take action against tenants if we receive justified complaints about the running of a business from their home
  - To reinforce the terms of our tenants tenancy agreements relating to the use of their home for residential purposes only.

## 4 Legal & Regulatory Context

4.1 This policy will comply with all relevant legislation and best practice guidance including:

- The Housing (Scotland) Act 2001
- The Equalities Act 2010
- The Scottish Social Housing Charter.
- The Data Protection Act 2018
- Scottish Secure Tenancy Agreement, Short Scottish Secure Tenancy Agreement and Occupancy Agreement

## 5 Key Points

5.1 The Head of Housing Services is responsible for the overall implementation of the Running a Business from Home Policy.

5.2 Any requests for running a business from home must be made in writing to the Association by using the relevant form.

5.3 The Head of Housing Services will consider all requests from residents to run a business from their home, and in their absence the Senior Housing Officer will consider requests.

5.4 Each request for permission to run a business from home will be considered on its own merits. The following examples explain what Cloch HA may or may not give permission for.

Cloch HA will **not** grant permission to run a business from home that involves:

- If the sale of any goods from the home or communal areas is likely to cause a disturbance or undue concern to neighbours.
- Repair of motor vehicles from the home or communal areas.
- Customers or clients visiting the home or communal areas in such numbers that could cause disturbance or undue concern to neighbours.
- Storage of or use of any hazardous materials.

**Please note that this list is not exhaustive.**

Cloch HA **may** grant permission to run a business from home that involves:

- Child minding services, where the tenant is registered with the local authority to run this service from within their home, provided the business is operated strictly in accordance with terms of approval issued by the local authority.
- A tradesman using their home as a base, but where equipment and materials are stored either in a “private/light goods” vehicle (a vehicle with a licensing class of ‘PLG’) or in a garage or other storage facility within the boundary of the home, but not within the home itself.
- Using part of the home as an office

**Please note that this list is not exhaustive**

5.5 Where an application to run a business from home is received, the Association may write to all residents in the close / neighbourhood to gauge their views on the proposed business being in the vicinity.

5.6 Where working or running a business from home, with or without the Association's permission that either breaches planning laws, or is the subject of justified complaints, Cloch HA will insist that the work or business is either stopped immediately or the operation is changed. If necessary, The Association may take action under the terms of the tenancy agreement to obtain possession of the home, if the issue remains unsolved.

## **6 Monitoring**

6.1 Regular monitoring will take place to ensure that the Association is granting or refusing business proposals in line with this policy. Regular reviews will take place to monitor residents who run a business from home, investigate any complaints received and agree any remedial action.

## **7 Notification of Decision**

7.1 The association will endeavour to notify the tenant of its decision regarding the application to run a business from home within one month of the completed application and *all* relevant supporting documents being received at the office. Where written notification has not been provided within one month the Association will write to the tenant with a reason for the delay in making a decision.

7.2 Where permission for running a business from home is not being given the Association will give the grounds for refusal in writing to the tenant usually within one month of the completed application being submitted.

## **8 Conditions of Consent**

8.1 Where the Association gives its permission to run a business from home, consent is given on the following conditions:

- The Association's approval is sought for any changes to the type of business, or material changes in business practice.
- That any breach of the tenancy agreement will be deemed as breaking a condition of consent and permission for running the business may be withdrawn.
- The tenant is responsible for notifying all necessary agencies and statutory bodies e.g. Planning, Council Tax, and Benefits Agency etc. that the home is being used for business purposes.
- That the tenant remains the tenant of the Association as a Scottish Secure Tenant. If the tenant terminates their tenancy, permission for the business will automatically be withdrawn.

## **9 Other Issues**

- 9.1 A tenant's entitlement to Housing Benefit/Universal Credit may be affected by the income received from any business. Housing Benefit/Universal Credit and Council Tax Charges may also be affected if part of the home is being used for business purposes. The Tenant should seek advice from an appropriate Agency on the above. The Association will advise both Housing Benefit and Council Tax offices if permission to run a business is granted.

## **10 Reporting**

- 10.1 The total number of approvals and refusals given will be reported *to the appropriate* Sub-Committee on at least an annual basis, where applications have been made. These reports will not reveal the applicant's name or address.

## **11 Appeals and Complaints**

- 11.1 Appeals or complaints against our operation of this policy will be processed through the Association's complaints handling procedure.

## **12 Review**

- 12.1 This policy will be reviewed every *five* years or as required to assess its effectiveness and to consider any changes required in the light of experience, new guidance, good practice, and legislation.

## **13 Confidentiality**

- 13.1 Under the Data Protection Act 2018 and the Human Rights Act 1998, all personal and sensitive organisational information, however received, is treated as confidential. This includes:

- anything of a personal nature that is not a matter of public record about a resident, client, applicant, staff or board member
- sensitive organisational information - officers will ensure that they only involve other agencies and share information with the consent of the tenant concerned, unless:
  - The Association is required to by law
  - The information is necessary for the protection of children or vulnerable adults

## **14 Equalities Commitment**

- 14.1 Cloch Housing Association is committed to tackling discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity; race, religion or belief, sex, or sexual orientation

14.2 In line with our commitment to equality and diversity, this document can also be provided in large print, braille, audio or other non-written format and in a variety of languages, on request.