

# **KINGDOM HOUSING ASSOCIATION LIMITED**

## **CARRY OUT A BUSINESS POLICY**

### **1.0 Statement of Intent**

- 1.1 The purpose of this policy is to outline the criteria by which Kingdom will assess any application to carry out a business from one of our properties.

### **2.0 Application to Carry Out a Business**

- 2.1 An application to carry out a business in any Kingdom property must be made in writing with all relevant details on the nature, type and extent of the business proposed to be undertaken and any aspects that may influence the assessment criteria at 3.0 below. Forms will be made available on request.
- 2.2 An acknowledgement will be sent to the applicant within 5 days of receipt by us of the written application.

### **3.0 Assessment Criteria**

- 3.1 When assessing an application the following criteria will be applied although this list is not exhaustive:
- Whether or not the property is suitable for the nature, type and extent of the business applied for.
  - Whether or not any third party liability insurance will be required.
  - Whether or not any registration is required by any statutory or professional bodies.
  - Whether or not there is a potential for any kind of nuisance or annoyance to neighbours, occupiers or residents within the locality of the property.
  - Whether or not there is likely to be any title conditions or planning implications
  - Whether or not there any health or safety issues related to the business applied for.
  - Whether or not the business will be liable for business rates.

#### **4.0 Decision on an Application**

4.1 A decision will be made by the Area Manager as to whether permission will be given to carry out a business from the property and given to the applicant in writing within 28 days of their application indicating one of the following decisions:

- Unconditional approval
- Approval with conditions
- Approval refused with reasons

4.2 Where permission is granted Kingdom will enter into a Minute of Variation of the Scottish Secure Tenancy agreement with the tenant requesting permission to run a business.

#### **5.0 Appeals Process Where Permission is Refused**

5.1 Any appeal on a decision where permission is refused must be made to the Housing Manager in the first instance. Where the Housing Manager upholds the original decision, the tenant can pursue any further grievance through the Kingdom's Complaints Procedure.

5.2 In instances where Kingdom refuses to give a tenant permission to run a business from their home the tenant has a legal right to raise a summary application in the Sheriff Court in order that the Sheriff may decide as to whether the terms of the tenancy may be varied in order to allow the running of a business.

#### **6.0 The Role of the Housing Services Department**

The recording of applications to run a business from a Kingdom property is the responsibility of the Customer Services Team. The appropriate Housing Officer is responsible for the processing of all applications to run a business

#### **7.0 Review**

This policy will be reviewed 5 years from the date of implementation, which will be the date the policy is approved by the Committee of Management or earlier if deemed appropriate.

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Policy drawn up with reference to:

Housing Scotland (2001) Act

Reference made to the following sources and other guidance:

Policy on Carrying out a Business

Prepared by: Alex McLaren

Current Policy dated: December 2002

Draft 1 Circulated to Directors for review

Policy audited by Kingdom's solicitors October 2006

Sub Committee Review of Policy 12.2.07

Presented for approval to Committee of Management on 13.3.07

Policy Approved Yes

Next review date: December 2012