



# Operating a Business from Home Policy

If you need this publication in larger print, audio form, Braille, or in another language, please contact our office and we will try to help you.



Approved: January 2019  
Next Review: January 2024



## KINGDOM HOUSING ASSOCIATION LIMITED

### OPERATING A BUSINESS FROM HOME POLICY

#### 1.0 Statement of Intent

- 1.1 We are committed to the principles of good corporate governance and sustainability and will endeavour to develop fair and consistent policies, procedures and practices.
- 1.2 The purpose of this policy is to outline the criteria by which we will assess any application to carry out a business from one of our properties which is rented on either a Scottish Secure Tenancy or a Short Scottish Secure Tenancy under the terms of the Housing (Scotland) Act 2001 (as amended by, among others, the Housing (Scotland) Act 2014).
- 1.3 In line with our commitment to equality and diversity, this policy can be made available in a variety of formats including large print, translated into another language or other media. We will make any reasonable adjustments to help you if you have a disability.

#### 2.0 Application to Carry Out a Business

- 2.1 Our Scottish Secure Tenancy and Short Scottish Secure Tenancy both contain the following provision:

*“You and anyone living with you must not run any kind of business from the house without first obtaining our written consent to same. We are not obliged to give consent following a request for same and if we give our permission we may increase your rent.”*

- 2.2 If you would like to carry out a business from any of our properties, an application must be made by you with all the relevant details on the nature, type and extent of the proposed business and any aspects that may influence the assessment criteria.
- 2.3 You can obtain an application form from our Customer Contact Team by phone, email or by using our online service “My Kingdom”.
- 2.4 We will acknowledge your application within 5 days of receiving it.
- 2.5 You must not run a business from your house until you receive our permission.

#### 3.0 Assessment Criteria

- 3.1 When assessing an application, we will apply the following criteria. (This list is not exhaustive).
- 3.2 We will take into consideration:

- 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 are likely to be any implications arising due to title conditions, Deed of Conditions, or planning permissions;
- Whether or not there are any health or safety issues related to the business applied for;
- Whether or not the business will be liable for business rates;
- The nature of the business or the activities associated with conducting the business, must not be illegal or cause any condition of the tenancy agreement to be broken;
- Whether or not any registration or consents (including planning consent and building warrant) is required by any statutory or professional bodies.

#### **4.0 Permission**

- 4.1 The Housing Officer will decide whether permission will be given to carry out a business from the property. Decisions will be approved by a Team Leader within the Housing Management Team or by a more senior member of staff where this is appropriate.
- 4.2 The decision will be given to you in writing within 28 days of making the application. If we are unable to give you a decision within this timescale, we will write to you why we are unable to reach a decision. This does not allow you to go ahead with what you have applied for without our clear consent. You will normally receive a letter from us indicating one of the following decisions:
- Unconditional approval;
  - Approval with conditions;
  - Approval refused with reasons.
- 4.3 If permission is granted for a business, we may make regular checks to make sure it does not cause a nuisance or annoyance. We need to be notified of any changes to the original business for which permission was granted.
- 4.4 We reserve the right to review permission and withdraw it should we receive justified complaints about the business and it is evident that it is causing a nuisance and annoyance within the locality.

#### **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 Management Team Leader in the first instance. In the event that the Housing Management Team Leader upholds the original decision, you can take the matter through our formal Complaints Procedure.

5.2 In instances where we refuse to give you permission to run a business from your home, you have a legal right to raise a summary application in the Sheriff Court. In this case, the Sheriff will decide whether the terms of the tenancy may be varied to allow the running of a business.

## **6.0 Monitoring and Review**

6.1 This policy will be reviewed 5 years from the date of implementation or latest review, which will be the date the policy, is approved by the Board of Management, or earlier if needed. In the event that this policy is not reviewed within the above timescale, the latest approved policy will continue to apply.

**KINGDOM HOUSING ASSOCIATION LIMITED**

**OPERATING A BUSINESS FROM HOME POLICY**

Policy drawn up with reference to:

Housing Scotland Act (2001)

Housing Scotland Act (2014)

Equalities Act (2010)

Policy on Operating a Business from Home

Prepared by: Matthew Busher, Head of Housing

Current Policy dated: March 2012

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