

RUN A BUSINESS FROM HOME POLICY

Policy Guardian:	Housing Services Director
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Data Protection compliant:	Yes
Health & Safety compliant:	Yes

1. INTRODUCTION

Guiding Standard GS1.2 requires that the Association shall have high quality written policies and procedures in place to guide our actions

- 1.1 The Association has set out in its, Tenancy Agreement at clause 2 section 2.3, that "you and anyone living with you must not run any kind of business from your property, however if you ask we may give permission, we may also increase your rent".
- 1.2 Therefore it is necessary to set out in a policy statement, to be supported by detailed procedures, the circumstances under which the Association shall give its consent to the operation of businesses within its domestic properties.

2.0 SCOPE OF THIS POLICY

The Association interprets "business purposes" to include all activities carried out for financial gain within our housing stock, including the property and the vicinity thereof gardens, car parking areas and common areas. This includes an individual event or an ongoing business venture.

2.1 Objectives of this Policy

The Association aims to:

- Provide housing developments where tenants and their households may live without undue disturbance from others.
- Ensure that tenants and their households observe the law relating to the operation of commercial activity, particularly with regard to commercial activity within a domestic setting.
- Protect its property from damage or deterioration that may arise from commercial activity
- Avoid risks that may arise from commercial activity within its housing stock.
- Observe any Title restrictions attached to land in its ownership.
- Promote social inclusion and recognises that home working may be compatible with the needs of disabled people, or families with young children.

3.0 GIVING PERMISSION TO OPERATE A BUSINESS FROM HOME.

- 3.1 The Association shall give its permission for the operation of a business from home where the information provided by a tenant who wishes to run a business from home indicates that it is compatible with the objectives listed above.
- 3.2 Tenants who make application to operate a business from home and do not receive the Association's permission to do so, or who receive permission with conditions attached which they find unsatisfactory, may use the Association's Complaints Procedure to receive further explanation of the reasons for an unsatisfactory decision, and appeal if they remain dissatisfied thereafter. If the tenant remains dissatisfied with the Association's decision not to allow them to run a business from home they have the right to make an application to the sheriff under the Housing Scotland Act 2001
- 3.3 Tenants who operate businesses from home without the Association's consent, and who persist in so doing after due notice to cease such operations, are in

breach of their conditions of tenancy and the Association may commence legal action to end their tenancy.

4. EQUAL OPPORTUNITIES STATEMENT

- 4.1 This policy complies with Servite Housing Association's Equal Opportunities Policy. The Association will ensure the promotion of equal opportunities by publishing information and documentation in different formats/languages as required. The Association will ensure that no individual is discriminated against on the grounds of sexual or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or other personal attributes, including beliefs, or opinions, such as religious beliefs or political opinion.
- 4.2 All communication with tenants or other customers will be in 'plain language' and it will be made clear who the most appropriate person is to contact in the event of a query. The Association will make appropriate arrangements for communicating with tenants and other customers who have special needs such as people with sight, hearing or learning difficulties, for example by using signers.

5. LEGAL AND REGULATORY FRAMEWORKS

5.1 LEGISLATION

The Association will ensure that the policy complies with current legislation and promotes good practice.

The legislation particularly relevant to this Policy includes:

The Data Protection Act 1998 governs the way information is obtained, recorded, stored, used and then eventually destroyed. The Association complies with all the requirements of the Act and ensures that personal data is processed fairly and lawfully, that it is used for the purpose it was intended and that only relevant information is used. The Association will ensure that information held is accurate, and where necessary kept up to date and that appropriate measures are taken that would prevent the unauthorised or unlawful use of any personal information given.

Freedom of Information Act (Scotland) Act 2002: entitles members of the public to receive information that they request from a public authority, subject to certain exemptions such as the need for the protection of personal data, commercial sensitivity or national security. Although not bound by the Freedom of Information Act (which currently does not extend to RSLs), SHA is not bound by but aims to meet the spirit of the legislation. This Act supersedes the Access to Personal Files Act 1987.

Schedule 7, Housing (Scotland) Act 2001 (Gifts or Hospitality) – when implementing the running a business from home policy, staff and Committee of Management members involved in the process must ensure that there is no conflict of interest. If there is any doubt or a conflict of interest arises, staff will liaise with their line manager and Committee of Management members will liaise with the Chairperson.

5.2 PERFORMANCE STANDARDS

The following Scottish Housing Regulator Performance Standards are particularly relevant to this Policy:

AS1.3 – we offer the most secure form of tenancy compatible with the purpose of the housing. The agreement makes clear the rights and duties of the tenant and landlord. We act to uphold these rights and duties in a fair and responsible manner.

GS1.2 – we have high-quality written policies and procedures to guide our actions.

GS1.3 - we actively strive for continuous improvement in all we do.

GS2.2 - we have published and are implementing a sound strategy for encouraging and supporting tenants, residents and service users to participate actively in all areas of our work. We support tenants who take an active interest in managing their homes.

GS3.1 – we place the people who want to use our services at the heart of our work. We treat people with respect and are responsive to their views and priorities.

5.3 GOOD PRACTICE

In preparing this policy, Servite has had regard to current best practice guidance including:

- Scottish Housing Regulator: Inspection Guidance
- SFHA Raising Standards: Governance and Accountability
- SFHA Raising Standards: Access to Information
- Chartered Institute of Housing in Scotland: Guide to Data Protection Act
- Chartered Institute of Housing in Scotland: Guide to Freedom of Information Act