

## Running a Business from Home Procedure

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<b>Related Policy:</b>		HAM01	
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<b>Approved by P&amp;PRG:</b>		July 2023	
<b>Owner:</b>	Fiona Ross	<b>Job Title:</b>	Head of Housing Services
<b>To be issued to:</b>		Ark Management Housing Staff Property Staff Health & Safety Manager	
<b>Method of Delivery:</b>		Email Policy Learnpro	

### Version Control

Date	Owner	Version	Reason for Change
July 2023	Fiona Ross	4.0	3 yearly review

### Summary of Changes

Section	Change
Heading	Changed from HM26 to HAM01g – a joint procedure with Assets as they may need to be involved in the assessment of the application and the decision making process
2.0	The Customer Services Advisor (Property & Housing) will send the application form rather than the Housing Services Officer. The Property Services Officer has been added in as may be involved in assessing the application form. Reference has also been made to the involvement of the Health & Safety Adviser if necessary.
3.2	Added to detail refusal process

3.3	Updated to include all appeal options
Appendix 3	Approval letter added
Appendix 4	Refusal letter added

# Running a Business from Home Procedure

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## 1.0 Introduction

This procedure describes how we will deal with an application from a tenant to run a business from their home.

This procedure supports the Landlord Responsibilities Procedure HAM01.

Section 2.3 of the Tenancy Agreement states that if a tenant wishes to run a business from their home they must apply to us for permission.

## 2.0 Applying for Permission

When a tenant enquires about running a business the Customer Services Advisor (Property and Housing) (CSA) will send them the Application Form (**Appendix 1**) and covering letter (**Appendix 2**).

Following receipt of the application the Housing Services officer (HSO) in conjunction with the Property Services Officer (PSO) will assess the implications of the proposed business on the tenancy and property, and the impact it may have on the immediate neighbours and the neighbourhood generally. If there are possible health and safety implications, the Health & Safety Manager will also be involved.

In particular, the HSO will assess the extent to which there may be additional noise and/or disturbance internally or externally, either as a result of the work itself or increased traffic e.g. due to deliveries.

Where the proposed business involves work with those deemed to be in 'vulnerable' groups, such as young children coming to a child minder, the applicant will have to produce satisfactory evidence that they have the required registration with the relevant statutory authority, such as the local Social Work Department, which will include confirmation that they have passed the appropriate level of 'disclosure' check.

## 3.0 Granting or Refusing Permission

### 3.1 Guidelines for Decision-making

We will normally grant permission to run a business from home unless one or more of the following apply:

- a) Carrying out the business will result in an unacceptable level of noise affecting

neighbours, either from within or immediately outside the tenant's home;

- b) Carrying out the business will result in unacceptable disturbance to immediate neighbours, e.g. because of the type of work, such as vehicle repairs, or regular movement of people or materials into and out of the property;
- c) There are health & safety issues, e.g. regarding the storage of flammable materials, and the level of risk to the household and immediate neighbours is deemed to be unacceptable;
- d) The new business will have a negative impact on one or more existing local businesses, e.g. vehicle repairs affecting the business of a local garage;
- e) Satisfactory evidence of current registration with the appropriate statutory authority has not been provided;
- f) The business activity could potentially cause damage to the tenancy or surrounding area;
- g) Carrying out the business will result in a breach of tenancy.

The Senior Housing Services Officer (SHSO) will review the application and recommendation, discussing it with the HSO, and Property Services Officer, where necessary, and will then complete the form with their decision to approve or refuse the application.

The HSO will write to the applicant with the decision within 28 days of the initial application.

### 3.2 Approval

Where the application is approved the HSO will give details of any conditions that may apply – for example will the application have to be renewed every year or two years. A copy of this letter is to be saved in the corresponding tenancy folder and the Property Services Officer will be notified of the decision.

The applicant will be sent 2 copies of the letter (**Appendix 3**) and will have to sign and return one copy to the HSO to confirm receipt and their agreement to any conditions, before they may start running the business.

### 3.3 Refusal

In the case where the application has been refused, the HSO will send out the refusal letter (**Appendix 4**) outlining the reasons why the application has not been granted. A copy of this letter is to be saved in the corresponding tenancy folder.

### 3.4 Appeals

Where the application is not approved the HSO will give the reason(s) and will advise the applicant that they may appeal against the decision and if they wish to do so they should write to the Head of Housing Services (HoHS) within 2 weeks of receiving the letter with their reason(s) for appealing. The outcome of the appeal will be sent in writing to the applicant within 28 days of receiving the appeal. If the appeal remains unsuccessful, the applicant has a right to raise a summary application in the sheriff court.

## 4.0 Implementation and Review

### 4.1 Implementation

The Head of Housing Services is responsible for ensuring that this procedure is implemented.

### 4.2 Review

The Head of Housing Services will ensure that this procedure is reviewed at least every 3 years.

## Appendix 1 - Application

### **Application - Running a Business from Home**



Name	
Address	
Phone Number	
Email	

What is the nature of the business?	
If it is an existing business, how long has it been operating from this property?	

Where within the property is the business conducted? e.g. rooms of house, garden, outbuildings	
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Are the rooms/buildings solely used for this purpose?	
When are the rooms/buildings used for this purpose?	
What days and times does the business operate?	
How many people (including you) are employed by the business?	
How many of these work at the property?	
How many of these people DO NOT live at the property?	
How many vehicles operate from the property? Please specify business/personal use.	
How many car parking spaces are there at the property?	
Is there on-street parking restrictions?	
Do customers/clients visit the premises?	Yes / No
When do customers visit the premises?	



What would be the maximum number of clients at any one time?	
Are goods delivered to the property?	
When are they delivered?	
Where are these goods stored?	
What machinery/equipment is used in relation to the business?	
What materials/ingredients are used by the business?	
Provide details of fumes, odours and noise that are caused by any works in relation to the business?	
What waste is produced by the business and how is it disposed of?	
Is there, or will there be, any signage displayed at your property (that relates to the business)?	
Have you discussed this potential business idea with any of your neighbours?	YES / NO
Please provide any further relevant information. For example, further information about the business, any adverse effects on neighbours etc	

SIGNED:

PRINT NAME:

DATE:

## Appendix 2 - Letter

Date

Name

Address

Dear \*\*\*

### APPLICATION – RUNNING A BUSINESS FROM HOME

Further to your recent enquiry about running a business from your home, I have enclosed an application form.

Please complete and return this application, ensuring that you include any relevant proof of registration or any other information you feel may assist us in making a decision.

Subject to you submitting all the necessary supporting information, we will give you a decision within 28 days of receipt of the completed application.

Please note that Ark must give you a decision BEFORE you start any business activity from the property.

If you have any further questions, please telephone me on 0131 478 \*\*\*\*

Yours sincerely,

\*\*\*NAME\*\*\*

Housing Services Officer

## Appendix 3 - Decision Letter- Approval

<date>

Name

Address

Dear \*\*\*

### APPLICATION – RUNNING A BUSINESS FROM HOME

Further to your recent application about running a business from your home, your application for \_\_\_\_\_ (insert business application was received for) has been accepted subject to the following conditions-

\*\* To contact us if there are any changes to the business

\*\* To contact us if the business ceases trading

\*\* Approval will be terminated if \_\_\_\_\_

\*\* Any date for review if required

Two copies of this letter have been sent to you. Please sign and date one copy and return it to us using the pre-paid envelope enclosed. By signing and returning the letter to us you are acknowledging that you have read the above conditions and agree to adhere to them. Approval has been granted based on the information you provided in your application form, if there are any changes to this you must contact us immediately. Please note that this must be returned to us prior to starting any business activity from the property.

If you have any further questions, please telephone me on 0131 478 \*\*\*\*

Yours sincerely,

\*\*\*NAME\*\*\*

Housing Services Officer

**I have read and understood the conditions outlined above. By signing below I am agreeing to all conditions.**

Signature \_\_\_\_\_

Print name \_\_\_\_\_

Date \_\_\_\_\_

## Appendix 4 - Decision Letter- Refusal

<date>

Name

Address

Dear \*\*\*

APPLICATION – RUNNING A BUSINESS FROM HOME

Further to your recent application about running a business from your home, your application has been refused on the following grounds-

If you wish to appeal this decision, please do so within two weeks of receipt of this letter. Your appeal should be made in writing and can be sent to either of the following:

Housing Department  
Ark Housing Association  
The Priory,  
Canaan Lane,  
Edinburgh  
EH10 4SG

Or via email to [housing@arkha.org.uk](mailto:housing@arkha.org.uk)

If you have any further questions, please telephone me on 0131 478 \*\*\*\*

Yours sincerely,

\*\*\*NAME\*\*\*

Housing Services Officer