
BUSINESS AT HOME POLICY



Scope: Reviewing and granting permission for tenants and occupiers to run a business from their home

Legislation:

Related Policies:

Author: Jennifer Platt

Approved by SMT: 7th June 2017

Approved by ET: 27th June 2017

Approved by Board:

Approved by:

Date of Next Review: 27th June 2020

1 Purpose

To provide guidance to all parties for when residents request to run a business from their home to ensure the same process is followed for every application.

- 1.1 This policy outlines the procedure of application and outcome.
- 1.2 This policy does not apply to Leaseholders or Shared Owners (See 2.4)

2 Introduction

HCA standards require us to provide choice and understand the different needs of our tenants to enable us to support them and help them sustain their tenancy. Therefore, as the landlord and in line with Chartered Institute of Housing (CIH) advice on running a business from home, our default position is to grant permission unless circumstances, as outlined below, suggest otherwise.

- 2.1 The Small Business, Enterprise and Employment Act 2015 recognises that a 'home business tenancy' may be provided whereby the tenancy meets 3 conditions:
 - A tenancy which requires the tenant/one of the tenants where joint to occupy the dwelling house as a home (whether or not as that individual's only or principal home)
 - Which permits a home business to be carried on in the dwelling house, or permits the immediate landlord to give consent for a home business to be carried out in the dwelling house (whether that be a particular home business, or a particular description of a home business or any home business)
 - A tenancy which does not permit a business other than a home business to be carried on in the dwelling house.

The Landlord and Tenant Act 1954 (Section 43ZA) defines a 'home business' as a business which might reasonably be carried on at home.

- 2.2 All tenants are initially restricted within their tenancy to use their home solely as a dwelling place and not for the use of business without the 'written consent of the Association (which shall not be unreasonably withheld)'. If permission is granted to run a business at home, then a list of reasonable conditions that must be complied with may be attached to the tenure and all other tenancy clauses must continue to be adhered to e.g. not to cause nuisance and ASB etc. Failure to comply can lead to the withdrawal of permission to run the business from home.
- 2.3 Tenants can apply to run a business from their home by filling out a Business from Home application form and following the process outlined below.
- 2.4 We are unable to offer a change of tenure to include business use of the property to leaseholders and shared owners as any changes of this nature would mean they are in breach of their lease. Leases state that leaseholders are 'not to carry on upon the demised premises or any part thereof any trade or business whatsoever.'

3 Guidance

Some things to take into account when deciding on whether a business can be run from a tenant's home are:

- working hours and their impact on neighbours and/or the community
- whether the nature of the work will negatively impact on the condition of the property e.g. storing a significant number of items within the property or outside space
- whether the nature of the work will impact negatively on or compromise the health and safety of the occupants or neighbours e.g. use of toxic chemicals and/or noisy machinery, stocking flammable products, involving numerous animals
- whether their customers will be visiting their home and if so the number and frequency of visits
- parking issues or restrictions for their own business vehicles, deliveries or visiting customers
- whether any further building is required and if the resident's plans meet requirements e.g. planning permission, environmental health check
- whether the resident has the correct insurance and certifications to run a business e.g. food hygiene, public liability insurance

3.1 Each application will be reviewed based on the information given and its individual circumstances.

3.2 Property documents will be checked for permissions to run a business including:

- Planning consent
- Transfer documents
- Mortgage
- Insurance

3.3 Housing Solutions will not change the use of a building from a private dwelling place to a place of business in any instance. Therefore, residents starting a business from home should not have to pay business rates and Housing Solutions will not then be liable to pay any remaining business rates should the property become void. However, it is the responsibility of the resident to check whether business rates apply to their business, to let Housing Solutions know that they apply and to pay them in full should they apply.

3.4 Even if the resident has attended a training course such as a start up business programme provided or endorsed by Housing Solutions, they still need to go through the same application process to run a business from their home.

3.5 If the person wishing to run a business from the property resides in the property but is not a named tenant then a named tenant must provide and sign the application and highlight within the form that they are applying on behalf of someone else within the household. The business owner's name must be provided and they must be a named occupier of the property.

3.6 If the application is accepted and the tenant granted permission to run a business from their home it needs to be highlighted within the letter of approval that the:

- permission is granted for that specific business only to ensure future businesses not in line with Housing Solutions' standards are not run from the property
- tenant cannot exhibit any business or trade sign on or around the premises

3.7 If the application is denied, the tenant may reapply once the issues of why their application was previously declined have been addressed, if this is possible. No appeals will be accepted, any issues with a decision will need to follow the formal complaints process.

3.8 Should a business already be run from a home and another resident within the home wishes to run another business, the same application process must be adhered to and the fact that a business already exists from the property will be taken into account.

3.9 Should a business be in breach of the letter of approval and/or tenancy agreement, the situation will

be investigated and legal action may be taken against the tenant.

3.10 If you are setting up your own business:

- Check with your insurance provider, to see if you need to take out extra insurance e.g. you may need to take out third party insurance if you're dealing with customers
- Contact the Valuation Office Agency (VOA) <http://www.voa.gov.uk/>, to see if you will be charged business rates. See a guide on business rates at www.businesslink.gov.uk
- Contact HM Revenue & Customs <http://www.hmrc.gov.uk/index.htm> and an accountant, to see what your income tax, VAT and Capital Gains Tax position is.
- Contact the Health & Safety Executive <http://www.hse.gov.uk/> or your local authority www.rbwm.gov.uk, to find out the health and safety aspects of running a business from home and how to do a risk assessment.
- Contact the planning department of your local authority to see whether you need planning permission for any changes you propose:
Aylesbury - <https://www.aylesburyvaldc.gov.uk/section/planning-and-building-control>
High Wycombe - <https://www.wycombe.gov.uk/browse/Planning-and-building-control/Planning-applications/Planning-applications.aspx>
Slough - <https://www.slough.gov.uk/planning-and-building-control/householder-planning-permission.aspx>
RBWM - https://www3.rbwm.gov.uk/info/200121/planning_and_development
Wokingham - <http://www.wokingham.gov.uk/planning/planning-permission/>
- Check whether the line of business which you wish to carry out requires you to adhere to licences/regulations e.g. DBS check, Ofsted registered, Food Hygiene certificate
- See www.businesslink.gov.uk for more details

4 Records

To ensure the properties with permission granted to run a business from their home can be reported on and kept up-to-date, a CRM will be raised to capture the start of the business permission at that property for the specific resident.

4.1 Tenancy audits will ensure any changes to the business use are picked up.

5 Equality & Diversity

The Group recognises the needs of a diverse population and always acts within the scope of its own Equality and Diversity Policy, the Human Rights Act 1998, and Equalities Act 2010.

6 Confidentiality

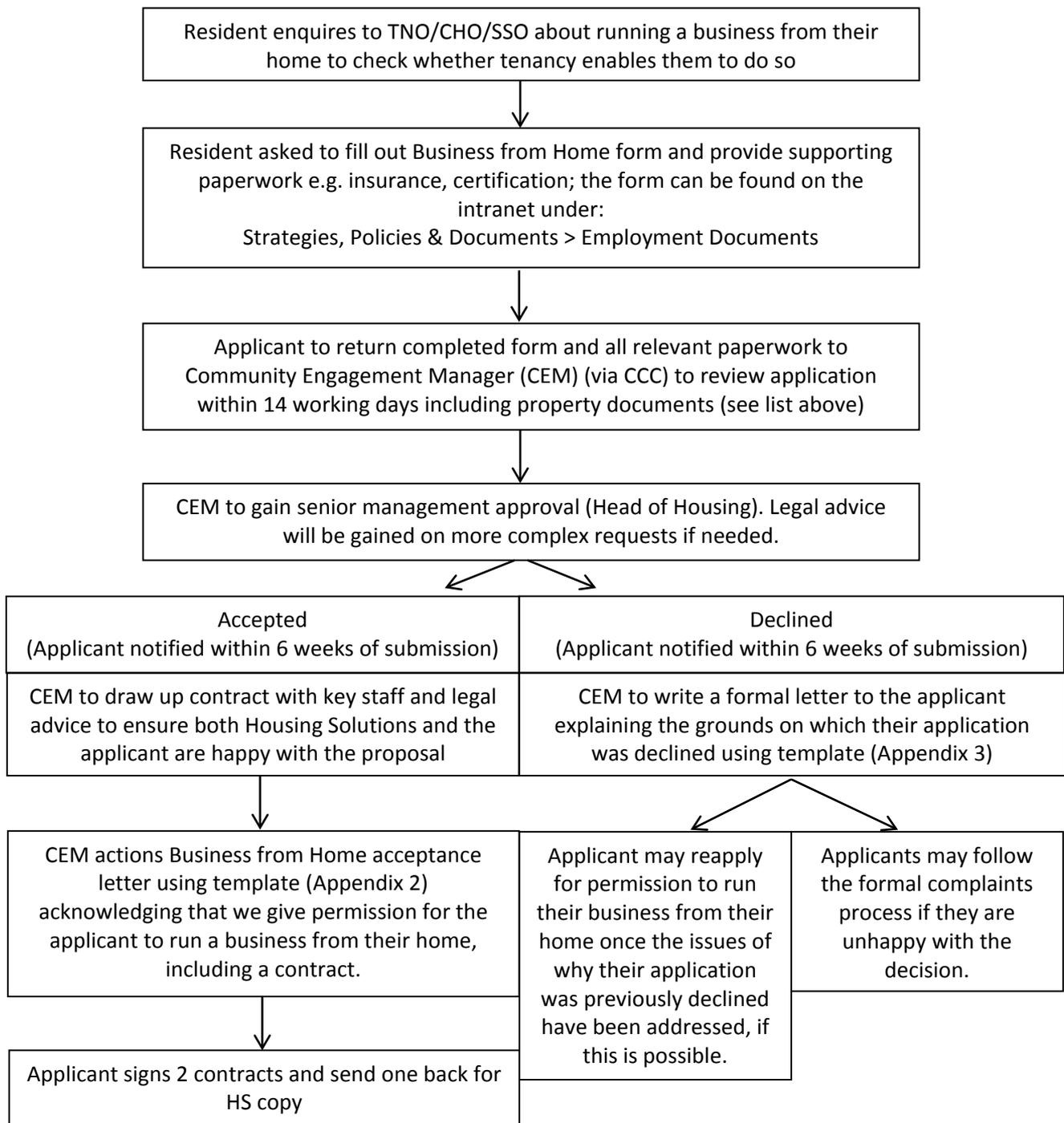
Under the Data Protection Act 1998 and the Human Rights Act 1998, all personal and sensitive organisational information, however received, is treated as confidential. This includes:

- 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

6.1 Officers will ensure that they only involve other agencies and share information with the consent of the resident concerned, unless:

- the Group is required to by law
- the information is necessary for the protection of children

7 Process



8 Review

This policy will be reviewed every 3 years or in response to changes in legislation, regulatory guidance, good practice or changes in other relevant Housing Solutions Policy.

Business from Home Application Form

If you are running your own business, we require this form to be completed and approved by your Tenancy & Neighbourhood Officer (TNO) to make sure you adhere to any rules and regulations that may apply. *Your TNO should check your tenancy agreement to ensure it is viable to progress your application due to different tenancy restrictions.*

PERSONAL DETAILS	
Contact Name/s:	
Full Address & Post Code	
Contact Number/s	
Email Address	
What type of property is it? (house/flat/communal facilities)	
What tenancy type do you have? (e.g Starter/shared ownership/assured short hold/fixed)	
Are you applying to run a business from home on behalf of someone else within your household? If 'yes' please give the name of the business owner:	
Is there already a business run from your home?	
BUSINESS DETAILS	
Business name	
Please describe your business?	
What will your hours of operation be?	
Will customers be coming to the property?	
Will your business include working with animals? If yes please give details.	
Do you require /have business insurance and do you pay business rates?	
<i>Please provide supporting evidence.</i>	

Do you require/have the relevant certificates or accreditation? (For example, a food hygiene certificate) <i>Please provide supporting evidence.</i>	
Do you require planning permission? <i>Please provide supporting evidence.</i>	
Will the business create noise?	
Have you attended a Business Start-Up course by Housing Solutions, if so when?	
Do you require any support to set-up or grow your business?	

APPLICANT	
By signing below you acknowledge that the information you have provided is true and accurate.	
Signed..... Date.....	

OFFICE USE ONLY	
TNO Name	
Supporting Documentation Provided	YES / NO
Request supported by TNO	YES / NO
Community Engagement Manager notified	YES / NO
Senior Manager Approval	Signed..... Date.....

Once completed please sign and send to:
Housing Solutions or contact@housingsolutions.co.uk
Reform Road
Maidenhead
Berkshire
SL6 8BY

If you have any questions, please contact the Customer Care Team on 0800 876 6060.

Appendix 2

Dear

Re: Your request to run a business from your home

Thank you for your Business from Home application form requesting permission to start (insert type of company) from your home.

We have taken into account all the relevant factors highlighted within your application and we are pleased to confirm that we are able to grant you permission to run this business from your home.

The permission is granted on the basis that you sign the enclosed letter of approval agreeing to the conditions outlined within. Please sign and date the letter of approval and send back to Housing Solutions in the pre-paid envelope also enclosed. The returned letter of approval will be proof of your change within your tenancy to use your home to run a business from.

We wish you every success with your new business.

Yours sincerely

Community Engagement Manager
Housing Solutions
0800 876 6060

Appendix 3

Dear

Re: Your request to run a business from your home

Thank you for your Business from Home application form requesting permission to start (insert type of company) from you home.

We have taken into account all the relevant factors highlighted within your application, however we are unable to grant you permission to run this business from your home.

This is due to the following reasons:

- (A)
- (B)

If it is possible to resolve these issues, we would be happy to accept another request in the future.

If you would like to discuss anything further, please contact me on the details below.

Yours sincerely

Community Engagement Manager
Housing Solutions
0800 876 6060