

APPENDIX I

WAVERLEY BOROUGH COUNCIL

COMMUNITY OVERVIEW AND SCRUTINY COMMITTEE

22 MARCH 2011

EXECUTIVE – 29 MARCH 2011

Title:

RUNNING A BUSINESS FROM HOME POLICY

[Portfolio Holder: Cllr Keith Webster]

[Wards Affected: All]

Summary and purpose:

This report, which was considered by the Landlord Services Partnership SIG at its meeting on 23 February 2011, recommends that the Running a Business from Home Policy be adopted for the Council's Housing Service. The policy has been developed to promote home enterprise and support tenants who wish to start running a business from home.

How this report relates to the Council's Corporate Priorities:

The policy relates to two of the Council's Corporate Priorities: Improving lives – improving the quality of life for all particularly the more vulnerable within our society; and Affordable Housing – Working for more affordable housing to be built, and managing Council housing well.

Equality and Diversity Implications:

The policy will support Council Social Inclusion Strategy. EQIA to be completed.

Climate Change Implications:

The policy could result in a reduction of number of residents travelling to work as tenants work from home, thus reducing CO₂ emissions.

Resource/Value for Money Implications:

No implications the policy promotion and procedure to be implemented within existing resources.

Legal Implications:

No current implications. At the next tenancy agreement review to amend wording regarding running a business from home.

Introduction

1. In November 2010 the Council received a letter from the Minister of State for Housing and Local Government, Minister of State for Business & Enterprise, Chief Executive of Chartered Institute of Housing, Chief Executive of National Housing Federation and Chairman of Environment & Housing Programme Board Local Government Association requesting that all social landlords rise to the Prime Ministers challenge to create a decade of enterprise by promoting and supporting tenants to work from home.
2. This policy (draft policy attached at Annexe 1) has been developed to promote working from home and explains how the Council will seek to achieve a reasonable and responsible balance between the needs of our tenants who wish to run businesses from their homes and others in the neighbourhood.

Conclusion

3. The policy gives clear guidance to officers and tenants on the permission criteria, promotion activity and support available to run a business from home.

Landlord Services Partnership SIG

4. The Landlord Services Partnership SIG welcomed the opportunity for tenants to be able to work from home. The SIG noted that each request would be considered individually to ensure it was appropriate and would not impact on neighbours.
5. The Landlord Services Partnership SIG endorsed the policy document with no further observations.

Community Overview and Scrutiny Committee

6. The comments from the Overview and Scrutiny Committee will be added.

Recommendation

That the Executive supports the adoption and implementation of the Running a Business from Home Policy.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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Waverley Borough Council: Housing Services

**Running a business from home Policy
Draft December 2010
Adopted**

Introduction

1. Waverley Borough Council supports home-based enterprise and rises to the Prime Minister's challenge *to create a decade of enterprise*.
2. This policy supports the Council's corporate priority of Improving Lives, and the Social Inclusion Strategy to tackle worklessness and encourage financial inclusion.
3. Self-employment, home working and running a business from home has become increasingly common, especially with the rise of internet and phone based businesses. There are many types of work that can be conducted from home that don't impact on others. It is estimated that currently one in four people carry out some work from home. However, the proportion of social housing tenants who run a business from home is much lower than the general population.
4. We recognise that having the opportunity to work from home can make a considerable difference to a tenant's circumstances and employment prospects. Waverley Borough Council will grant tenants permission to run a business from their home provided the business does not cause a nuisance or annoyance to neighbours or damage to the property.
5. This policy explains how the Council will seek to achieve a reasonable and responsible balance between the needs of our tenants who wish to run businesses from their homes and others in the neighbourhood.

Permission criteria

6. The tenancy agreement states that tenants must seek the Council's written permission to run a business from home. We will normally grant permission, but will consider each request on a case-by-case basis.

7. Housing Officers will consider the nature of the business, type of property and potential impact of the business activity. Permissions will generally be granted provided:
 - the business does not cause a nuisance or annoyance
 - the business does not damage or cause significant deterioration to the property
 - the business does not cause a health and safety risk or hazard
 - the business is legal
 - the home is primarily used for residential purposes
 - the business complies with planning policy (the tenant must check with the Council's Planning Service as to whether planning permission is required and apply accordingly)
 - the tenant ensures they have suitable business insurance and liability cover for the business
 - the tenant ensures that all other necessary consents and requirements from other statutory agencies are granted e.g. Criminal Records Bureau checks, planning requirements, registrations
8. Council officers will advise applicants in writing, within two weeks of written request, of the outcome of their application. Approval may be granted with conditions attached (e.g. operating times, storage arrangements, necessary consents). Approval may be withdrawn at any time, and in particular if problems or nuisance subsequently arise.
9. If we become aware of a tenant running a business from home without permission, we will request that the tenant seeks retrospective permission.

Withdrawing or Refusing Permission

10. If the business causes a nuisance or annoyance or does not adhere to the permissions criteria above, we will take action. Action will be proportionate to the nature of the issues. The tenant may be asked to alter or stop the business to prevent the nuisance. If the situation is not resolved we will take legal steps to stop the activity, or in the most serious cases possession proceedings to evict the tenant.

Promotion of Running a Business from home

11. We will ensure that tenants are clearly advised of the opportunities to run a business from home. We will run an article in the tenants' newsletter at least once a year. The article will promote that tenants can work from home, provide examples of where further support can be found and share success stories of current tenants working from home. Information will also be available on the Council's website and promoted through the tenants blog.
12. The tenancy agreement currently states in Section 3 1h that:

*“You, your friends and relatives and any other person living in or visiting the property, including children, **must do the following...***

Not run a business from your home or any other council owned land without our written permission as your landlord, or any other permission you will need, such as planning permission. We will refuse or withdraw permission if we feel your business is likely to cause a nuisance, disturb others, damage the property or stop your home being used mainly as a home.”

13. The agreement also states in Section 10 When you need our written permission that:
We will not unreasonably withhold our permission. If we give our permission, we may also set certain conditions.
14. The Tenants Handbook also states:
“You must not run a business in any garage, parking area or shared area that we own, nor from your home without first getting our written permission. If you wish to run a business, ask the Housing Management Team for advice.”
15. We will reconsider the text at the next tenancy and handbook review to ensure a more positive approach to running a business from home.

Supporting tenants

16. We will provide advice and signposting to tenants to assist them in running a business from home.

National Organisations

Now lets get started	online information and services about starting a new businesses www.nowletsgetstarted.co.uk
Startups	online resource for new businesses www.startups.co.uk
Small business	Advice for start up companies, guides & tips on starting a business, raising finance, business grants and loans, managing staff and related subjects. www.smallbusiness.co.uk
Federation of Small businesses	Organisation that protects, promotes and furthers the interests of the self-employed and small business sector www.fsb.org.uk
Health and Safety Executive	The national independent watchdog for work-related health, safety and illness who provide guidance note on Homeworking www.hse.gov.uk

Local Organisations

WBC Planning Service	Pre application service to discuss proposals and check if planning permission is required and compliance with planning policy. www.waverley.gov.uk/planning 01483 523583
Link South East	Resources and help for anyone starting, growing, managing a business in South East Region. www.businesslink.gov.uk 0845 600 9006
Enterprise First - Surrey	Offer free help and support to new or developing businesses www.enterprisefirst.co.uk
Citizens Advice Waverley	provides independent and confidential advice with online advice guide www.cabgodalming.co.uk
Waverley Business Forum	An independent partnership representing the business community, the four local Chambers of Commerce (Cranleigh, Farnham, Godalming and Haslemere) and Waverley Borough Council. Members can attend topical briefings and roadshows. www.wbf.org.uk

Policy Review

This policy will be subject to an Equality Impact Assessment to ensure it is fair and non-discriminatory.

The policy will be reviewed every three years following adoption.