



RUNNING A BUSINESS FROM HOME POLICY

Contents

1. Introduction
2. Policy Scope
3. Objectives
4. Approach
5. Permission to conduct business.
6. Operating a business without consent
7. Conditions for running a business
8. Related policies
9. Policy Approval

Running A Business From Home Policy

1.0 Introduction

- 1.1 Ekaya Housing Association recognises the desire of its residents to engage in home-based work as employees or as entrepreneurs operating their own businesses either as an individual, in partnerships or as limited companies.
- 1.2 For the purposes of this policy, “working from home” will refer to both resident running their own business or being employed by a third party and working from their residential home.
- 1.3 Remote home working where a resident works away from their employer’s location for all or part of their working week on a permanent or ad hoc basis known as office based work is permitted without seeking approval.
- 1.4 Ekaya recognises that a significant portion of its residents are either recipients of welfare benefits or in part-time employment. Ekaya is committed to supporting initiatives that provide residents with increased opportunity to have flexibility in the work arrangements. This support is particularly important for individuals with family responsibilities. Ekaya aims to promote employment opportunities and sustainment of tenancies.
- 1.5 This policy describes how Ekaya will seek to achieve a reasonable and responsible balance between the needs of our resident’s desire to operate businesses from their homes whilst considering the well-being of others within the building and wider community.

2. Scope

- 2.1 This policy is applicable to all Ekaya residents of Ekaya except for those residing in our supported housing or with a licence agreement.

3. Objective

- 3.1 The key objectives of this policy are:
 - To offer residents viable options regarding employment and lifestyle choices.
 - To authorise residents to work from their homes provided that their work or business activities comply with planning laws and do not cause any nuisance or disturbance to others in the building or neighbourhood.
 - To take appropriate action against residents who breach planning laws or terms and conditions of their tenancy agreement, or with our Anti Social Behaviour Policy.
 - To take appropriate action against residents when we receive complaints about the operating of a business from their home.

4. Our approach

- 4.1 Our tenancy agreements stipulate that residents must obtain written permission before conducting business activities from their home.
- 4.2 We would not normally allow our homes to be used for non-residential purposes, but there are few cases where we would allow a resident to operate a business. This is generally if it would not cause a nuisance to neighbours or affect the structure of the home.
- 4.3 Before granting permission, it is imperative to ensure that the property is still being used as the only or principal home and that the business will not cause a nuisance or annoyance to neighbours.

5. Request for permission to conduct a business from home.

Residents seeking to run businesses from their home must complete an application form. This can be obtained by emailing info@ekaya.co.uk or contacting us on 020 7091 1800.

- 5.1 We will need to establish the nature of the business, whether staff will be employed and what hours the business will operate. We should also be satisfied that the property is being used as the resident's principal home.
- 5.2 Permission If granted, is contingent upon the business not causing disturbances to neighbours and compliance with statutory obligations (e.g. registered childminders should be registered and insured for the business being performed).
- 5.3 If the business causes a nuisance to neighbours Ekaya will contact the alleged perpetrator to discuss the allegations. If the nuisance does not cease then permission will be withdrawn and the resident will be given a reasonable time of 28 days, depending on the nature of the business, to stop operating. If the business does not stop operating, we will serve a Notice of Seeking Possession (NOSP), followed by further action if necessary. This could result in the loss of tenancy.
- 5.4 Each request will be assessed individually, considering the potential for nuisance or detriment to the property. We might consult with other residents in the building before granting permission due to the nature of the business.
- 5.5 Where working from home, with or without our permission, if the business activity breaches planning laws and/or is the subject of justified complaints, Ekaya will insist that the work is either stopped immediately or the operation is changed. If necessary, Ekaya may act under the terms of the tenancy agreement to obtain possession of the home, if the issue remains unsolved.

5.6 Operating business without consent

- 5.7 Where a resident is already running a business from their home but has not asked for, or obtained, permission in advance, Ekaya will request that they do this as soon as possible on a retrospective basis. Permission will be considered in line with the normal conditions, as set out above.

- 5.8 Where permission is refused, the resident will be given 28 days to stop running the business from their property. Where they fail to do so, we will consider legal action, which might include serving a notice of seeking possession (NOSP).
- 5.9 Where the resident fails to give information on the business they are running, it will be taken that permission is refused and they will be asked to stop running the business or face the possibility of legal action, which might include serving a Notice of Seeking Possession (NOSP).

6. Conditions to running business from home.

- 6.1 Each request to run a business from home will be considered on its merit. In general, Ekaya supports the principles of residents running a business from their homes and will not unreasonably refuse or withdraw permission unless individual circumstances suggest otherwise.
- 6.2 Ekaya will take into account the following 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 fire safety, 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 it will alter building e.g. planning, environmental health check etc
 - whether the resident has the correct insurance and certifications to run a business e.g. public liability insurance, National Child-Minding Association (NCMA), etc.
- 6.3 Residents are responsible for arranging appropriate insurances that covers running that business from home.

For example, Ekaya may not grant permission to work from home if:

- It is likely to cause a nuisance to neighbours or damage to the property. Please note, that this would also be considered a breach of the tenancy agreement.
- Major adaptation to the property is required.
- The requirements of other relevant agencies have not been satisfied; for example, Disclosure and Barring Service (DBS) checks, National Child-Minding Association (NCMA), insurance, etc.
- The trade being conducted involves hazardous chemicals and or machinery.
- It involves illegal or unethical business.

Table A: Examples of work authorised and not authorised.

Examples of authorised working	Examples of unauthorised working
Cake decorating	Car mechanic
Mail order business	Businesses involving the use of hydraulic equipment, industrial sewing machines or controlled substances such as chemicals
Office administration or using part of your home as an office	Animal breeding or running a kennel
Childminders -provide proof of OFSTED registration.	Where a business would involve parking vehicles outside a property or deliveries to the property
	Taxi, courier or delivery services
	Shops or wholesale businesses where customers would regularly visit the property.
	Illegal, improper, or immoral activity
	Airbnb or similar

6.4 We will not agree to residents carrying out the following activities in relation to their business:

- Advertising on the outside of the property
- Trade advertising using your home address.
- Parking large commercial vehicles at the property/scheme
- Storing trade material
- Carrying out car or other vehicle repairs

7. RELATED POLICIES

7.1 This policy should be read in conjunction with the following policies:

- Anti-social behaviour policy
- Complaints Policy

8. POLICY APPROVAL

8.1 This policy will be reviewed once every three years except where there is a need to take account of any changes to legislation, regulation, or good practice.

Approved by: Policy & Performance Committee

Policy Author: Housing Services Manager

Policy Owner: Head of Service

Consultation completed **April 2024**

Review gateway: Policy & Performance Committee

Next review date: **May 2027**