

## **Running a Business from a Council Tenancy**

Your tenancy agreement states that ‘you or anyone living with you must not run any kind of business from the house’. However, if you ask us, we may give permission. If we give permission we may also increase your rent.’ (This includes running a business or trade from a council-owned garage/parking area or in any shared or communal area).

Please note that a formal application does not need to be made if you only wish to use your telephone number in connection with your business.

### **How will running a business from a Council Tenancy affect me?**

You will be responsible for meeting all legal obligations associated with running your business. For example, you may require planning permission for change of use, licences and meeting any health and safety requirements. Please contact the Planning Department & Environmental Health for advice (particularly if you are storing materials in your home).

You must also provide us with copies of any necessary licenses, health & safety checks and insurance documentation - we will not provide final permission until this is received.

Your council tax may also be affected. You should notify the council tax office, who will look at the number of rooms used for business in relation to the size of your home and the nature of your business. The Council Tax Assessor will then make a decision based on this information.

### **How to apply to Run a Business from a Council Tenancy**

In order to receive permission, you must tell us about the kind of business you plan to run from home. We would not normally withhold permission but we need to ensure that your business will not interfere with the property or cause a nuisance to neighbours in the immediate area.

For example, if you plan to repair and service cars from your home, this is likely to be unpopular with neighbours and we would be unlikely to give our permission, if you plan to offer a child minding service, it may depend on the property type you currently occupy. However, you may wish to offer an accountancy service or provide a cleaning service which would be unlikely to cause disruption to your neighbours and therefore be permitted.

All applications must be in writing - please complete the ‘Running a Business from a Council Tenancy’ application form.

### **When will I get a decision?**

We will investigate the information you provide and tell you of our decision within 28 days. We may also contact your neighbours to ask for their views.

If you are successful and are given permission, the Council will monitor your tenancy to make sure that your business activities do not cause undue disturbance within your immediate neighbourhood.

We may also attach certain conditions to our approval, for example, your tenancy agreement allows us to increase your rent. If other conditions are attached, we will check that these conditions are being met at regular intervals. The Council wish to support home working but if the running of your business becomes problematic we may withdraw our permission.

### **What if my request to run a business from a Council tenancy is refused?**

If we refuse permission, the Housing (Scotland) Act 2001 does not give you the right to appeal against the Council's decision. However, East Lothian Council provides you with an opportunity to appeal our decision. Information on how to do this is contained in the refusal letter we send you. Please contact your Community Housing Officer if you need further information.

**Please note: if you run of a business from a Council tenancy without our permission, this could be seen as a breach of your tenancy agreement and we may take action to recover the property.**