

CLYDESDALE HOUSING ASSOCIATION LIMITED

Policy:	Leasing Policy
Date:	7 December 2022
Lead Officer:	Depute Chief Executive
Review Date:	November 2025
Regulatory Standards:	Standard 1

The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.

Guidance

- 1.1 The governing body sets the RSL's strategic direction. It agrees and oversees the organisation's business plan to achieve its purpose and intended outcomes for its tenants and other service users.
- 1.2 The RSL's governance policies and arrangements set out the respective roles, responsibilities and accountabilities of governing body members and senior officers, and the governing body exercises overall responsibility and control of the strategic leadership of the RSL.
- 1.3 The governing body ensures the RSL complies with its constitution and its legal obligations. Its constitution adheres to these Standards and the constitutional requirements set out below.
- 1.4 All governing body members accept collective responsibility for their decisions.
- 1.5 All governing body members and senior officers understand their respective roles, and working relationships are constructive, professional and effective.
- 1.6 Each governing body member always acts in the best interests of the RSL and its tenants and service users and does not place any personal or other interest ahead of their primary duty to the RSL.
- 1.7 The RSL maintains its independence by conducting its affairs without control, undue reference to or influence by any other body (unless it is constituted as the subsidiary of another body).

The Scottish Social Housing Charter

1: Equalities

Social landlords ensure that:

- Every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.

10: Access to social housing

Social landlords ensure that:

- People looking for housing find it easy to apply for the widest choice of social housing available and get the information they need on how the landlord allocates homes and on their prospects of being housed.

Clydesdale Housing Association will provide this policy on request at no cost, in large print, in Braille, in audio or other non-written format, and in a variety of languages.



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1. INTRODUCTION

The purpose of this policy is to set out the circumstances in which we will lease properties, and the organisations we will lease to.

2. POLICY OBJECTIVES

The objectives of this policy are to:

- promote equalities and make a positive contribution to meeting the needs of the wider community;
- outline the circumstances we are prepared to consider leasing residential accommodation to an organisation rather than an individual;
- state the type of organisations we are prepared to enter into a leasing arrangement;
- grant delegated authority to the Chief Executive to approve and enter into leasing arrangements where necessary.

3. REASONS FOR LEASING

To meet our policy objectives we will generally only lease properties to an organisation specifically for the purposes of providing temporary refuge or move-on accommodation for vulnerable persons with support needs.

It is recognised there will be exceptions where the accommodation provided is intended for permanent accommodation. Such situations may arise where it is necessary to accommodate a number of vulnerable people together to provide care. For example people with physical, learning or mental health difficulties and complex needs. It is expected that such accommodation would be registered with the Care Commission as a care home or other regulatory body.

4 MEETING THE NEEDS OF CLIENT GROUPS

Our policy is to provide tenants with a Scottish Secure Tenancy. We will from time to time lease individual properties to other agencies to alleviate homelessness or in the case of Women's Aid for women fleeing violence.

When the case for a leasing arrangement is clearly established, we will ensure that the lessee uses the appropriate model lease, tenancy or occupancy agreements currently available.

If, when entering into a leasing arrangement, a variation of an existing model tenancy or occupancy agreement is considered necessary, we will seek legal advice to ensure that the security of tenure for the lessee's tenants is maximised. This may arise because of particular design features of the accommodation or the nature of the client group .

It will be a condition of any lease granted, that the lessee maintains rents at affordable levels commensurate with the services and facilities being provided with the supported accommodation.

5. ACCEPTABLE LEASING ORGANISATIONS

As a generality we are willing to lease properties to the following organisations when it is appropriate to do so having regard to the client group to be accommodated and the nature of the support to be provided:

Women's Aid - accommodation for use as a refuge;
South Lanarkshire Council - for use as temporary accommodation for homeless people;
Capability Scotland - Office / sleepover accommodation for staff serving highly supported and /or multi property projects.

We will make every effort to safeguard our properties and the people living in them.

On receipt of a request for a leasing arrangement from organisations not listed, the Chief Executive will present a report to the Management Committee making recommendations as to their suitability. In determining an organisation's suitability as a prospective lessee, we will consider its aims and objectives, the purpose for which the accommodation is required, the organisation's track record in providing the proposed services and support, and its financial viability (although the latter is relaxed in the case of local authorities).

6. EQUAL OPPORTUNITIES

Clydesdale Housing Association operates under the overarching duty of a Registered Social Landlord to provide housing accommodation and related services in a manner which encourages equality of opportunity. In particular the observance of equal opportunity requirements as specified in the Housing (Scotland) Act 2001 and the Equality Act 2010.

We do not discriminate against applicants in any way either directly, indirectly or by association because of their age, disability, gender identify (reassignment), marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7. AUDIT TRAIL

We will maintain a clear audit trail showing that we have:

- Examined all other available options in deciding that leasing is the most appropriate arrangement.
- Ensured that the lessee has granted the most secure form of tenure compatible with the purpose of the housing.
- Demonstrated good reasons for departing from the terms of any model agreements. This will include where the:
 - Lease is for longer than three years.
 - SFHA Model lease is not used.
 - Model is used but some clauses are omitted or amended.
 - Appropriate model occupancy or tenancy agreement is used.

8. PERFORMANCE AND REVIEW

We will review the management of leased properties regularly by holding liaison meetings with the leasing organisation at least once every 12 months or more frequently by agreement or as appropriate to the project.

We will report annually to the Management Committee setting out details of:

- the number of leases;
- the organisations we have leased property to;
- the expiry date for the leases;
- any management issues relating to the conduct of the lease (this will include estate management issues, complaints made and received, financial issues and repairs) and;
- whether we have renewed leases.

9. GRANTING OF LEASES

The granting of leases is delegated to the Chief Executive under the scheme of Delegated Authority.

10. GENERAL DATA PROTECTION REGULATIONS

Any information that we hold regarding an individual must be treated lawfully and correctly in line with the safeguards outlined in the General Data Protection Regulation 2016 (GDPR) which requires data to be:

- lawfully, fairly and transparently processed
- processed for limited purposes
- adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed
- accurate and kept up to date
- kept no longer than the period necessary and
- kept securely against unauthorised or unlawful processing and protected against accidental loss, destruction or damage.

Further information is available by viewing the Association's Privacy Policy.

11. REVIEW PERIOD

This Policy will be reviewed every three years unless there is a need to review earlier because of changes in legislation or good practice.

Approved by the Committee of Management on:	
Signed: Secretary/Chairperson	Signed: Staff Member