



Leasing Policy

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Policy Author:	Kenny Stocks
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Scottish Social Housing Charter Standard	10
Scottish Housing Regulator Standard:	2
Scottish Housing Regulator Guidance:	2.1

LEASING POLICY

Ardenglen Housing Association can provide this procedure on request, in large print, in Braille, on tape or in other non-written format, and in a variety of languages.

1. Purpose of this Policy

- 1.1 The Ardenglen Group ('the Group'), comprising Ardenglen Housing Association as the parent and Ardenglen Developments as a subsidiary, is committed to the highest standards of openness, probity and accountability.
- 1.2 Regulatory Standard 5 states that an RSL must "*conduct its affairs with honesty and integrity*" To ensure this, the Group has clear policy and procedures in place which make sure the organisation acts with transparency, honesty and propriety and avoids any public perception of improper conduct.
- 1.3 The purpose of this policy is to clearly define the circumstances in which Ardenglen will lease properties and the organisations we will lease to. Staff members have delegated authority to enter into leasing arrangements in line with this policy but any proposal to lease which falls outwith the terms of this policy must be referred to the governing body for a decision.

2. Introduction

- 2.1 Our aim is to meet our obligations to promote equalities and contribute to meet the needs of the wider community. To achieve this we will make a number of properties available to organisations working with people with support needs and to local authorities where appropriate.
- 2.2 Where leasing is found to be the most appropriate option, the Board delegates authority to the Senior Management Team to sign agreements on its behalf.
- 2.3 In line with best practice Ardenglen will only lease properties to a third party on an exceptional basis. Our policy is to provide the most secure form of tenancy compatible with the purpose of the housing. Therefore, wherever possible we will provide direct tenancies for individuals. For example, generally when the accommodation is self contained and long term we do not consider leasing to be appropriate.
- 2.4 When we do lease property, we will ensure the lessee uses the appropriate model leases, tenancy and occupancy agreements currently available (see Annex 2).
- 2.5 When we enter into a lease where we need to consider a variation on an existing model tenancy or occupancy agreement, we will seek legal advice to ensure that we are maximising the security of tenure for the individual. This

may arise because of the design of the accommodation or the nature of the client group.

3. Meeting the Needs of Client Groups

- 3.1 To meet our policy objectives we will generally only lease property for use as temporary accommodation. There will be exceptions however where the accommodation is a person's permanent home. For example, accommodation registered with the Care Commission as a care home, for people with dementia would fall into this category.
- 3.2 We will lease properties to organisations where it is appropriate due to the client group being housed and the nature of the support being provided.
- 3.3 We will make every effort to safeguard our properties and the people living in them. In determining an organisation's suitability as a lessee we will consider its track record including its financial position (consideration of financial viability is relaxed in the case of local authorities).
- 3.4 In the case of "new" organisations wanting to lease property, the Chief Executive or Head of Housing Services will present a report to the governing body making recommendations as to their suitability.
- 3.5 This may also include leasing accommodation to being used as offices or common rooms by a support organisation or the provision of community services by charitable organisations which assist in meeting Ardenglen's general and charitable objectives.

4. Managing Local Diversity

- 4.1 Our policy is to ensure fair and open access to our housing and to be responsive to people's individual support needs. We will therefore ensure that appropriate selection and assessment criteria are used by the lessee in allocating the properties.
- 4.2 We undertake to ensure that equal access to appropriate property types and locations across the range of our stock are given to lessees. Properties made available for leasing should not be confined to one particular area or to less desirable stock.

5. Audit Trail

- 5.1 We will maintain a clear audit trail showing that we have;
 - a) Examined all other available options in deciding that leasing is the most appropriate arrangement;
 - b) Ensured that the lessee has granted the most secure form of tenure compatible with the purpose of the housing;

- c) Demonstrated good reasons for departing from the terms of any model agreements. This should include where the;
- lease is for longer than three years;
 - appropriate SFHA Model lease is not used;
 - Model is used but some clauses are omitted or amended;
 - appropriate model occupancy or tenancy agreement is not used.
- d) Managed risks, covered costs and taken steps to ensure sustainability where it is a commercial lease.

6. Performance and Review

- 6.1 We will review the management of leased properties regularly by holding liaison meetings with the lessee at least annually or as appropriate to the project.
- 6.2 We will report annually to the Board setting out;
- the number of leases;
 - the organisations we have leased property to;
 - the expiry date for the lease;
 - any management issues relating to the conduct of the lease (this should include estate management issues, complaints made and received, financial issues and repairs) and whether we have renewed leases.

7. Commercial Leases

- 7.1 The Board delegates authority to the Senior Management Team to select commercial tenants, negotiate lease terms and sign agreements on its behalf.
- 7.2 Information on commercial leases will be included in the annual report on leases.

8. Training

- 8.1 The Association through its Internal Management Plan is committed to training and developing staff and committee members to their full potential in order to deliver a high quality of service in all areas of its business.
- 8.2 The Board induction programme includes an overview of this policy, including responsibilities for the promotion and delivery of openness and confidentiality as relevant to their job descriptions. Board members will receive updates on these issues and specific training as required.

9. Equalities and Diversity

- 9.1 This policy will be implemented in line with our Equality and Diversity Policy and is subject to an Equality Impact Assessment to assess the likely or actual effects of the policy to our customers in respect of their disability, age, gender, race, religion/belief, sexual orientation or gender identity to ensure equal and fair access for all

10. Monitoring and Reporting

- 10.1 Ardenglen will use appeals, complaints, comments or suggestions from users of this policy to monitor its effectiveness. These will also be used to prompt a review of the policy where necessary.

11. Disposal Register

- 11.1 An appropriate Register of Disposals as per SHR Guidance Note 14 (SHR 14) will be kept by the Association and updated by the Chief Executive

12. Review

- 12.1 This Policy will be approved by the Board. It will be reviewed every three years unless amendment is prompted by a change in legislation, or monitoring and reporting reveals that a change in Policy is required sooner.

13. Distribution

- 13.1 This policy will be made available to every employee and committee member and will be made freely available to any tenant or interested party.

14. Legal Framework

- Rules of Ardenglen Housing Association

15. Related Policies

- Standing Orders

---- END OF POLICY ----