



## **LEASES & PROTOCOLS - POLICY**

### **1.0 INTRODUCTION**

- 1.1 This policy describes the arrangements under which Almond Housing Association Limited (AHA Ltd.) will enter into either a lease or a protocol covering the let of one or more properties. It is supported by detailed procedures.
- 1.2 In considering whether to enter into a lease or a protocol, AHA Ltd.'s aim will be to:
  - provide an agreement that maximises the individual resident's rights and enables them wherever possible to benefit from a normal tenant/landlord relationship;
  - comply with current Scottish Housing Regulator guidance (February 2016) regarding the disposal of assets.
- 1.3 In considering a lease or protocol we will also consider the most appropriate form of agreement for the individual, i.e. either a tenancy agreement or an occupancy agreement.

### **2.0 RESPONSIBILITIES**

#### **2.1 Board of Management**

- To ensure that there is in place a Leases & Protocols policy which complies with current guidance and good practice, and meets AHA Ltd.'s requirements.
- To monitor compliance with the policy.

#### **2.2 Management**

- Head of Housing Management: To manage the implementation of the policy and procedures on a day-to-day basis, advising the Board of Management, other Heads of Section and all employees as required on specific matters.

#### **2.3 Employees**

- To ensure they have read and understood the policy and procedures, and to implement them as required in the course of their work.

### **3.0 LEASES**

- 3.1 A lease agreement will be appropriate where the property is being let to an external organisation and not to an individual. Each lease will relate to one property only.

### 3.2 AHA Ltd. will normally enter into a lease where:

- the property is to be used by an organisation providing care or support for individuals with special needs, with either live-in or visiting support staff, or
- the property is to be used by a local authority for temporary accommodation for homeless persons, and
- the accommodation is to be shared by more than one individual (where there are 3 or more non-related persons, the lease will comply with current legislation and guidance on Houses in Multiple Occupation).

### 3.3 A lease will be for a fixed period, normally 3 years, and may be renewed following a review.

However where the property is to be used by West Lothian Council for temporary homeless persons there will be no renewal of the lease after the initial 3 years. In exceptional circumstances a short extension may be considered if it has not been possible for the Council to find appropriate move on accommodation by the expiry of the lease.

### 3.4 Each lease will be covered by the 'General Consent' provisions under the Housing (Scotland) Act 2010, which requires the lease to be:

- approved by the Board;
- recorded in the Association's Register of Disposals.

### 3.5 Each lease will include details of the initial rent and the timescale for rent reviews.

## 4.0 PROTOCOLS

### 4.1 A protocol will be appropriate where the occupant will be AHA Ltd.'s tenant and there is to be an arrangement with an external organisation for the provision of support, by mutual agreement with the individual.

### 4.2 Where an organisation is supporting more than one individual, AHA Ltd. will agree one protocol covering all the individuals and properties they will be involved in.

### 4.3 The Head of Housing Management will have delegated authority to sign protocols. The process to be followed is detailed in the procedures supporting this policy.

## 5.0 MONITORING AND REVIEW

### 5.1 The Head of Housing Management will ensure that:

- regular review meetings are held with the relevant staff of organisations with whom we have entered into leases or protocols;
- a report is submitted to the Board of Management, as part of our annual reporting arrangements, covering:
  - number of current leases with each organisation and the addresses covered;
  - number of current protocols with support providers and the addresses covered.;
- this policy is reviewed by the Board at least every five years.

<b>FIRST APPROVED IN</b>	<b>JULY 2008</b>
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