

# LANGSTANE HOUSING ASSOCIATION LIMITED

## HOUSING (SCOTLAND) ACT 2001 – SCHEDULE 7 BENEFITS

### PROCEDURE NOTE

#### 1. Introduction and Summary

This note sets out the procedure to be followed in the event of any relevant person applying for or being granted a payment or benefit.

The purpose of this note is to ensure that everyone covered by it understands what they require to do in circumstances where a qualifying benefit is payable or is to be granted.

#### 2. Definitions

“Relevant persons”, i.e. those covered by the procedure, are as follows:-

- (a) Members of the governing body (including co-opted members and members of any sub-committee).
- (b) Employees.
- (c) People who have been governing body members or employees within the last 12 months.
- (d) A close relative of one of the above. A close relative in this case is taken to mean spouses, partners in civil partnerships, parents, siblings or children including step-children.

“Qualifying benefit” includes the following:-

- (a) The grant of a tenancy.
- (b) The grant of a shared ownership or shared equity agreement.
- (c) The sale of any property (other than sales under the Right to Buy).
- (d) The purchase by the Association of property owned by the relevant person.
- (e) The award of a contract of employment.
- (f) The award of any other commercial contract.
- (g) Loans outwith the contract of employment.
- (h) The use of the Association’s premises for non-Association use (unless of “de minimis” value).

- (i) Non-contractual severance payment.
- (j) Out of court settlement paid in relation to a dispute referred to employment tribunal.
  
- (k) Gifts (in this connection, it should be noted that the receipt of gifts is covered more exhaustively in the Association's Gifts and Hospitality Policy).

### **3. Procedure**

By far the most likely circumstance in which the procedure is invoked is where a member of staff or a close relative of a member of staff applies for a tenancy within the Association's scheme. It should be stressed that there is no bar to that person obtaining a tenancy provided the procedure is followed.

When an application for benefit is received, the Director of the service concerned (usually Customer Services) will inform the Chief Executive and supply him with the application form or other relevant supporting documentation. An entry will be made in the Register of Schedule 7 Interests of the fact that an application has been made, and then he shall return the form to the service concerned in order that the application may be assessed in the normal way in accordance with the Association's standard procedures.

When the application has been assessed and it is likely that the offer of a benefit is about to be made, the Director of the service affected will report to the Chief Executive with the appropriate recommendation and supporting documentation. That documentation will normally include, in the case of a tenancy, evidence of other appropriate applications for similar accommodation on the waiting list, together with the relevant points allocated, and a synopsis of the lettings history of the area or scheme in respect of which an allocation is proposed to be made.

### **4. Granting of Benefit**

The granting of the benefit will be made by the Chairman of the Association, whom failing the Vice Chairman, together with such other members of the Committee he deems appropriate, upon recommendation from the Chief Executive. The granting of the benefit will then be entered into the Register of Schedule 7 Benefits and individually reported to Committee.

**Date Approved by Committee of Management: 12.03.07**

**Review Period: 3 Years**

**Date Due for Review by Committee of Management: March 2010**