



## **Entitlements, Payments and Benefits Policy**

<b><i>Name of Policy Information</i></b>	<b>Entitlements, Payments and Benefits Policy</b>
<b><i>Responsible Officer</i></b>	<b>Director</b>
<b><i>Date approved by the Management Committee</i></b>	<b>31<sup>st</sup> August 2022</b>
<b><i>Date of Next Review</i></b>	<b>August 2025</b>

## 1. Introduction

### 1.1 Who the policy affects

1.1.1 This policy is aimed at people who are:

- Members of our Governing Body
- Everyone who is employed by us, whether employed directly or otherwise

1.1.2 For the remainder of this policy the above individuals will be referred to as “our people”.

### 1.2 About this policy

1.2.1 Trafalgar Housing Association is a Registered Social Landlord (RSL) and a Scottish Charity. We are part of a sector that has a strong reputation for integrity and accountability to the people we exist to help and to our Regulators. We must ensure that the Association upholds its reputation and that of the sector. Our people cannot benefit inappropriately from their connection with the organisation.

1.2.2 This policy describes the entitlements, payments or benefits that our people are able to receive. It also describes what is not permitted and the arrangements that we have in place to ensure that the requirements of this policy are observed.

1.2.3 The Scottish Housing Regulator (SHR) requires us to have a policy that sets out what payments and benefits we permit and to ensure that these arrangements demonstrate transparency, honesty and propriety<sup>1</sup>. In addition to what actually happens, we must ensure there is no justifiable public perception of impropriety.

1.2.4 As we are a Scottish Charity, all of our Committee Members must also ensure that they comply with the Office of the Scottish Charity Regulator (OSCR) guidance to Charity Trustees<sup>2</sup> and charity legislation. To help with this, the annual Committee declarations include reference to the expectations and requirements of Trustees.

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<sup>1</sup> Scottish Housing Regulator (April 2012) Regulatory Framework p28 section 5.13 available [here](#)

<sup>2</sup> Office of the Scottish Charity Regulator (Aug 2013) Guidance For Charity Trustees section 3 available [here](#)

- 1.2.5 This policy is intended to be a practical document that supports us in meeting all of the above requirements, ensuring that none of our people benefits improperly or inappropriately from their involvement with us, but also that they are not unfairly disadvantaged. We expect our people to act in good faith, and, in applying the terms of the policy, we will always take this into account.
- 1.2.6 As individuals who are affected by this policy, our staff and Committee are personally responsible for ensuring that they are familiar with, and comply with, its terms.
- 1.2.7 At all times, we expect a common sense approach to be applied to the interpretation and application of this policy. If any of our people are unsure about anything relating to benefits, payments or entitlements they should consult with the Chair or Director (if a Committee Member) or with their line manager (if a member of staff).

### 1.3 **What this policy covers**

#### 1.3.1 This policy covers:

- Managing your interests
  - registering and declaring interests
  - entitlements, payments and benefits
- People connected to you
  - who else you should consider when declaring interests
  - what you should consider
- Use of our contractors/suppliers by our people

### 1.4 **Other relevant policies**

- 1.4.1 The Codes of Conduct (staff and Committee) are linked to this policy. Failure to comply with the terms of this policy will be regarded as a breach of the Code of Conduct.
- 1.4.2 You are also required to be familiar with (and observe) the terms of our anti-bribery policy. We prohibit any attempt to induce the organisation or our people to offer preferential services or business terms and we will at all times seek to comply with the Bribery Act 2010.
- 1.4.3 Our policies relating to the following are also relevant to this document and must be complied with at all times:
- Allocations

- Repairs and improvements
- Adaptations
- Procurement
- Training
- Expenses
- Recruitment
- Decoration allowances
- Prizes (for example, “best garden” or raffle prize at AGM)

1.4.4 Please note that this list is illustrative rather than exhaustive and you are required to comply with all of our policies and procedures.

## **2. Managing your interests**

### **2.1 Registering and declaring interests**

2.1.1 In order to protect our reputation and demonstrate that we conduct our affairs with openness, honesty and integrity, we maintain a Register of Interests. You must record in this register any interests that you or someone connected to you (see Section 3) has which are relevant to our business. You will be required to confirm annually that your entry is accurate and up to date.

2.1.2 Where you have an *ad hoc* interest in any matter that is being discussed or considered at a meeting, you must declare your interest at the beginning of the meeting (under the standing agenda item) and play no part in the discussion; you must subsequently withdraw from any part of a meeting where the interest arises.

2.1.3 The Code of Conduct also contains a section on declaring interests that you should comply with at all times.

2.1.4 An annual report will be made to our Committee on the entitlements, payments, benefits that have been recorded in the register.

### **2.2 Entitlements, payments and benefits**

2.2.1 Many of the interests you will be required to declare can be classed as entitlements, payments or benefits.

2.2.2 As one of our people, you potentially could be offered benefits over and above those to which you are contractually entitled, such as gifts or hospitality from external parties. Such offers would be as a direct result of you being one of our people and cannot always be accepted. We require that any such offers

are managed and recorded very carefully to ensure the highest levels of probity in our organisation. Our people should not benefit – or be seen to benefit – inappropriately from their involvement with us.

- 2.2.3 Apart from payments that our people are entitled to by contract, statute or other agreement (for example, salary or expenses), we will only make a payment to, or accept a payment from, someone affected by this policy in exceptional circumstances. Appendix A explains the payments and benefits we can and cannot make/receive in more detail.
- 2.2.4 As we contribute to the economy of the area we work in and we have commercial and business relationships with many different companies, contractors, suppliers and service providers, you must ensure that we are fully aware of any connection that you or someone you are close to (see section 3) has with any of these businesses or organisations.
- 2.2.5 Some entitlements, payments and benefits we can never permit, and others we have additional requirements or conditions that must be met before we can permit.
- 2.2.6 Appendix A lists the entitlements, payments and benefits that fall under this policy, and states:
- Which could be permitted by the Association
  - Which will never be permitted by the Association
  - Which you require to declare in the register of interests
  - Any other further requirements the Association has before permitting

### **3. People connected to you**

#### **3.1 Who else you should consider when declaring interests**

- 3.1.1 Someone *closely connected* to you includes family members and persons who might reasonably be regarded as similar to family members even where there is no relationship by birth or law.
- 3.1.2 As well as considering your own actions, you must be aware of the potential risk created by the actions of people to whom you are closely connected. Who you should consider, and our expectations of you to identify and declare such actions, are outlined in Table A below.

#### **Table A**

Group	Required response
<p><b>1. Members of your household</b></p> <p>This includes:</p> <ul style="list-style-type: none"> <li>• anyone who normally lives as part of your household (whether related to you or otherwise)</li> <li>• those who are part of your household but work or study away from home</li> </ul>	<p>We expect you to be aware of and declare any relevant actions of all people in your household. You must take steps to identify, declare and manage these.</p>
<p><b>2. Partner, relatives and friends</b></p> <p>This includes:</p> <ul style="list-style-type: none"> <li>• Your partner (if not part of household)</li> <li>• Your relatives and their partners</li> <li>• Your partner's close relatives (ie parent, child, brother or sister)</li> <li>• Your close friends</li> <li>• Anyone you are dependent upon or who is dependent upon you</li> <li>• Acquaintances (such as neighbours, someone you know socially or business contacts/associates)</li> </ul>	<p>Where you have a close connection and are in regular contact with anyone within this group, we expect you to be aware of and declare any relevant actions. Under these circumstances, you must take steps to identify, declare and manage these actions.</p> <p>Where you do not have a close connection and regular contact with someone in this group, we do not expect you to be aware of (or to go to unreasonable lengths to identify) any relevant actions. However, if you happen to become aware of relevant actions by such individuals, then these should be declared and managed as soon as possible.</p>

### 3.2 What you need to consider

3.2.1 The following are the relevant actions/involvement by those to whom you are closely connected that you should consider, declare and manage as per our expectations outlined in Table A:

- A significant interest in a company or supplier that we do business with. A significant interest means ownership (whole or part) or a substantial shareholding in a business that distributes profits, but does not include

where an individual has shares in large companies such as banks, utility companies or national corporations, ie where owning shares would not give the individual any significant influence over the activities of that organisation

- Where the individual may benefit financially from a company with which we do business
- Involvement in the management of any company or supplier with which we do business
- Involvement in tendering for or the management of any contract for the provision of goods or services to us
- Application for employment with us
- Application to be a tenant of the Association
- If they are an existing tenant or service user of the Association

## **4. Use of our contractors and suppliers**

- 4.1 In order to help us maintain our excellent reputation, where possible you should avoid using the Association's contractors/suppliers for your own personal purposes. We have made a list available to all of our people which outlines the contractors and suppliers that fall under the terms of this policy. This is included at Appendix B.
- 4.2 We recognise that there could be certain circumstances where it might not be possible for you to avoid the use of all the contractors/suppliers on this list, such as where the number of contractors available in the area makes it difficult to obtain a reasonable selection of potential contractors or suppliers.
- 4.3 Given that we operate in Scotland's largest city, however, it is exceptionally unlikely that any of our people will struggle to find contractors who are not on our reactive maintenance framework/tender lists for planned and cyclical work. In the event that this does arise, you could be permitted to use those contractors/suppliers outlined at Appendix B, provided you are able to demonstrate that you received no preferential treatment in terms of price, quality or any other aspect of service delivery due to your involvement with us.
- 4.4 Approval to use those contractors listed at Appendix B is at the discretion of the Director (in accordance with our scheme of delegation); if the Director wishes to use one of the Association's contractors, this will be at the discretion of the Depute Director. In order to be granted approval, you will be required to demonstrate that there is no reasonable alternative contractor/supplier providing the service required in your local area, and that you will

receive no preferential treatment in terms of service or cost (which you will be required to demonstrate through quotations and receipts)

4.5 If you are looking to purchase goods or services from any contractor/supplier on this list then you must make a declaration in the register outlining:

- that you have received approval from the appropriate approving officer prior to the commencement of works
- that you received no preferential treatment in terms of service or cost (which you will be required to demonstrate through quotations and receipts).
- where you inadvertently use a contractor on the list at Appendix B in an emergency situation, you must notify the approving officer as quickly as possible thereafter and enter an appropriate declaration in the register.

4.5 Any contractor/supplier not included on the list at Appendix B can be used without the need for any declaration/further action. Appendix B represents the majority of the contractors/suppliers that we use, but does not include any of our contractors/suppliers that:

- only provide services of a small value (for example, local window cleaners or sandwich shops) or
- have such a large national or local standing that no favour could ever realistically be gained (for example, utilities, BT, banks or national chains)

#### 4.6 **Guidance for approving officer**

4.6.1 The approving officer will have an appropriate level of seniority, in accordance with our scheme of delegation. In making your decision you should consider the level of potential reputational risk or any potential conflicts of interest that may arise by granting approval and, if granting approval, consider the steps required to mitigate against future conflicts of interest, such as ensuring that the individual is not involved in any transactions with or decisions about the contractor/supplier in question on behalf of the organisation.

4.6.2 You should maintain a clear audit trail of every approval to use any of our contractors listed at Appendix B. The total number of our people to use contractors and suppliers, including the reasons for approval, and confirmation that no advantage was gained due to an individual's role within the organisation should be formally reported annually to our Governing Body.



## **5. Review**

- 5.1 Our Rules require the Committee to set our policy on payments and benefits and keep it under review. This policy is consistent with the requirements of our Codes of Conduct for Committee members and for staff. These Codes have been confirmed by the Scottish Housing Regulator as meeting their regulatory requirements.
  
- 5.2 This policy was approved on 31<sup>st</sup> August 2022 and will be reviewed every 3 years in line with legal, regulatory or good practice requirements.

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## Appendix A

### Entitlements, payments and benefits

Example	Can this be permitted?	Further action necessary before this can be permitted?
<b>Human resources and recruitment</b>		
<p>All entitlements arising from your contract of employment with us or one of our subsidiaries, including (but not restricted to):</p> <ul style="list-style-type: none"> <li>• payment of salary to staff</li> <li>• access to car or travel loans or salary advances where specified in the employment contract (not specified at DHC);</li> <li>• pension and/or private health care provided as part of the remuneration package;</li> <li>• performance related pay or bonus awarded in accordance with contractual terms (not specified at DHC);</li> <li>• books and equipment in connection with employment or training in accordance with agreed policies and/or contractual terms</li> <li>• Reimbursement of professional fees</li> </ul>	Yes	Any entitlement in the terms of your contract is always permitted without the need to record in the register of interests. There are human resource processes in place for this purpose.
Payment to a member of the governing body for their role as a governing body member, in accordance with	No	Trafalgar Housing Association Ltd does not allow any of its Committee Members to be paid or receive any

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Example	Can this be permitted?	Further action necessary before this can be permitted?
the terms of their letter of appointment		compensation for serving on the Committee.
<p>All payments made in accordance with the terms of our expenses policy including:</p> <ul style="list-style-type: none"> <li>• payment of permitted out of pocket expenses</li> <li>• reimbursement of travel costs</li> </ul>	Yes	Entitlements in connection with your role as one of our people are set out in our expenses policy are always permitted and do not need to be declared provided claims are made in accordance with our procedures.
Provision of a loan by the organisation to one of our people	No	This is not permitted unless in connection with the contractual terms of employment (which is not currently allowed). We cannot make any other loans to individuals.
Redundancy or voluntary severance payment to an employee	Yes	<p>We can make redundancy payments to an employee in line with terms their contract</p> <p><b>or</b></p> <p>We can make a voluntary severance payment to an employee which is outside the terms of their contract of employment provided:</p> <ul style="list-style-type: none"> <li>• it arises directly from a decision to terminate the employee's contract of employment</li> <li>• payment is approved by the Committee</li> <li>• that the total sum of the non-contractual payment and benefit does not exceed, in the opinion of our employment adviser, the total cost of a successful application by the employee to a Court or Tribunal (including the likely level</li> </ul>

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Example	Can this be permitted?	Further action necessary before this can be permitted?
		<p>of compensation that might be awarded by a court or tribunal and associated costs to the organisation to participate in the tribunal)</p> <ul style="list-style-type: none"> <li>• payment does not exceed the equivalent of one year's salary for the employee</li> <li>• that this payment is instead of (rather than additional to) any redundancy entitlement</li> </ul>
<p>An offer of employment (temporary or permanent) to someone who is closely connected to a member of staff</p>	<p>Yes</p>	<p>This is permitted as long as:</p> <ul style="list-style-type: none"> <li>• there has been an open recruitment exercise in accordance with our policy that you have not played any part in and</li> <li>• you have no direct or indirect line management or supervision responsibility for the post and</li> <li>• the offer of employment complies with our policy and is approved by the Management Committee and</li> <li>• you record your connection to the successful applicant in the register within five days of their acceptance of the offer.</li> </ul>
<p>The offer of employment to someone who is, or has been in the last twelve months, a member of our Committee or to anyone who is related to a member of the Committee</p>	<p>No</p>	<p>This cannot be permitted.</p>
<p>Appointment of one of our staff members to the Governing Body</p>	<p>No</p>	<p>This cannot be permitted in accordance with the Association's Rules.</p>

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Example	Can this be permitted?	Further action necessary before this can be permitted?
		Rule 59.1 does, however, permit a member of staff to fulfil the role of Secretary without being a Committee member. It has not been the Association's practice to do this and this is unlikely to change.
Nominations to join the Committee from people who are connected to a serving member.	Yes	This is permitted in accordance with the Association's Rules.
<b>Our people as tenants or service users</b>		
The offer of a tenancy or lease in one of our properties to one of our people or to someone closely connected to them.	Yes	<p>This is permitted as long as</p> <ul style="list-style-type: none"> <li>• it is in accordance with our published allocations policy <b>and</b></li> <li>• neither the applicant or anyone connected to the applicant is involved in any way or in any part of the allocation process <b>and</b></li> <li>• the offer is approved by the Committee in advance <b>and</b></li> <li>• the tenancy is recorded as a benefit in the appropriate register within five days of the tenancy commencing</li> </ul>
Where one of our people (or someone connected to one of our people) is a tenant and receives a repair, improvement or adaptation to their home	Yes	<p><b>Repairs</b> carried out in accordance with our policy do not need to be recorded.</p> <p><b>Adaptations</b> must comply with our policy and be approved by the Director. The adaptation should be recorded in the register of interests within five days of approval.</p> <p><b>Improvements</b> must be carried out as part of an approved programme and in accordance with our policy. The</p>

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Example	Can this be permitted?	Further action necessary before this can be permitted?
		person affected should declare their interest if/when the programme is being discussed and the improvement recorded in the register of interests within five days of completion
Where one of our people (or someone connected to one of our people) is a tenant and receives payment of a decoration allowance, tenant reward/incentive as part of an agreed scheme or prize.	Yes	<p><b>Payment of decoration allowances or incentive/reward payments</b> must be made in accordance with our policies and procedures and recorded in the register within five days of receipt.</p> <p><b>Prizes or awards</b> in competitions open to all tenants in the same community (for example, garden competitions) can only be given if the selection process for giving the award/prize has been carried out by someone who is independent. Receipt of the award and the circumstances surrounding it must be recorded in the register within five days of receipt.</p>
<b>Training and events</b>		
Attendance at training events or seminars (for example, SFHA conferences) or openings/similar events hosted by other RSLs	Yes	There is no requirement to declare and record in the register of interests.
The organisation paying for accommodation in connection with attendance at relevant conferences or events that you are attending on behalf of or in connection with your role with us or our subsidiaries	Yes	Accommodation that is part of a conference or training package does not need to be recorded in the register, but attendance will be recorded on the relevant individual training plan.

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Example	Can this be permitted?	Further action necessary before this can be permitted?
		Residential conferences are important in ensuring that our people have the necessary skills, knowledge and experience to make an effective contribution to our activities.
Attendance by you at events to mark awards, achievements or other significant milestones relevant to our business.	Yes (where not exceeding £500)	<p>The Committee must approve attendance in advance and will only do so if:</p> <ul style="list-style-type: none"> <li>• The organisation or one of our people (because of their role with us) has been nominated for an award; or</li> <li>• attendance is in recognition of achievement of or in pursuit of appropriate business development; or</li> <li>• we can demonstrate that attendance or participation is directly related to furthering our aims and objectives.</li> </ul> <p>Where we ask you to represent us at such an event, this should be recorded in the register along with any associated costs (including travel, accommodation and the costs of attendance at the event) within five days of attendance.</p> <p><b>The total cost should not exceed £500 per person and we will make all arrangements in advance.</b></p> <p>Where costs would exceed £500, you will not be permitted to attend unless there is a clear, viable business case for attending. In such a case, specific</p>

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Example	Can this be permitted?	Further action necessary before this can be permitted?
		approval of the Committee would be required.
<b>Gifts and hospitality</b>		
<p>Gifts received from tenants and external sources</p>	<p>Yes (not exceeding a value of £25)</p>	<p>Small gifts (for example, a box of chocolates, pens, folders, paperweights) can be accepted if:</p> <ul style="list-style-type: none"> <li>• the value does not exceed £25</li> <li>• you do not receive more than one such gift from the same source in a 12-month period</li> <li>• you record receipt of the gift in the register</li> </ul> <p>You should not normally accept other gifts and should decline any gifts with a value of more than £25 unless to do so would cause offence or otherwise damage our reputation. In these cases you must:</p> <ul style="list-style-type: none"> <li>• advise the donor that the gift will be donated to charity or will form part of our annual charity fund raising activities</li> <li>• record the gift and the action taken in the register within five days</li> </ul> <p>You should not regularly accept gifts from the same source and never more than once from the same source within a 12-month period.</p> <p>You should also record any offers that you decline and the reasons for this, in the register within five days.</p>
<p>Gifts given from us to one of our people or received by one of our people from</p>	<p>Yes (not normally exceeding</p>	<p>Gifts from the organisation to our people can be permitted in cases where it is to mark a special occasion or significant event including:</p>



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Example	Can this be permitted?	Further action necessary before this can be permitted?
external sources to mark special occasions.	a value of £25)	<ul style="list-style-type: none"> <li>• family events (for example, marriage, milestone birthday, birth of a child, bereavement)</li> <li>• retirement (from the Association’s employment or as a Committee member)</li> <li>• leaving the organisation</li> <li>• a <u>significant</u> achievement</li> </ul> <p>These must be recorded in the relevant register and the value of such gifts will not normally exceed £25 (apart from where we are sending flowers, in which case the limit will be the existing cost of a standard bouquet from Glasgow City Council – currently £38)</p> <p>Please note, that this does not include collections by our people using their own personal funds to mark special occasions. These are always permitted with no requirement to declare.</p>
Hospitality associated with our business and that of its partners	Yes (when not exceeding a value of £50)	<p>Modest hospitality, such as a sandwich lunch or networking event, is permitted and does not need to be recorded</p> <p>All other hospitality up to a value of £50 is permitted but must be recorded in the register, along with an estimation of the value of hospitality received, within five days of attendance.</p> <p><b>You should not accept invitations with a value that is greater than</b></p>

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Example	Can this be permitted?	Further action necessary before this can be permitted?
		<p><b>£50, unless you have prior approval from the Committee. The type of hospitality offered will also be taken into consideration, for example we will not normally accept invitations to sporting events, concerts, golf tournaments etc.</b></p> <p>In this case, the reason for acceptance must also be included in the register and countersigned by the Director (where it involves the Director, the entry must be signed by the Depute Director)</p>
<p>Our people seeking donations from our contractors/suppliers when fundraising for charity</p>	<p>Yes</p>	<p>This is permitted provided:</p> <ul style="list-style-type: none"> <li>• approval is gained from the Director prior to making any approach</li> <li>• any donations received are recorded in the register</li> </ul> <p>We recognise our social responsibility and promote charity fundraising by the organisation and our people. We have a separate policy that sets out our approach to supporting other charities.</p>
<p><b>Procuring goods/services</b></p>		
<p>The organisation entering into a contract with an organisation where one of our people, or someone connected to them, has significant control.</p>	<p>No (in almost all cases)</p>	<p>This is not permitted in almost all circumstances. We could only consider this where:</p> <ul style="list-style-type: none"> <li>• the person affected by this policy is not involved in any part of the procurement process or decision</li> <li>• the appointment is approved by the Committee who are satisfied</li> </ul>

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Example	Can this be permitted?	Further action necessary before this can be permitted?
		<p>that the appointment is reasonable in the circumstances</p> <ul style="list-style-type: none"> <li>• there is no reasonable alternative (for example, because of the specialist nature of the goods/services)</li> </ul> <p>In such rare circumstances, the appointment would be recorded in the register along with details of the process followed.</p>
<p>The purchase of land or other assets from anyone who is, or has been in the last twelve months, one of our people or who is connected to one of our people</p>	<p>No (in almost all cases)</p>	<p>This cannot be permitted in almost all cases.</p> <p>The <u>only</u> exception would be if you were referred to us under the Scottish Government's Mortgage to Rent scheme, where this would be permitted provided:</p> <ul style="list-style-type: none"> <li>• our policy and procedures are followed</li> <li>• the prospective seller plays no part in the decision to purchase the property or the processing of the transaction by the organisation</li> <li>• it is declared and recorded in the register within five days upon conclusion</li> </ul>
<p>The purchase of goods/services from our suppliers/contractors by one of our people</p>	<p>Yes</p>	<p>This should normally be avoided, and will only be potentially permitted if the procedure identified in Section 4 is followed</p>

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## Appendix B

### List of contractors (at August 2022)

<b>NAME OF CONTRACTOR</b>	<b>LOCATION</b>
Hi Flow	Clydebank
Kingdom Gas Services	Fife
Phoenix Plumbing	Clydebank
Hartserve	Clydebank
Topmark Security Systems	Clydebank
Garring Ltd	Glasgow
The Ventilation Experts	Kilmacolm
ADR Property Maintenance	Old Kilpatrick
Hoffman Digital Installations	Larkhall
Sheils Construction, Joinery & Maint. Ltd	Glasgow
Ian McDonald Flooring	Glasgow
SitexOrbis Property Protection Ltd	Govan
Argon Technical Services Ltd	Paisley
Mira Showers	Cheltenham
Joinery Design	Fife
Trayndale	Clydebank
Lenlay Energy Consultants	Glasgow
Paterson Safety Anchors Ltd	Barrhead
City of Glasgow Disabled Aid Specialist	Uddingstone
JC Decorating	Glasgow
Brian Hood General Property Maintenance	Clydebank
Latto Maintenance Limited	Clydebank
Clyde Electrical Solutions	Caldercurix
Macpherson Locksmith	Hamilton
Regency Glazing Contractors	Anniesland
Mitchell Drainage & Waste Services Ltd	Glasgow
JCM	Clydebank