

# NO ACCESS POLICY



City Housing



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# 1 PURPOSE

- 1.1 The Council respects the privacy of our tenants and leaseholders and their right to quiet enjoyment of their homes. However, in some circumstances, it may be necessary for us to gain entry to a property or communal area in order to carry out urgent and/or essential repairs and maintenance or to carry out our Housing Management functions as a landlord. The Council has obligations under relevant legislation, regulations and guidance to ensure that we are compliant with but not limited to the Decent Homes Standard, Safety and Quality Standard, Building Safety regulations including those for Gas and Electrical Safety inspections, The Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025 (the Regulations) and standards set out by the Regulator of Social Housing.
- 1.2 This policy details the circumstances in which the Council will seek to take action to gain access to properties or communal areas where despite reasonable attempts to do so, we have not been able to.
- 1.3 The Council has both legal and moral obligations to ensure that we:
  - 1.3.1 Have an effective and efficient repairs and maintenance service;
  - 1.3.2 Have a rational and reasonable approach to carrying out planned maintenance and repairs to properties and communal areas owned and managed by the Council.
  - 1.3.3 Comply with our legislative and regulatory requirements in relation to the safety and sustainability of our homes;
  - 1.3.4 Establish and maintain effective relationships with our tenants and leaseholders, taking into account individual needs and circumstances.

# 2 SCOPE

- 2.1 This policy applies to all residential properties owned and managed by the Council, including all Council tenants and leaseholders.



## 3 POLICY AIMS AND OBJECTIVES

### 3.1 The aims of this policy are to ensure that:

- 3.1.1 The Council's residential properties are well-maintained.
- 3.1.2 The Council meets its legislative obligations under the Decent Homes Standard and now Safety and Quality Standard
- 3.1.3 The Council continues to deliver its retro-fit and de-carbonisation objectives to meet the Council's Route to Zero targets.
- 3.1.4 The Council is able to deliver its capital investment programme in line with published timescales.
- 3.1.5 The Council is able to meet and demonstrate compliance with Health and Safety and other legislative requirements relating to residential properties for which it is legally responsible for.
- 3.1.6 The Council is able to gain emergency access to properties where there is an immediate Health and Safety risk to tenants, leaseholders or the wider occupants of the building or neighbourhood or the likelihood of damage or actual damage being caused to the property or adjoining properties.

### 3.2 The objectives of this policy are to ensure that:

- 3.2.1 The Council understands the specific needs of tenants and leaseholders and tailors its approach to recognise these needs whilst also complying with its statutory and legislative requirements.
- 3.2.2 The Council provides a clear and understandable approach to gaining access to properties and communal areas.
- 3.2.3 Officers of the Council have guidance on the approach to be taken when they cannot gain access and a range of options to utilise in gaining access to properties and communal areas.
- 3.2.4 Tenants and leaseholders have a clear understanding of their obligations to provide access, the steps that the Council will take in order to work with tenants and leaseholders, and the escalation process where access is not provided.
- 3.2.5 Tenants and leaseholders are aware of the circumstances in which they may legitimately refuse access, e.g any requirement for reasonable adjustments due to disability as recognised under the Equality Act 2010 i.e., or where the person is vulnerable. Equally, the circumstances where the Council has a statutory or legal duty to gain access irrespective of the wishes of the tenant or leaseholder.

## 4 PLANNED ACCESS

**Under Section 21, Housing Act 1985, the Council has general powers of management,** regulation and control of a local housing authority's house. The statutory provision states the local authority's houses shall at all times be open to inspection by the authority.

<https://www.legislation.gov.uk/ukpga/1985/68/section/21>

- 4.1 The Council will require access to the properties of our tenants and leaseholders for various reasons. The below list is not exhaustive, but is intended to provide some examples of where access may be required:
  - 4.1.1 To carry out a Stock Condition Survey (SCS). This helps us to identify any disrepair issues or upgrades to your property and assists us in planning future works across our stock.
  - 4.1.2 To carry out inspections, maintenance or repairs where these have been reported to us including inspection and remedial treatment of damp and mould. Awaab's law was recently introduced in 2025, and it sets out obligations for social housing providers to ensure tenants live in safe and healthy homes.
  - 4.1.3 To carry out post-repair inspections to evaluate the quality of work and any need for follow-up works.
  - 4.1.4 To carry out inspections/surveys to detect for the presence of asbestos or other hazardous materials.
  - 4.1.5 To carry out periodic inspections such as an annual Gas Safety check or electrical inspection.
  - 4.1.6 To assist you in managing tenancy-related issues.
  - 4.1.7 To investigate potential health and safety breaches.
  - 4.1.8 Any other purpose allowing the Council to do as set out in your Conditions of Tenancy (where you are a Council Tenant.)



## 5 COMMUNICATION WITH TENANTS AND LEASEHOLDERS

- 5.1 Except where there is an emergency or an imminent health and safety risk, we will always attempt to contact our tenants and leaseholders to agree a suitable time and date to visit. We will do this through a variety of means:
  - 5.1.1 Contacting you by telephone/text/email to agree an appointment time and date.
  - 5.1.2 Carrying out a home visit to agree a suitable time and date.
  - 5.1.3 Writing to you in advance to explain the purpose of the visit and propose a date and time, with options to rearrange if this is not convenient.
  - 5.1.4 Where you have reported a repair to us, we will confirm the time and date that operatives will attend your property.
- 5.2 When seeking to contact tenants or leaseholders for planned visits, we will always try to use your preferred language (where English is not the first language) and means of contact. It is important that you let us know of any changes to these preferences to avoid delay or confusion.
- 5.3 As a reasonable landlord, we will make several attempts to contact you ahead of a visit, through a variety of the means set out at section 5.1 and at different times.
- 5.4 Where we are aware that tenants have support needs and we have been unable to make contact, we may also, depending on the urgency of the situation and the individual circumstances of the tenant or leaseholder:
  - 5.4.1 Make contact with next of kin or any person(s) recorded as having caring responsibilities.
  - 5.4.2 Make contact with neighbours.
  - 5.4.3 Make contact with known advocates or support workers.



## 6 EMERGENCY ACCESS/FORCED ENTRY

- Under certain circumstances, the Council may enter premises and reserves the right to force entry for survey and examination under Section 54 of the Housing Act 1985, within 24 hours notice to the occupier and owner (if known),

A power of entry is contained in section 54 of the Housing Act 1985, in the following terms.

*“(1) A person authorised by a local housing authority or the Secretary of State may, at any reasonable time, on giving 24 hours notice of his intentions to the occupier and to the owner if the owner is known, enter premises for the purpose of survey and examination –*

*(a) where it appears to the authority or Secretary of State that survey or examination is necessary in order to determine whether any powers under this Part should be exercised in respect of the premises..., or*

*(b) [relates to compulsory purchase]”*

*“(2) An authorisation for the purposes of this section shall be in writing stating the particular purpose or purposes for which the entry is authorised and shall, if so required, be produced for inspection by the occupier or anyone acting on his behalf.*

*“(3) A person may not be authorised by a local housing authority under subsection (1)(a) to enter and survey or value land in connection with a proposal to acquire an interest in or a right over land (but see section 172 of the Housing and Planning Act 2016)”.*

<https://www.legislation.gov.uk/ukpga/1985/68/section/54>

**As set above, under Section 21, Housing Act 1985, the Council also has general powers of management,** regulation and control of a local housing authority's houses is vested in and shall be exercised by the authority and the houses shall at all times be open to inspection by the authority.

**Examples where we may force entry in an emergency include, but are not limited to:**

- 6.1.1 A flood or ongoing leaks.
- 6.1.2 A gas or chemical leak.
- 6.1.3 A suspected medical emergency.
- 6.1.4 If there is damage being caused to a neighbouring property and immediate access to your property is required.
- 6.2 Any known safety issue or fault with the property that could result in fire or injury to the occupants or neighbouring properties.
  - 6.2.1 When all other reasonable efforts to access the area for survey and examination have failed.
  - 6.2.2 We will make follow-up attempts to contact the tenant or leaseholder and inform them of the emergency access, the reasons for it and the actions we have taken to address the emergency.
  - 6.2.3 We will ensure that the property is secured after entry; if a lock change is necessary we will leave visible information to enable the occupiers to collect keys.
  - 6.2.4 We will take photographic evidence of the condition of the property and an inventory of the contents.
- 6.3 If we discover that the reasons for us accessing the property in an emergency was due to a fault of the occupiers (e.g. where there has been a flood due to taps being left running), we reserve the right to recharge the tenant or leaseholder for the costs of the works undertaken and seek recovery of the same

**Communal areas**

- 6.4 The Council has a legal and moral obligation to ensure that its buildings and communal areas are safe. This requires us to carry out regular inspections of our high, medium and low-rise buildings, and other properties with communal areas to monitor and evidence compliance with relevant legislative requirements.
- 6.5 The purpose of these visits can include, but is not limited to:
  - 6.5.1 Asbestos checks.
  - 6.5.2 Electrical checks.
  - 6.5.3 Fire Risk Assessments.

There is a legal duty to conduct an assessment under the Regulatory Reform (Fire Safety) Order 2005 and places legal duties on the responsible person to conduct a FRA and ensure fire precautions are in place and maintained and residents are safe.
  - 6.5.4 Legionella Inspections.
- 6.6 Most of our high, medium and low-rise buildings have door entry systems which enable access to the communal areas. However, some buildings operate on a key lock system, and we retain a master key to allow access to these buildings for inspections and surveys. These entrances must not be tampered with or access denied.

In instances where we find locks have been changed or tampered with a lock change will be immediately carried out. Where a lock change is carried out, instructions will be left in a visible place to confirm the arrangements for replacement keys to be collected.

## 7 ENFORCEMENT ACTION

- 7.1 Whilst we acknowledge that it is important to work with tenants and leaseholders wherever possible, at all times the Council must also have due regard to its statutory and regulatory requirements, and we will intervene and reserve the right to force entry only where all reasonable attempts to gain access have been exhausted.
- 7.2 Where we feel that we have exhausted all reasonable options to gain access and it is necessary to escalate the need for access, we will consider all reasonable options to gain access. The types of action we can take include, but are not limited to:**
- 7.2.1 Forced Entry for survey and examination under Section 54 of the Housing Act 1985, or in the event of an emergency as stated in our tenancy conditions.
- 7.2.2 Apply to the Court for an injunction to enforce our right of access.
- 7.2.3 Serve a Notice of Seeking Possession for breach of conditions of tenancy and apply to the Court for an order to bring the tenancy to an end.
- 7.3 The Council will keep records of all attempts made to contact tenants and leaseholders in order to gain access, and this information will be presented in support of any necessary legal proceedings.
- 7.4 Where we consider that any property may have been abandoned, we will take action in line with our Abandoned Property Procedure.



## 8 EXCEPTIONAL CIRCUMSTANCES

- 8.1 We will discuss concerns regarding planned works and maintenance with our tenants and leaseholders and will try wherever possible to accommodate the wishes of our tenants and leaseholders. We will take steps to support our tenants and leaseholders whilst works are being carried out and to minimise inconvenience caused. The council will take into consideration the protected characteristics under the Equality Act 2010 where, for example, the reason for a refusal of access relates e.g. to disability such as mental health issues, or to age where people are very elderly and vulnerable.
- 8.2 For non-invasive or short-term work, or when access is required for health and safety reasons or for the Council to meet its statutory or regulatory obligations—such as conducting surveys or inspections—the Council expects access to be granted unless there are significant exceptional circumstances that justify postponing or cancelling access to the property, such as disability due to mental health, or age-related vulnerabilities.
- 8.3 In all cases, we will consider any exceptional circumstances and balance these with the Council's overarching obligations to tenants before deciding whether exceptional circumstances apply.

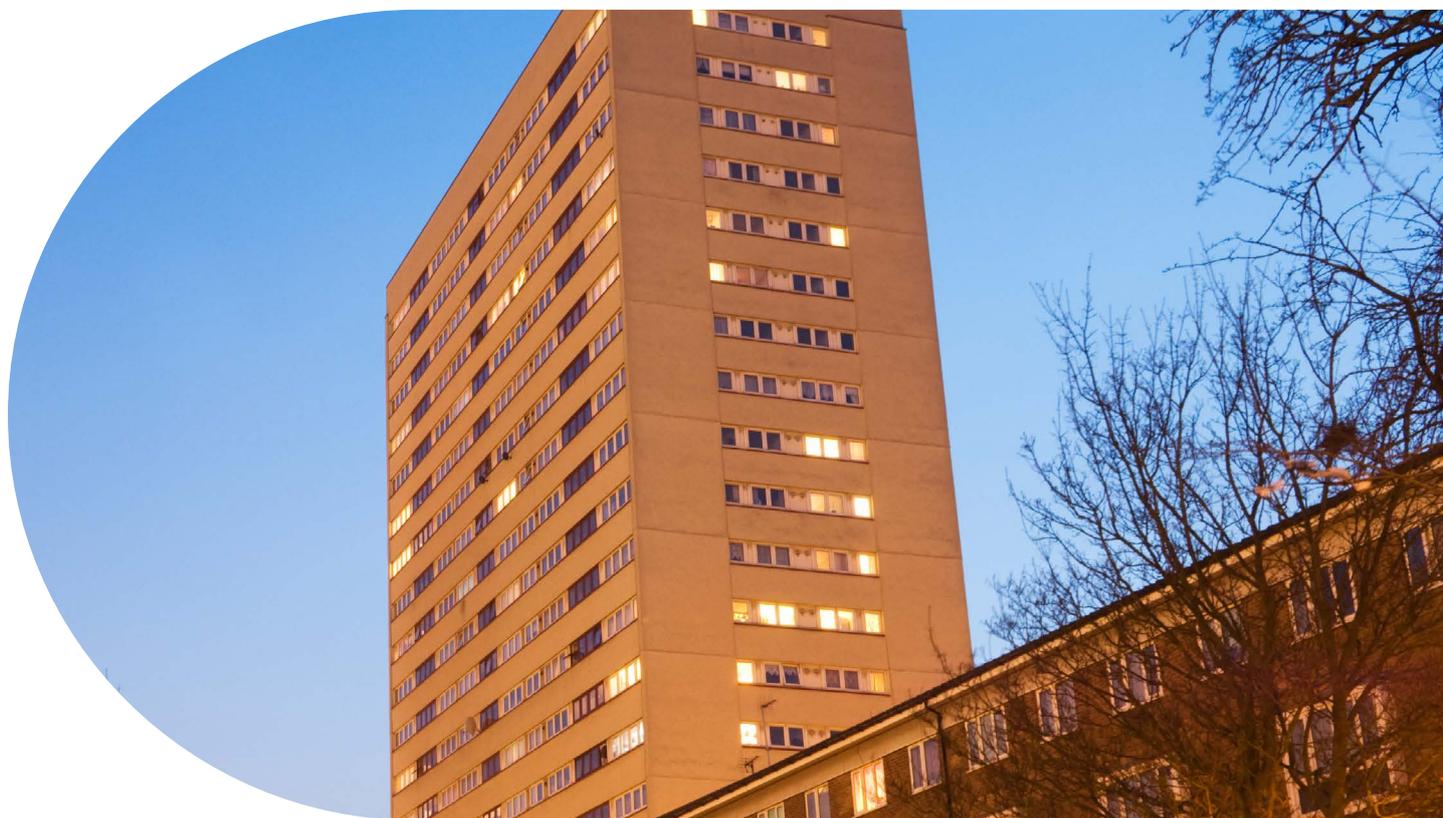


## 9 MONITORING

- 9.1 The effectiveness of this policy will be monitored through the use of intelligent data to identify cases of No Access and ensure that these are being managed in line with the policy. Monthly reports will be produced based on the number of no access visits and escalations made, to ensure that the Council is applying this policy effectively.

## 10 EQUALITY

- 10.1 The Council is committed to welcoming and valuing diversity, promoting equality of opportunity and tackling unlawful discrimination in accordance with the Equality Act 2010. The Council, in delivering this Policy, will have regard to the Public Sector Equality Duty and ensure that no individual is discriminated against based on their sex, sexual orientation, marital status, pregnancy and maternity, gender reassignment, race, religion, belief, disability or age.
- 10.2 This policy has been subject to an equality impact assessment to determine the impact it will have on those groups identified as having a protected characteristic under the relevant legislation.



## 11 COMPLAINTS



11.1 For information on the Council's Compliments, Comments and Complaints Policy, or to make a **complaint, please visit Comments, compliments and complaints | Birmingham City Council.**