

Stevenage Borough Council

# No Access Policy

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<b>Approved by</b>	
<b>Owner</b>	Head of Building Safety
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<b>Author</b>	Alexandra Pelling Head of Building Safety
<b>Business Unit and Team</b>	Building Safety and Housing Property Services – Building Safety team
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## 1. Introduction

- 1.1 This policy provides our residents with robust and clear guidance on Stevenage Borough Council's approach to obtaining access to a resident's property for repairs, in emergency situations and when conducting legally required compliance checks.

We respect the privacy of our residents, and we do not wish to disturb them unnecessarily or at inconvenient times. However, in some situations it may be required for us to gain entry to a property without a resident's consent.

This will only be at times when access is being continually denied by a customer to allow us to undertake any repairs, servicing, maintenance, and planned work which is a legislative, contractual and/or regulatory requirement as a social landlord. Or in not doing so will present a health and safety risk to others and/or our properties.

## 2. Legal & Regulatory Framework

- Protection From Eviction Act 1977
- Landlord and Tenant Act 1985
- Housing Act 1988
- Gas Safety (Installation and Use) Regulations 1998
- Homes (Fitness for Human Habitation) Act 2019
- Fire Safety Act 2021

## 3. Equalities

- 3.1 Under the Equality Act (2010) the Council has a legal duty to fulfil the requirements of the Public Sector Equality Duty (PSED). Through this duty and in the application of this procedure, the council will carry out its functions in a way that:
- a. Removes discrimination, harassment, victimisation and any other conduct that is unlawful under the Equality Act (2010)
  - b. Promotes equal opportunities between people who have a protected characteristic(s) and those who don't
  - c. Encourages good relations between people who have a protected characteristic(s) and those who don't

Further information on the Council's fulfilment of the Equality Act (2010) is set out in the Equality, Diversity and Inclusion (EDI) Policy (2022) and Reasonable Adjustment Policy (2024).

## 4. Data Protection

- 4.1 The Council regards respect for the privacy of individuals and the lawful and careful treatment of personal information as very important to delivery of services.
- 4.2 The Council will ensure that it treats personal information lawfully and proportionately as set out in the General Data Protection Regulation (GDPR) and Data Protection Act (2018). For further information on the Council's approach to handling information please see [Data Protection Act \(stevenage.gov.uk\)](https://www.stevenage.gov.uk/data-protection-act)

## 5. Responsibilities

Job title	Team	Contact information
Head of Building Safety	Building Safety	Building.Safety@Stevenage.gov.uk

## 6. Procedure

### 6.1 Compliance checks

Legally required compliance checks include:

- Gas safety record
- Electrical installation condition report (EICR) checks
- Fire door servicing (only in applicable buildings)

And any future access requirements that may be deemed necessary for the landlord to meet regulatory requirements set out in the Building Safety Act 2022, the Fire Safety Act 2021, the Social Housing Regulation Act 2023, and any associated secondary legislation.

When trying to gain access for these checks we will attempt to contact the resident three times to book the appointment, this can come directly from SBC or contractors working on our behalf. This will be via a combination of letters, telephone calls and visiting the property. These will all be formally logged to ensure we have evidence of our efforts to gain access. After we have made three attempts, we will pass the residents details to our in-house Investment Project Support Team who will try to contact the resident on our behalf. The final access attempt will come directly from SBC.

Where we have still been unsuccessful in gaining admittance and the compliance certificate is about to expire, we will seek an injunction to carry out the check, requiring the resident to facilitate access by law. The costs associated with gaining an injunction would be recharged back to the resident.

If the Gas certificate is about to expire and we have no other option we can cap off the gas supply. We only consider doing this in limited circumstances and as a last resort.

## **6.2 Repairs**

We will always endeavour to book an appointment for a repair at a time which is convenient for our residents. If access to the property is continually denied or appointments are made and not kept, we will seek an injunction to gain access to complete the work and consider taking action against the resident for breach of tenancy.

In extreme cases, legislation allows us to enter and inspect tenanted properties to carry out works, provided 24 hours' notice is given.

## **6.3 Emergencies**

In emergency situations we reserve the right to enter a property without prior consent when we are not able to obtain this.

We consider an emergency to be a situation where access is not granted and waiting for an injunction or for the resident to be able to grant access would result in a significant risk of harm to a person(s) or property:

- SBC or contractors working on our behalf will force access to a property where there is:
  - A water leak that cannot be contained and/or has compromised electrics
  - A gas leak
  - A carbon monoxide leak

We contact the police to request they force access where we:

- Have a genuine and immediate concern for a resident's wellbeing
- Suspect that a violent or criminal incident is taking place

We will only consider entering a property without prior consent as a last resort and we will use various types of contact, such as speaking to neighbours or a next of kin, to establish the resident's whereabouts before we attempt entry. We will always consider if the issue can be resolved without having to enter the property itself in the first instance.

Where available, we use a master key to gain access. Where we do not hold a master key, or it is not immediately available we can (or authorise another agency to) force entry to the property.

We will try and limit any damage as far as possible.

We will make safe and repair any part of the property damaged in the process of forced entry.

If there is a child or adult with care and support needs within the household, we follow our relevant safeguarding policies and procedures and work closely with appropriate agencies.

**The Procedure will be as follows:**

- First appointment letter sent, with appointment date given within 7 days of the date of the letter
- Second appointment letter sent, with appointment date given within 7 days of the letter
- Third appointment letter sent, with appointment date given within 7 days of the letter
- Job gets referred back to relevant team
- Investment Support Team notified to aid with tenant liaison. Once contact has been made resident has 7 days to allow access for the required service/works
- First attempt - SBC Employee/ Contractor cold call resident and leave calling card stating appointment must be made within 7 days (photographic evidence taken)
- Second attempt – SBC Employee/ Contractor cold call resident and leave calling card stating appointment must be made within 7 days (photographic evidence taken)
- Third attempt – SBC Employee/ Contractor cold call resident and leave calling card stating appointment must be made within 7 days (photographic evidence taken)
- SBC prepare Court paperwork and apply for a warrant.
- Warrant received and served at property appointment set for two days later
- Warrant actioned and works completed

## **7. Governance**

This policy will be reviewed every two years by the Head of Building Safety and the applicable working group. There will be input from Building Safety, Housing Asset Management and Housing Management. It will then be approved by the Executive Housing Working Group.

## **8. Definitions and Abbreviations**

SBC     Stevenage Borough Council.