

Housing Repairs and Statutory Compliance No Access Policy



Sandwell
Metropolitan Borough Council

Document title	<i>Housing Repairs & Statutory Compliance No Access Policy</i>		
Owner	<i>Head of Building Safety & Compliance</i>		
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Purpose	<i>This policy lays out the legislative, regulatory and guidance requirements around gaining access to carry out repairs and compliance checks.</i>		

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01. Policy Definitions

SMBC	Sandwell Metropolitan Borough Council
EICR	Electrical Installation Condition Report
No Access	A situation in which SMBC is unable to gain lawful entry to a property after making reasonable and proportionate contact attempts to the resident to do so, thus preventing SMBC and / or its contractors from carrying out essential safety checks, inspections, repairs or remedial works.

02. Purpose

- 2.1 As a landlord, Sandwell Metropolitan Borough Council (SMBC) is responsible for carrying out repairs, maintenance, servicing and inspections to the homes, communal blocks and other properties that we own and manage. These activities help ensure that homes remain safe, compliant with legal and regulatory requirements, and maintained to an appropriate standard.
- 2.2 Delivering these services effectively requires a shared commitment between SMBC and residents. We will work proactively with residents to arrange access for repairs, maintenance, inspections, servicing and improvement works, providing reasonable notice, clear communication and, where practicable, support to identify and overcome barriers to access. Residents are expected to engage with us and facilitate access where required, particularly when works relate to health and safety, statutory compliance, or the prevention of damage to the property.
- 2.3 The key objective of this policy is to ensure that our Cabinet, Elected Members, Executive Directors, Senior Leadership Team, employees, partners and residents understand our legal and regulatory obligations, together with their respective roles and responsibilities in supporting compliance with those obligations. This policy provides the framework within which SMBC staff and partners will operate to meet these requirements while adopting a fair, proportionate and resident-focused approach to securing access.
- 2.4 This policy sets out SMBC's approach to arranging and obtaining access to residents' homes for repairs, maintenance, inspections, servicing, improvement works, emergency situations and legally required compliance checks. It also outlines the steps we will take to engage with residents, understand individual circumstances and remove barriers to access wherever possible before considering any escalation or enforcement action. This policy does not apply to gaining access to properties as part of repossession or eviction proceedings.

03. Scope

- 3.1 This policy applies to tenants, leaseholders and other residents occupying homes and buildings owned or managed by Sandwell Metropolitan Borough Council where the Council has a legal, contractual or management responsibility to undertake repairs, maintenance, servicing, inspections or compliance activities.
- 3.2 This policy explains how Sandwell Metropolitan Borough Council will work with residents to keep homes, communal areas and other properties we own or manage safe and well maintained. It sets out our approach to arranging access for repairs, maintenance, inspections, servicing and safety checks, helping to ensure a safe environment for residents, employees, contractors and visitors. All Council employees and contractors working on our behalf must follow this policy.

- 3.3 Legally requires compliance checks include all the items listed below.

Gas Boiler Servicing	Electrical Installation Condition Checks and Reports
Fire Alarm Servicing	Smoke, Heat & Co Detections Checks
Asbestos Surveys	Water Risk Assessments
Domestic Lifts, such as Stairlifts, Hoists etc	Fire Door Inspections
Damp and Mould Inspections	Emergency Repairs and Inspections
All remedial actions and further required works, that are resultant from the checks listed above.	

04 Compliance Testing and Inspections in tenanted properties

- 4.1 SMBC recognise that Resident Safety is of paramount importance and the Council carry out a range of testing and inspections of all areas of compliance activity (listed in Section 3.3 above).
- 4.2 It is explicit in each tenancy agreement and lease agreements, that residents must provide access to their home to allow the SMBC or its contractors to complete these tests and inspections and if remedial works are required, access to complete these in a timely manner.
- 4.3 The Council will only permit fully qualified operatives of whichever discipline to work on resident's premises.
- 4.4 Tenants and leaseholders will normally be contacted a number of weeks before a test, inspection or service becomes due. Communications will explain the purpose and importance of the visit and confirm the proposed appointment date. Where the proposed appointment is unsuitable, residents will be provided with options to arrange an alternative date and time that better meets their needs.
- 4.5 Where access cannot be gained to the property on the arranged date, a no access card will be left at the property. Additionally, a record of dates and times where access has been attempted will be stored on corporate systems. This data may be used as evidence should legal action be required to obtain assured access at a future date.
- 4.6 SMBC will make reasonable efforts to engage with residents and understand any barriers preventing access before progressing to the Council's No Access Procedure. Where access cannot be achieved following three attempts to contact and engage with the resident, the Council's No Access Procedure will be initiated.

05 Action we will take against tenants when access is not allowed

Most tenants and leaseholders allow access to their homes when required. If they do not allow us access, they may be in breach of their tenancy, and we may take legal action.

5.1 If they refuse access after reasonable requests, we:

- May issue a breach of tenancy warning.
- May ask the court for an injunction to allow us access into the property and the tenant to pay our legal fees.
- May serve a Notice of Seeking Possession letting you know of our intention to seek possession of your home.
- May obtain a warrant of entry from the Magistrates Court

5.2 If a tenant continues to refuse reasonable access, we may apply to the court for possession of your home. This action will only be taken as a last resort.

5.3 We may take this decision if the tenant:

- Has not responded to our requests for access and contact requests, or
- Does not allow us access after the Court has given us an injunction, or routinely fails to give us access
- Does not allow us access to communal parts and or other areas that are not part of the resident's home (e.g. riser cupboards, communal lofts) in our buildings
- Does not allow us access to their garage or pram store where we have reasonable concerns such as but not limited to storage of dangerous or illegal substances.

5.4 Where we have reasons to believe that tenancy fraud such as sub-letting is taking place and the tenant does not allow access, we will seek to pursue enforcement action. In very serious cases where we have an injunction, and the tenant still does not allow access, we may issue committal proceedings which could lead to a fine or imprisonment.

5.5 In line with the Tenancy Agreement, where a reasonable request for access has been made, and where access has been withheld or obstructed. Tenants must pay us the reasonable costs of gaining entry to a property including the reasonable costs of court proceedings if they are necessary.

06 Compliance Obligations

- 6.1 SMBC has a legal duty to comply, with all relevant legislation, regulation and guidance, that relate to keep our homes safe for all residents and their neighbours. This extends to ensuring that all compliance checks, repairs, maintenance and any associated remedial actions are completed within an agreed timeframe.
- 6.2 SMBC will always arrange an appointment for compliance checks, repairs or similar works, that is suitable for our residents, we will also provide options for other times to suit residents' availability.
- 6.3 Where access to carry out legally required compliance checks, repairs or remedial actions is denied by residents after reasonable requests have been made and more than three appointments have failed due to access, SMBC may need to take legal action.

07 Emergency Forced Entry

- 7.1 SMBC consider an emergency to be a situation where access is not granted and waiting for an injunction for the residents to be able to grant access would result in a significant risk of harm to people or property.
- 7.2 In emergency situations SMBC reserves the right to enter a property or communal area without prior consent where we cannot obtain this. We only consider entering a property without prior consent as a last resort. We always consider if the issue can be resolved without having to enter the property itself, for example by turning off the water supply if a leak has been reported.
- 7.3 Where there is an emergency involving gas, we will consider capping the gas in limited circumstances and where this has been approved by the relevant service manager within SMBC.
- 7.4 Where gas has been capped, we will continue to gain access, while we either seek an injunction or follow the Councils, Abandonment Policy. If there is a child or adult with care and support needs within the household, we follow our Safeguarding Policy and procedures and will work closely with relevant agencies to have the gas reinstated as swiftly as is safety possible.

7.5 SMBC may need to force access to a property where there is:

- A Water leak that cannot be contained.
- Compromised electric installation
- A gas leak
- A carbon monoxide leak

7.6 SMBC will contact the police or fire brigade to request they assist in forcing access where we:

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

08. Legal Framework

8.1 SMBC have given regard to the following legislation and guidance in preparing this policy.

- Protection from Eviction Act 1977
- Landlord and Tenant Act 1985 – Specifically Section 11
- Housing Act 1988
- Homes (Fitness for Human Habitation) Act 2019
- Gas Safety (Installation and Use) Regulations 1998
- Fire Safety Act 2021
- Electrical Regulations

09. Supporting Documents & Policies

- [Sandwell Metropolitan Borough Council Tenancy Conditions](#)
- [Tenant Handbook](#)
- [Leaseholder Handbook](#)

10. Equality and Diversity

10.1 The Council will implement this No Access Policy fairly, consistently and without discrimination, in accordance with the Equality Act 2010.

10.2 When managing cases where access to a property cannot be obtained, the Council will take account of the needs of residents with protected characteristics, disabilities, communication needs, or other vulnerabilities that may affect their ability to engage.

10.3 Before progressing enforcement or escalation measures, reasonable efforts will be made to understand and address any barriers to access, ensuring that actions taken are proportionate, appropriate and sensitive to individual circumstances.

10.4 Reasonable Adjustments

The Council will support residents to engage with access arrangements and requirements wherever reasonably practicable. Adjustments may include:

- Providing information in alternative formats.
- Offering flexible appointment arrangements where operationally feasible.
- Communicating through a nominated representative, advocate, carer or support worker.
- Using appropriate communication methods to meet individual needs.

Requests for reasonable adjustments will be considered on a case-by-case basis and implemented where reasonable and practicable.

10.5 ST*R Model

The Council will apply the ST*R model when managing no-access cases:

- **Strengths-Based** – working with residents to identify solutions that enable access.
- **Trauma-Informed** – recognising that personal circumstances or past experiences may affect engagement.
- **Relationship-Based** – maintaining clear, respectful and constructive communication throughout the process.

11. Policy Document Version Control

Version	Date	Description	Updated By
0.1	07.05.2026	Initial draft for approval	Compliance Lead
0.2	17.07.2026	Revised draft following comments at Joint Housing and Asset Management meeting.	Compliance Lead
0.3	29.07.2026	Revised draft and formatting of document	Louis Bebb