



Bristol City Council Housing and Landlord Services

Gain Access Policy

Version 2.1

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History of most recent policy changes			
Date	Page	Change	Origin of change (e.g. legislation)
10/10/2025	Transferred to new policy template	Simplified wording and clearer wording on pre-litigation and litigation access attempts	Request for change by Head of Service
09/09/2026		New template	

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Definitions

Access	Section 2.20 of Bristol City Council's Tenancy Agreement. Allowing Council employees, contractors, or other authorised persons to enter your home for inspections, safety checks, repairs, maintenance, or other housing services.
Access appointment	A date and time arranged with you for someone acting on behalf of the Council to visit your home for a defined reason.
Authorised person	A Council employee, contractor or other named agent of Bristol City Council who has permission to carry out work or inspections in your home.
Best endeavours	All reasonable steps taken by the Council to arrange and gain access, such as different kinds of communication and offering reasonable adjustments.
Communal areas	Parts of a building shared by residents, such as corridors, stairwells, entrances, bin stores, and shared gardens.
Contractor	A company or individual working under a contract to carry out works.
Court order	For the purposes of this policy, a legal order obtained from the county court requiring a resident to allow access to their home. Only applied for when best endeavours under the Gain Access Procedure have been exhausted and BCC has a legal reason to enter.
Discretionary access	Access requested by the Council for activities that are not required by law but help it to manage homes and tenancies. Examples include tenancy audits, home condition surveys, and other non-statutory inspections. While residents are expected to cooperate with these visits, the Council would not normally seek legal action solely to obtain discretionary access.
Emergency	A situation that presents an immediate risk to people, property, or the building, such as a fire, gas leak, structural failure.
Forced Entry	Entry to a property without the resident's permission, carried out by or on behalf of BCC where there is a legal right to enter, an emergency situation, or a court order authorising access. Forced entry is a last resort and will only be considered after all reasonable efforts to gain access have been exhausted, unless immediate entry is required to protect health, safety, or property.
Home Condition Survey	An inspection of a property to assess its overall condition and identify any repairs or improvements that may be needed.
Injunction	A type of court order requiring a person to do something or stop doing something. For the purposes of this policy, it means an order requiring access to be provided. If the resident does not comply with the court order, further legal action may be taken by BCC to gain access to ensure the safety of the resident in their home.

Resident	Any person living in a Council home, including the tenant named on the tenancy agreement, a leaseholder, and members of their household.
Reasonable notice	Advance notice given by the Council before a planned visit, except in emergencies where immediate access may be required and forced access permitted under law.
Statutory access	Access that the Council requires in order to meet a legal duty or exercise a legal power. This includes situations where the Council must carry out inspections, safety checks, repairs, or other activities required by law.
Unreasonable refusal	When a resident repeatedly declines or prevents access without a valid reason after reasonable attempts have been made to arrange an appointment.
Vulnerable resident	A person who may need additional support to remove barriers preventing them from accessing or receiving services. For example due to health, communication, or other need.

1. Purpose

As a social landlord, Bristol City Council [BCC] must make sure our homes are properly managed and maintained in line with the tenancy agreement to meet legal standards and ensure that residents are safe. BCC is committed to making effective use of resident data to understand the diverse needs of residents to:

- Ensure the health and safety of the resident, their home, and visitors.
- Provide support to assist residents to maintain their tenancies and avoid unnecessary evictions.

This policy sets out BCC's response when residents refuse access to their home for essential works. This policy should be read in conjunction with BCC's Tenancy Agreement, the Repairs and Maintenance Policy, and the Resident Vulnerability and Reasonable Adjustments Policy.

This Gain Access Procedure has been developed to ensure a consistent approach when trying to gain access to homes and garages owned and managed by the Council. BCC aims to cause as little inconvenience as possible when delivering landlord functions, so this procedure also requires that services work together and collaborate in knowledge and information management.

For the purposes of this policy, "tenant" refers to someone with a legal agreement to live in a home let by BCC, while "resident" is a broader term that includes anyone living with them.

2. Scope

This policy refers to all homes owned, maintained, and managed by BCC as a Registered Provider of Social Housing [RP].

All other BCC premises managed by BCC's Corporate Property Services, Facilities Management or Building Practice Teams are not within the scope of this policy.

This policy also applies to circumstances where access has been achieved but the resident is refusing works.

All BCC colleagues have a responsibility to the health and safety of residents and their homes; this policy enshrines the importance of “knowing who is behind the door”.

3. Aims and objectives

The aim of this policy and its associated procedure is to set out BCC’s standardised and integrated approach to gaining access to residents’ homes in circumstances of resident refusal. It mandates more effective use of resident data and joined up working across the Council with the combined aim of improving the landlord-tenant relationship, prevent tenancy breaches, and simplify access in the context of expanded building safety and health and safety regulation.

The objectives of this policy are to:

- Establish the difference between active and passive resident refusal for appropriate steps to be taken.
- Clearly state the rights and responsibilities of the Council and residents.
- Formalise BCC’s use of resident data “know who is behind the door”.
- Distinguish the pre-litigation and litigation steps to gain access.

4. Roles, Responsibilities and Authority

The Director of Homes and Landlord Services is designated as the Responsible Person [RP] for building safety, ensuring that the council’s premises comply with the duties imposed by the Regulatory Reform (Fire Safety) Order 2005, and Building Safety Act 2022. The Executive Director is the Principal Accountable Person [PAP], and the Head of Landlord Building Safety and Compliance the Accountable Person [AP] for building safety.

The Director of HLS is also the Health and Safety Appointed Person [AP] and is responsible for ensuring compliance with the Consumer Standards as set out in the Social Housing (Regulation) Act, 2023. Furthermore, they are responsible for ensuring that all staff within the directorate are aware of health and safety issues and the steps required to resolve these.

The Director of HLS, Director of Housing Property and the Head of Housing Management and Estates are responsible for the implementation of this policy.

A list of the Roles and Responsibilities and the Service Level Agreement [SLA] are detailed in Appendix A.

5. The Policy

5.1 Legal Context and Consumer Standards

This Policy and its associated Procedures meet the Consumer Standards set by the Regulator of Social Housing [RoSH]. This is achieved by using resident data to allow BCC to understand resident need and meaningfully engage with them to improve the relationship between landlord and tenant. Similarly, new Consumer Standards and stricter compliance laws mean

require local authority landlords to be more proactive in involving tenants in housing and landlord services.

BCC must have a clear and consistent plan for accessing homes. Failure to meet the new requirements under the Social Housing Regulation Act [SHRA] 2023 could result in penalties from the Regulator of Social Housing [RoSH], which could financially impact both the Council and residents.

This Policy also enforces the Council's Public Sector Equality Duty [PSED]. It supports HLS staff to make decisions which take into account residents' protected characteristics (e.g. disability or age), by making reasonable adjustments where needed. All staff must have and prove due regard of resident needs to understand our residents in terms of "who is behind the door".

A comprehensive list of associated law can be found below in Appendix C.

5.2 Tenants Rights

Tenants have the right to reasonable notice and respectful treatment when access is required to their property. The following principles apply:

- Tenants will be given sufficient notice or a minimum of 24 hours' written notice for repairs and safety inspections, except in cases of emergency where there is immediate risk to life, health and safety or to prevent serious damage.
- The purpose of the visit or inspection will be clearly stated in the communication.
- Our teams will ensure visits are scheduled at a reasonable time of day and will aim to accommodate the tenant's availability where possible. Tenants have the right to be present during inspections and may request a rescheduled appointment if the proposed time is unsuitable.
- Our officers will identify themselves and act professionally at all times. Visits and inspections will be conducted in a manner that respects the tenant's privacy and dignity.
- Tenants have the right to be accompanied by a third-party representative.
- Tenants may request a copy of the inspection report or findings and have the right to respond to any concerns raised.

5.3 Services Requiring Access

There are many reasons why BCC might require access to residents' homes. The right of the landlord to access residents' homes is set out in BCC's Tenancy Agreement. For guidance on resident responsibilities, see the Tenancy Types Policy.

A full list of the statutory and discretionary reasons for landlord access can be found in Appendix D.

5.4 Types of refusal

On arrival to some properties, children or vulnerable adults may be alone, and it is not appropriate to gain access to the property without a responsible adult present. Access should not be attempted under such circumstances and a visit rearranged with the appropriate persons in attendance.

There are many reasons why landlord access to a tenanted property might be refused:

- Refusal can be described as active when it is direct and communicated by the resident.
- In these circumstances, BCC must evidence that the refusal is unreasonable and take action to gain lawful access.
- Refusal can be passive when it is indirect, or where the resident has not actively resisted or responded to the access request.

The Gain Access Procedure standardises how BCC responds to refusal. It involves taking action to understand and reasonably adjust to characteristics and additional needs to discern the reason for refusal and take just and proportionate steps to resolve.

Through taking this positive action, BCC is committed to its Public Sector Equality Duty by assisting persons with protected characteristics or additional needs to overcome disadvantage to ensure health and safety in their home.

5.5 Gain Access Procedure

BCC will make three attempts to gain access to a tenants' home to carry out necessary works or inspection. For each visit, information held about the resident will be used to ensure any reasonable adjustments are made. BCC is committed to take just and proportionate steps by taking detailed consideration of residents' circumstances to avoid legal action.

5.6 Legal Action

Where the Gain Access Procedure has failed, or refusal is unreasonable, BCC will seek legal remedy to gain access to carry out necessary works.

The Gain Access Procedure justifies any 'indirect discrimination' (Equality Act 2010), which is the practice of incidentally disadvantaging those with a particular protected characteristic, as it evidences BCC's intention to meet a named legitimate aim adaptably.

5.6.1 Access Injunction

Where the Council has a legal duty or statutory power to enter a resident's home, such as to carry out an electrical safety inspection, it will consider applying to the civil court for an access injunction if access continues to be unreasonably refused after all reasonable steps under the Gain Access Procedure have been exhausted.

The Council will not normally seek an injunction solely to carry out discretionary activities, such as tenancy audits or home condition surveys. However, where an application for statutory access is necessary, ongoing refusal to allow access for these activities may also be included in the court application where appropriate.

An access injunction is a type of mandatory injunction which directs a person to perform a certain act or series of acts that involves complying with their tenancy conditions to allow

landlord access. Both legal parties must follow the terms of that order and failure to adhere to the order constitutes contempt of court.

5.6.2 Forced Entry

BCC understands that, with respect to gaining access to a property, any forced entry without a court order constitutes trespass and may also result in criminal proceedings under Section 6 of the Criminal Law Act 1977. BCC also accepts that forced entry is in breach of Article 8 of the European Convention of Human Rights [ECHR]

Consequently, BCC will refrain from using forced entry, with the following exceptions:

- Court ordered: Forced entry may be ordered by the court after the tenant has failed to comply with an access injunction or where a Warrant to Enter Premises has been granted under the Environmental Protection Act 1990.
- Exceptional circumstances: Forced entry is permissible where there is an immediate risk of personal injury or a risk to life.
- Abandonment: Entry without tenant consent is lawful when the property has been abandoned and reasonable assurances have been provided that no persons are remaining in the property.

Court ordered forced entry must never be executed without evidence of resident engagement, vulnerability checks via the Gain Access Checklist and a risk assessment having been completed and signed off by the manager of the services who requires access to the property.

5.7 Equality and Diversity

An equality impact assessment has been undertaken for this Policy.

5.8 Complaints

If residents are unhappy with the services provided by BCC or how their concerns have been handled, they're encouraged to use the official complaints procedure as outlined on the [Complaints and feedback](#) webpage.

6. Quality Assurance

6.1 Publishing

This Policy will be published on the BCC website and communicated to relevant operational teams via Policy briefings and other appropriate communications.

6.2 Review

This Policy will be reviewed in one year or sooner in line with industry standards and internal procedures.

6.3 Monitoring and Reporting Requirements

Service delivery and performance is measured against the HLS Performance Framework. BCC uses performance management through key performance indicators [KPIs] to enhance service delivery standards, monitor success and improve tenant experience.

Services need to meet the KPI's set and other reporting responsibilities to Regulators as required. The KPIs relevant to the Gain Access Policy and Procedure are:

- Percentage of Gas Safety checks completed.
- Percentage of Electrical Safety checks completed.
- Percentage of Tenancy Audits completed.
- Percentage of dwellings with a stock condition survey dated within the last 5-years.
- Proportion of Homes that do not meet the Decent Homes Standard is reduced.
- Percentage of residents satisfied that their home is safe.
- Percentage of residents satisfied that the landlord keeps them informed.

7. Appendices

- Appendix A – Roles and Responsibilities
- Appendix B - List of Services Requiring Access
- Appendix C – Legal and Policy Context
- Appendix D – Associated Documents

Appendix A – Roles and Responsibilities

Service Level Agreement: The Service Requiring Access is responsible for completing their section of the Gain Access Checklist and referring this to Tenancy Management and associated Services Requiring Access. Tenancy Management is responsible for completing and returning the checklist within 10 working days from receipt. When the checklist is returned to the original referrer, the list of recipients will include other Services Requiring Access for compliance checks.

Job/Team Name	Description of responsibilities	Input from
Service Requiring Access	Documentation of three access attempts. Completed gain access checklist. Final Access Appointment. Litigation Process. Forced Entry Appointment pre or post litigation as approved.	Contractors, and/or Other Services Requiring Access.
Housing and Estates Services	Completed gain access checklist.	Social Services or internal/ external agencies supporting residents.
Head of Service	Approval for any exceptional circumstances where forced entry is required with no litigation or injunction.	Legal Services.
Access Compliance Team	Litigation process.	Legal Services. County Court. Magistrates Court.

Tenancy Management Access Officer	Forced Entry Appointment pre and post litigation.	BCC Operatives. Social Services. Police, Community Support Officer's or Security Services.
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Appendix B - List of Services Requiring Access

Services Requiring Access	
Gas safety	BCC requires access to properties to conduct annual gas servicing on a rolling basis of twelve months with the option of testing two-months before expiry, as per Regulation 36a of the Gas Safety (Use and Installation) Regulations 1998. Please refer to BCC's Gas Safety and Servicing Policy and Fire and Carbon Monoxide Detection Policy.
Electrical safety	BCC requires access to properties to complete an inspection and testing programme at regular intervals as prescribed by the BS7671 wiring regulations. It is the responsibility of the resident to report electrical issues which might pose a risk of personal injury or risk to life. Please refer to BCC's Electrical Safety Policy.
Fire safety	BCC requires access to properties to inspect firefighting and detection equipment on an annual basis, to ensure it is accessible for use in an emergency and operational. BCC must also complete checks on fire-resisting doors to ensure that any defects do not materially undermine the ability of the doors to prevent the spread of smoke or fire. For residential buildings of more than four-storeys, the building safety RP named in the fire risk assessment will make best endeavours to check all flat entrance doors at least every twelve-months. For further information, please refer to BCC's Fire Safety Policy and Fire and Carbon Monoxide Detection Policy.
Asbestos	BCC requires access to tenanted properties identified as having Asbestos Containing Materials [ACM] to survey for level of risk, per the Control of Asbestos Regulations 2012 and to satisfy the compliance requirements set out by the RoSH under prescribed Safety Consumer Standards. For further information, see BCC's Asbestos Safety Policy.
Responsive Repairs	BCC requires access to properties to conduct responsive and planned repairs per its contractual and statutory obligations. BCC requires access to properties to respond to reported defects, in accordance with its contractual obligations and to meet statutory social housing standards. For further information, please refer to the Repairs and Maintenance Policy.
Emergency Repairs	If a resident undertakes any work to alter the property, without obtaining permission from BCC or does not provide documentation relating to any works if requested (e.g., electrical testing or gas safety certification), BCC will seek lawful access to the property to investigate with any costs incurred because of work carried out recharged to the tenant. Alterations that are removed or made safe by BCC will incur a recharge to the tenant. An emergency repair is work that must be carried out immediately to address issues that pose an immediate risk to the health, safety, or security of the tenant, property or wider public. These repairs are prioritised and completed as quickly as possible. For further information, refer to the Repairs and Maintenance Policy.

Planned Programmes	BCC may require access to undertake works associated with planned programmes. BCC acknowledges the common law definition of maintenance as the “preservation of the subject matter [...] in its original state” and that this does not mean to make something new or make something safe that was previously unsafe.¹ For further information, please refer to the Repairs and Maintenance Policy.
Tenancy Management	BCC requires access to properties to conduct tenancy audits every five-years. Priority is given to tenanted properties whose tenant is not in contact with BCC, or where there are concerns regarding the condition of the property or circumstances of the tenant. For further information, refer to the Tenancy Audit Policy.
Asset Management	BCC requires access to properties to conduct home condition surveys on a five-year cycle. Surveys are carried out by House Condition Inspectors [HCIs] with regular external validation to maintain data on BCC’s entire social housing stock.
Disrepair team	Housing condition claims are submitted to BCC by solicitor firms whose function it is to seek out dissatisfied social housing tenants. These disrepair claims allege property defects in the tenant’s home and seek costly court-based dispute resolution in the first instance. Surveyors and contractors require access to these properties to inspect the alleged property defects, complete necessary remedial works, and complete a post-works inspection for quality assurance and tenant satisfaction. For further information, refer to the Repairs and Maintenance Policy.
Discretionary purposes	To gain access to properties to carry out “planned maintenance”. This encompasses alterations, improvements, and other recommended but voluntary projects aimed to improve homes. For further information, refer to the Alterations and Improvements to Council Homes Policy.

¹ London Borough of Tower Hamlets v Lessees of Brewster Housing and Malting House (2024) UKUT 193 (LC) (11 July 2024).

Appendix C – Legal and Policy Context

External	Internal
Regulatory Standards: BCC will comply with the Regulator of Social Housing’s regulatory framework and amended Consumer Standards for social housing in England.	• Accessible Homes Policy and Process • Damp and Mould Policy • Electrical Safety Policy • Fire Safety Policy • Gas Safety Policy • HRA Asset Management Strategy 2021-2026 • Repairs and Maintenance Policy • Tenancy Sustainment Policy • Tenancy Audit Policy
Principal Legislation The principal legislation applicable to this Policy is: • Building Safety Act 2022 • Data Protection Act 2018 • Environmental Protection Act 1990 • Equality Act 2010 • Landlord and Tenant Act 1985 • Housing Act 1985 and 1996 • Anti-Social Behaviour, Crime and Policing Act 2014	
Additional Legislation and Legal Instruments The following list of authorities is not an exhaustive, but includes: • Care Act 2014 • Sovereign Housing v Hall (2024) K00GL751 (8 December 2024) • Electrical Equipment (Safety) Regulations 2016 • Fire Safety Act 2021 and Fire Safety (England) Regulations 2022 • Gas Safety (Installation and Use) Regulations 1998 • Health and Safety at Work Act 1974 • Homes (Fitness for Human Habitation) Act 2018 • Human Rights Act 1998 • Management of Health and Safety at Work Regulations 1999 • Protection from Eviction Act 1977 • Regulatory Reform (Fire Safety) Order 2005 [FSO] • Smoke and Carbon Monoxide Alarm (Amendment) Regs 2022 (SCMAR) • Social Housing (Regulation) Act 2023 • Torts (Interference with Goods) Act 1977 • London Borough of Tower Hamlets v Lessees of Brewster Housing and Malting House (2024) UKUT 193 (LC) (11 July 2024).	

Failure to discharge responsibilities and obligations properly could lead to sanctions, including: • Prosecution by the Building Safety Regulator for failing to comply with measures relating to High Risk (High Rise) buildings under the Building Safety Act 2022. • Prosecution by the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974. • Prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007. • Prosecution by the Fire and Rescue Service under the FSO; and via a regulatory notice judgement from the Regulator of Social Housing. • Private prosecution proceedings issued by the tenant.	
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Appendix D – Associated Documents

- Gain Access Procedure
- Gain Access Process Map
- Gain Access Checklist
- Reasonable Adjustment Policy
- Repairs and Maintenance Policy
- Compliance Policies for Gas Safety, Electrical safety, Lift Maintenance, Fire Safety, Water (legionella) Safety and Asbestos
- Damp and Mould Policy
- Missed Appointment Card
- Access Appointment Letter Template