



CONTROLLED ACCESS STATEMENT

1. What is Controlled Access?

- 1.1 Folkestone and Hythe District Council (the Council) has a 'Controlled Access' procedure for gaining access to its tenanted properties in cases of emergency, or to carry out necessary health and safety checks.
- 1.2 The purpose of this procedure is to explain the steps the Council and its operatives will follow to gain access to a property and the legal basis for doing so.

2. Legal requirements

- 2.1 The Council has a statutory duty to carry out repairs and health and safety checks in its rented properties (Landlord and Tenant Act 1985, Section 11b). This is particularly important in relation to completing an annual Landlord Gas Safety Record (LGSR).
- 2.2 The Tenancy Agreement (signed by all tenants when they take the property) states that failure to provide access to a property for repairs, inspections or routine servicing, which includes safety checks the Council is required to carry out by law, may result in forced entry, for which the tenant will be charged.
- 2.3 The Council will use all the legal remedies available within the terms of the tenancy agreement, lease or license should any tenant refuse access to carry out essential gas safety checks, or other safety checks such as fire, water, electricity and asbestos.

3. Non-access/forced entry

- 3.1 In a small number of cases we are unable to gain access to undertake these checks, either because the tenant has not responded to our contact or is physically refusing access to the property. In these cases, we will take enforcement action to gain entry to the property if necessary.
- 3.2 This may mean undertaking a 'forced entry' as indicated in the Tenancy Agreement (see 2.2 above). In all cases where we have not been granted access to the property, we will follow our procedure for 'Controlled Access'.

4. The Procedure

- 4.1 The Council's 'Controlled Access' procedure sets out the step-by-step process for contacting the tenant and escalating action where there is a negative (or no) response. In the case of gas safety checks, the timescales are in line with the LGSR renewal date and begin at 64 days prior to its expiry.
- 4.2 The Council will ensure that enquiries are made, if it is considering exercising the right to force entry, which focus on whether the tenant or member of the household has or may have a protected characteristic under the Equality Act 2010, which it may need to take into consideration.
- 4.3 The Council will make reasonable adjustments to ensure the tenant fully understands the process and the reasons why the safety check and/or the forced entry is necessary, particularly with tenants who suffer from mental health disabilities or other vulnerabilities.
- 4.4 The procedure sets out the decision-making process for agreeing the most appropriate action, ultimately resulting in a decision to authorise a forced entry when all other options have been exhausted.
- 4.5 The procedure explains what is to happen on the day of a forced entry and who should be present. It includes (for Council staff) model letters to be sent at each step of the way, explaining what is to happen and why.
- 4.6 In all cases, tenants (and especially those that are most vulnerable) will be dealt with compassionately. Every avenue will be explored to gain access before any action to force entry is considered, and that this as a last resort.

5. Controls

- 5.1 To ensure due process is followed a record of all communication will be kept, which must be available for officers, and/or senior managers of the Council's Housing team to view before agreeing a forced entry, if required.
- 5.2 The 'Controlled Access' procedure should be reviewed at least annually to ensure the decision-making steps and processes are robust, effective and that all relevant staff are aware of their responsibilities.

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