

Factsheet 9w ● November 2023

# Housing in Wales – anti-social behaviour and other neighbourhood issues



Age Cymru Advice

0300 303 44 98

www.agecymru.org.uk

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# 1 Information about this factsheet

This factsheet is about anti-social behaviour that takes place in the home or neighbourhood.

It is primarily aimed at people experiencing anti-social behaviour.

However, there is also information if you are accused of anti-social behaviour yourself (see section 12).

Depending on individual circumstances, some of our other housing factsheets may also be useful to you, including:

- Age Cymru's Factsheet 8w Community landlord housing in Wales local authority or housing association homes;
- Age Cymru's Factsheet 63w Finding private rented accommodation in Wales:
- Age UK's Factsheet 64 Specialist housing for older people;
- Age Cymru's Factsheet 35w Renting your home in Wales rights or problems regarding your rent;
- Age Cymru's Factsheet 68w Renting your home in Wales rights if you are threatened with eviction;
- Age Cymru's Factsheet 89w Dealing with homelessness in Wales.

**Note:** The information given in this factsheet is applicable in Wales. Different rules may apply in England, Northern Ireland and Scotland. Contact Age UK, Age NI and Age Scotland respectively for further information.

# 1.1 If you rent your home – recent housing legislation in Wales: the Renting Homes (Wales) Act 2016

The *Renting Homes (Wales) Act 2016* was implemented on **1 December 2022** and means that the way all landlords (in all housing sectors) rent their properties has changed.

# **Changes in terminology**

Under the Act:

- Tenants (and licencees) are now known as 'contract-holders'.
- Tenancy agreements are now known as 'occupation contracts'.
- Local authority (council) and housing association landlords are now known
  as 'community landlords' (private registered providers of social housing
  will also be classed as a community landlord). Private rented sector
  landlords will continue to be referred to as 'private landlords', so there
  is no change in this regard.

#### Types of occupation contract

The new act seeks to simplify housing law by specifying two types of occupation contract:

- Standard contract generally for use in the private rented sector.
- Secure contract generally for use in the community landlord rented sector.

**Note:** There will, however, also be '**converted**' versions of the contracts above (in cases where people already had a tenancy in place prior to the new act coming into force on 1 December 2022).

#### **Converted contracts**

Generally speaking, converted contracts will provide new rights, as a result of the new legislation, though many terms of the original agreement will continue to apply. Shelter Cymru advise that:

"The terms of the tenancy agreement that you had before 1 December 2022 are still binding on you and your landlord. The only exception to this is if the terms of the agreement you made before 1 December 2022 are incompatible with the fundamental terms of the new type of occupation contract you have".

Under the new legislation, landlords must provide written contracts to contract-holders. In the case of converted contracts, landlords were given until 31 May 2023 to provide this.

<sup>&</sup>lt;sup>1</sup> 'Converted contracts', Shelter Cymru website: www.sheltercymru.org.uk/housing-advice/renting/converted-contracts (last accessed 8 November 2023).

#### **Fundamental terms in occupation contracts**

Fundamental terms in your occupation contract provide you with important rights that a landlord **must** include in the contract.

#### Significant changes under the legislation

These include:

- as mentioned above, contract-holders will receive a written contract setting out their rights and responsibilities;
- there is an increase in the 'no fault' eviction notice period from two to six months;
- new measures to protect against retaliatory eviction (i.e. where a landlord serves notice on a contract-holder because they ask for repairs and/or complain about poor conditions); and
- new rules whereby a landlord has to ensure that their property is fit for human habitation.

#### Further information on the Renting Homes (Wales) Act 2016

The Welsh Government has a section on their website on the legislation, including specific pages aimed at contract-holders and landlords, plus a link to the actual Act itself:

www.gov.wales/housing-law-changing-renting-homes

# 2 Anti-social behaviour in housing – background information

UK Government legislation – the *Anti-social Behaviour, Crime and Policing Act 2014* – defines anti-social behaviour in general as:

"Conduct that has caused, or is likely to cause, harassment, alarm, or distress to any person".

It also gives specific definitions of anti-social behaviour in regard to housing:

- "conduct capable of causing nuisance or annoyance to a person in relation to [their] occupation of residential premises"; or
- "conduct capable of causing housing-related nuisance or annoyance to any person".

Note: The above legislation applies in Wales and England.

Housing-related anti-social behaviour could include:

- loud noise from neighbours;
- rowdy and nuisance behaviour;
- anti-social drinking;
- harassment, such as verbal abuse or threats;
- vandalism, property damage and graffiti;
- fly-posting, dumping rubbish and abandoned cars;
- dealing and buying drugs on the street; or
- nuisance caused by animals/pets (particularly if an animal may pose a danger to the public).

# 3 Keeping a record of issues

If you experience problems, it will be helpful to keep an up-to-date record of events that happen. You should note down:

- details of the behaviour which is causing annoyance and/or distress;
- the dates of events;
- the times of day issues occur; and
- the frequency with which events / issues are occurring.

**Note:** Log sheets may be available from your local authority for this purpose.

This can be useful, both in getting a perspective on the extent of the issues and how often they are affecting you, plus it can establish patterns of nuisance over a period of time (this can be helpful should you decide to take formal action at some stage).

There are various ways in which anti-social behaviour can be challenged. What is appropriate depends on your circumstances, your neighbour's circumstances, and the severity of the problem.

# 4 Common problems, who to contact and actions that can be taken

# 4.1 Particularly serious issues or problems

Many of the sub-sections which follow concentrate on lower level, or less serious, cases of anti-social behaviour or neighbour disputes.

However, if you have experienced any of the following, or it is an emergency, you should call the **police** immediately:

- serious harassment;
- abuse; or
- you are facing violence or threats of violence.

Also see sections 5 and 6 for further information.

# 4.2 Approaching a neighbour

If a neighbour's behaviour is causing you annoyance or distress, it can be worth considering the bullet points below, before you decide to act. Anti-social behaviour is defined in terms of the impact it has on others, but it is important to take a step back and consider the behaviour itself and the level to which it could be said to be unreasonable. For example:

• Is the problem due to difficulties in communication or differences in lifestyle?

- Is your neighbour really at fault? Excess rubbish or a poorly kept garden may mean they are having problems with their waste collection or landlord. Or alternatively, they may be struggling to manage due to ill health or a disability.
- Does your neighbour realise what they are doing or how it is affecting you?
   A noisy neighbour may not appreciate that you have different schedules or poor sound insulation between your properties.

If you can, try to speak to your neighbour and explain what the problem is, as it may be possible to resolve the situation amicably. Alternatively, you may feel more comfortable writing them a letter.

#### 4.3 Mediation

Mediation is a way of coming to an agreement without going to court, although it can take place after court action. A mediator will be an independent and neutral third party who will listen to your views and your neighbour's views. They will then use this to try and assist both parties to reach a mutually acceptable solution, agreement or compromise. Mediation is an 'informal' service, so avoids any legal action being necessary.

To find a local service, you could try contacting:

- your local authority;
- an advice agency, such as Citizens Advice (see section 13 for contact details);
- a community or religious leader (they may be able to act as an informal mediator); or
- use the search facility on the Civil Mediation Council website (see section 13 below), which lists fee-charging mediation providers (so be careful to check their costs before proceeding).

**Note:** If you rent your home from a local authority (council) or housing association, you could raise the issue at a residents' group meeting. This is particularly relevant if you think it might be affecting others. Contact your housing officer to find out if there is a group and when they meet.

Mediation may occur through direct, 'round the table' discussion in a neutral location, or – if people are unwilling to meet – mediators may be able to act as intermediaries, by conveying messages between each of the parties.

Some mediation services might provide advice or support in regard to alternative options, if you find the other party is unwilling to participate.

# Will mediation always be appropriate?

Mediation is an appropriate course of action if both parties are willing to voluntarily communicate with each other and are participating in good faith.

It is unlikely to be appropriate where there is an imbalance of power. For example, where one of the people has experienced – or is fearful of – harassment, violence or future retaliatory actions from the other.

# 4.4 Neighbourhood wardens / Community wardens

You may be able to report anti-social behaviour to a neighbourhood or community warden if there is a scheme where you live.

Wardens provide a uniformed, semi-official presence in residential areas. They have a duty to promote community safety and environmental improvements and can also support housing management. They may be able to investigate a complaint about anti-social behaviour and, if necessary, refer the matter to the police. Not all areas have a scheme. Ask your local authority or local police whether there is one in your area.

# 4.5 Noise and other 'statutory nuisances'

Your local authority has a legal duty – under the *Environmental Protection Act 1990* – to take action if it is satisfied that certain 'statutory nuisances' exist, or are likely to occur or reoccur in the area. The act details a wide range of issues that may be "prejudicial to health or a nuisance", including the following (though this is not an exhaustive list):

- excess noise emitted from premises;
- excess artificial light emitted from premises (for example, security lighting);
- premises in a very poor state;

- smoke, fumes or gases emitted from premises;
- animal/s kept in an inappropriate manner and/or in poor conditions;
- noise "emitted from or caused by a vehicle, machinery or equipment in a street".

In order to be classified as 'prejudicial to health or a nuisance', the issue will need to be sufficiently serious – see below.

#### Reporting noise and/or other statutory nuisances

You can contact your local authority – usually the Environmental Health department – if you wish to report an issue that you feel may be a statutory nuisance (see section 13 below for information on how to contact your local authority). Once contacted, the authority will have a duty to take 'reasonably practicable' steps to investigate your complaint.

If the authority is satisfied a statutory nuisance exists (or is likely to occur or reoccur), it must serve an 'abatement notice' on the person responsible (or on the owner of the property in question if the problem is caused by a structural defect). It may try an informal approach first, such as requesting that loud music is turned down.

An abatement notice requires steps to be taken to stop the nuisance and/or prevent it from occurring or reoccurring. It is a criminal offence to fail to act on a notice without good reason and a person who does this can be prosecuted.

Abatement notices can be served on those who rent their home ('contract-holders'), or owner-occupiers.

**Note:** If, however, the problem is caused by a structural defect in a local authority property, the authority cannot serve a notice on itself. It may serve an informal notice on its housing department, who should take the necessary steps to solve the nuisance issue. Seek advice from a specialist housing organisation, such as Shelter Cymru, if a local authority doesn't seem to be taking the action that it should.

#### What is the threshold for something to become a statutory nuisance?

There is no prescribed legal level above which a noise becomes a statutory nuisance. However, in basic terms, the noise must be unreasonable.

A local authority will not take formal action against ordinary domestic noise, such as neighbours talking or socialising, or children playing. They will also not require improvements to be made on your property's sound insulation if this is causing ordinary domestic noise to be an issue. This is because the courts have said that poor sound insulation cannot make a property 'prejudicial to health' under the *Environmental Protection Act 1990*.

If ordinary domestic noise is affecting your health or quality of life, try to explore possible solutions with your neighbours. A degree of compromise may be necessary – most of us have to put up with a certain amount of noise from neighbours. If all else fails, you may wish to explore your housing options.

If your sound insulation is poor, you may wish to consider making improvements. If you rent, speak to your landlord in the first instance. Most contract-holders are entitled to a home that is 'fit for human habitation', so it's possible a property may be unfit if it's not suitable to occupy due to noise. For more information on improvements for both homeowners and those who rent, see Age Cymru's Factsheet 67w *Home improvements and repairs for older people in Wales*.

# What other noise-related powers do local authorities have?

The *Noise Act 1996* gives local authorities powers to deal with residential noise that exceeds a certain permitted level between 11pm and 7am. Some local authorities have 24-hour teams who deal with noise complaints. Alternatively, the police may respond.

Local authorities also have powers to deal with noise from building sites and entertainment venues such as pubs and clubs. Speak to your local authority if you want to know more.

#### Taking legal action yourself

You may be able to take action yourself in relation to a statutory nuisance via the magistrates' court (under section 82 of the *Environmental Protection Act 1990*). This involves prosecuting the perpetrator for a criminal offence.

However, you will need to seek legal advice and, very probably, legal representation before bringing a prosecution.

You may also be able to take civil action if a neighbour uses their property unreasonably and this affects your use and enjoyment of your home.

**Court action can be complex and costly**. If the case fails, you normally incur your own costs and may incur the costs of the other party. For more information, see Age UK's Factsheet 43 *Getting legal and financial advice*, or speak to an advice agency, such as Citizens Advice (see section 13 below for contact details).

# 4.6 Disputes in regard to trees and hedges

**Note:** Before taking any of the actions regarding trees that are outlined in this section, check first with your local authority to see if the tree is subject to a **tree preservation order** (all trees in an area designated as a Conservation Area are usually automatically protected).

# Trees overhanging the boundaries of a neighbouring property

If your neighbour's tree hangs over your property, you can ask them to trim it back. If this is not done, you have the right to trim the tree back to the boundary line. However, the law specifies that any branches and/or fruit removed in this way still belong to the tree's owner and should be offered back to them (or disposed of with their consent).

#### Tree roots

If the roots from a neighbour's tree spread into your property, they can be removed using the least damaging method available – so it may be a good idea to seek specialist advice in regard to this and, if you rent your home, consult with your landlord.

If you're a homeowner and there is a possibility that your property may be damaged by the roots, you may wish to contact your insurance company. If the roots have already caused damage, the tree owner may be liable to pay compensation.

#### **Hedges**

There is no legislation that restricts how high a neighbour's hedge can be; however, you can prune it back in the same way as outlined for trees above, if the hedge is encroaching onto your property. You should not attempt to reduce the height of a neighbour's hedge without seeking advice. Talk through the problem with your neighbour if you can, or try mediation – see section 4.3 above.

If this doesn't work, you could consider approaching the local authority. Under Part 8 of the *Anti-social Behaviour Act 2003* people have the right – so long as they have already exhausted other avenues – to ask the authority to make a judgement in a dispute involving a high evergreen hedge. Local authorities can charge a fee for this service – up to a maximum of £320 (one of the reasons for the fee is to discourage frivolous or vexatious complaints).

The local authority won't act as a mediator in these instances, but rather "adjudicate on whether...the hedge is adversely affecting the complainant's reasonable enjoyment of their property". To reach their decision, the authority should take account of all relevant factors "and must strike a balance between the competing interests of the complainant and hedge owner, as well as the interests of the wider community. If they consider the circumstances justify it, the local authority will issue a formal notice to the hedge owner which will set out what they must do to the hedge to remedy the problem"<sup>2</sup>.

Details will probably be available on individual local authority websites, or you could contact the Welsh Government for further information:

www.gov.wales/planning-permission-high-hedges

<sup>&</sup>lt;sup>2</sup> 'Planning permission: high hedges', Welsh Government website: www.gov.wales/planning-permission-high-hedges (last accessed 10 November 2023).

### Trees or hedges overhanging the road

If an overhanging tree or hedge is causing any of the following, a local authority (or, depending on circumstances, sometimes a utility company) can serve a notice on the owner:

- obstructing vehicles or passers-by;
- blocking public lighting;
- getting in the way of electricity lines or telephone wires;
- causing a danger to people using a street or footpath.

The notice will require the owner to either cut the tree/hedge back, or if it is diseased or damaged, to fell it completely.

If the owner doesn't carry out the required work, the authority (or the utility company) can do it and subsequently recover the cost from the owner.

# 4.7 Boundary disputes

Title documents (in the case of a freehold or commonhold property) or the lease (of a leasehold property) should often provide clarity in the case of disputed land. If boundaries are not clearly defined in these documents, there may be a 'legal presumption' regarding their position. If you're unsure of where you stand, you could seek further advice from:

- Citizens Advice see section 13 below for contact details.
- The Land Registry further information on property boundaries can be found on their website at:

www.gov.uk/your-property-boundaries

- The Royal Institution of Chartered Surveyors (RICS) operate a helpline offering up to 30 minutes free advice (see section 13 below for contact details).
- **Property Protocols** website they have a guide on boundary disputes between neighbours available at:

www.propertyprotocols.co.uk/the-boundary-disputes-protocol

# 4.8 Disputes in regard to parking spaces

If you live on a publicly maintained road, you do not have any rights to the section of road or pavement outside your property, unless there are local parking restrictions giving a right to a particular space. This means you do not have an exclusive right to park outside your property or prevent anyone else from doing so.

If someone else's car blocks access to and from your property, there are a number of steps you can take. If the driver is known, you could speak to them to ask that they move the vehicle. The local authority and the police also have general powers to remove illegally parked vehicles or those that are abandoned or causing an obstruction.

#### 4.9 Issues with shared amenities

Responsibilities for the maintenance and repair of shared amenities such as drains, pipes, drives or the roof of a block of flats are usually outlined in the property's legal documents.

If a shared amenity needs repairing, try to find out who is responsible for it. The legal documents may not provide clear answers. If so, it is generally best to speak to your neighbours to agree a course of action and make arrangements for sharing costs.

You probably need a surveyor's report on the part of the property needing repairs and estimates from a builder. Consult and get the consent of other parties at every stage before costs are incurred.

# 4.10 Planning permission disputes

If you are concerned about proposed building works in your area or a building's change of use, contact the local authority planning team to make an objection. There should be information on how to do so on their website. Check whether permission has been granted and, if so, whether terms and conditions have been complied with.

# 4.11 Empty dwellings

Local authorities have powers to take action in regard to empty property which is becoming a problem for other homes in the area. In order to take over the management of a privately owned property, the authority will need to seek approval from the Residential Property Tribunal Wales to make an **empty dwelling management order (EDMO)**.

In order to do this, the property must have been empty for at least six months. Where the authority believes they have a good case for an EDMO, they always have to make every effort to track down and contact the owner to ask about their plans for the property and whether it will be brought back into use.

An EDMO can't be made in certain circumstances, including if the owner is away because they are receiving care elsewhere, or it is being used as a holiday home.

If an empty property is owned by the authority itself, or a housing association, seek advice from Citizens Advice about the best way to complain about this and request that the property is put back into use.

### 5 Harassment

### 5.1 General information on harassment

Harassment is prohibited under the *Protection from Harassment Act 1997*. It is not defined in the Act, except that it can involve causing another person alarm or distress.

Harassment can be verbal abuse, threats, vandalism specifically directed against you, racial harassment, or homophobic harassment.

The perpetrator must have done this at least twice (although not necessarily to you each time) and must have known, or ought to have known, their behaviour amounted to harassment.

If you are being harassed, report each incident to the **police** as it occurs to build up evidence.

Under the *Protection from Harassment Act 1997*, you may also be able to take your own civil action in cases of harassment. You can apply to the court for an injunction against the person or people responsible. Contact Citizens Advice for further information – see section 13 below for contact details.

# 5.2 Harassment in rented housing

If you or the perpetrator are living in rented housing, you can also contact your landlord and/or their landlord to raise your concerns (also see section 9 below).

If you or the perpetrator live in local authority or housing association housing, the landlord may be able to help you deal with the harassment, explore if there has been a breach of occupation contract (with the potential that the perpetrator could be evicted), or assist you with moving if this is what you want (and you feel it would resolve the problem).

Section 10 below has information about how your landlord can help you to move, as well as community landlord housing allocations and homelessness applications in relation to anti-social behaviour.

**Note:** If you are experiencing harassment from your **landlord**, seek advice and support from Shelter Cymru – see section 13 below for contact details. Age Cymru's Factsheet 68w *Renting your home in Wales – rights if you are threatened with eviction* also contains some further information on this issue.

# 5.3 Further information on harassment related to your personal characteristics

There may be some specialist advice and/or organisations that could be helpful, depending on individual circumstances. For example:

#### If you have a disability

- Disability Law Service
- Scope

#### **Ethnically diverse people**

- BAWSO
- Race Council Cymru

#### LGBT+

- Stonewall Cymru
- LGBT+ Cymru helpline

**Note:** Further information and contact details for all the organisations listed here can be found in section 13 below. Also see section 6 below on elder abuse and domestic abuse for additional specialist organisations.

# 6 Elder abuse and/or domestic abuse

# 6.1 Elder abuse and safeguarding of older people

There may be connections between some anti-social behaviour – especially where it seems to be specifically targeting older people – and elder abuse.

The term 'elder abuse' covers a wide range of types of abuse – such as financial, physical, or psychological / emotional abuse – plus also wider safeguarding concerns, such as rogue traders or scammers seeking to target people seen as vulnerable.

All these topics are covered in detail in Age Cymru's Factsheet 78w Safeguarding older people in Wales from abuse and neglect.

There is also a national 24-hour helpline run by the specialist charity, **Hourglass** (see section 13 below for contact details).

#### 6.2 Domestic abuse

The following organisations should be able to provide advice and support relating to domestic violence or abuse. Further information on each, together with their contact details can be found in section 13 below.

#### Support for everyone

• Live Fear Free Helpline

#### Support for women

 Welsh Women's Aid (Women's Aid may be able to help find emergency accommodation if you need to leave your current home).

#### Support for men

Men's Advice Line

#### LGBT+

 GALOP (an LGBT+ anti-violence charity who run the National LGBT+ Domestic Abuse Helpline).

# 7 The role of the police in tackling anti-social behaviour

Depending on the severity of the situation, it may be appropriate to contact the police. They are responsible for dealing with anti-social behaviour that constitutes a criminal offence, such as vandalism, graffiti or harassment.

They have a range of relevant powers, including through the *Anti-social Behaviour, Crime and Policing Act 2014* – see sections 7.1 to 7.5 below for further information.

For some less serious issues, you may also be able to seek assistance from a Police Community Support Officer (PCSO) – see section 7.6 below.

# 7.1 Community Protection Notices (CPNs)

These are legal notices that require a person or a body ('the perpetrator') to stop behaving in an anti-social manner which unacceptably affects victims and the community. The following conditions need to be met for a CPN to be issued:

- the perpetrator must be aged 16 years or over;
- the perpetrator has been given a Community Protection Warning about their behaviour and enough time to make the necessary changes;
- the police are satisfied on reasonable grounds that the behaviour is having a detrimental effect, of a persistent or continuing nature, on the quality of life of people in the area;
- the police are satisfied on reasonable grounds that the behaviour is unreasonable.

A perpetrator who fails to comply with a CPN commits an offence.

# 7.2 Injunctions

The police can apply for an injunction to be made against someone who has behaved in an anti-social manner ('the perpetrator'). This is a court order which:

- prohibits the perpetrator from doing something (i.e. behaviour and actions that have impacted on the victim); and/or
- compelling the perpetrator to do something (i.e. where this action can rectify or improve a situation).

A court may issue an injunction against a perpetrator aged 10 years or over if two conditions are met. The court must:

- be satisfied, on the balance of probabilities, that they have engaged or threatened to engage in anti-social behaviour; *and*
- consider it just and convenient to grant the injunction for the purpose of preventing the behaviour.

If the court decides anti-social behaviour has involved violence or threats of violence, or the perpetrator presents a significant risk of harm to others, a power of arrest can be attached to a condition of the injunction. Harm includes 'serious ill-treatment or abuse, whether physical or not.'

If a power of arrest is attached and a police officer has reasonable cause to suspect a relevant condition has been breached, the perpetrator can be arrested without a warrant. Whether a power of arrest has been attached or not, the police can apply for a warrant for the perpetrator's arrest if they think any of the injunction's provisions have been breached.

In certain circumstances, the court has the power to grant an injunction excluding an adult from their home. It can do so if the application was made by the police force responsible for the area where the property is.

#### 7.3 Criminal behaviour orders

Criminal courts have the power to make a criminal behaviour order (CBO) when someone has been convicted of an offence. The CBO is made in addition to the sentence or conditional discharge order. The police can ask the prosecution to apply for a CBO. The court can make a CBO if two conditions are met. They must:

- be satisfied, beyond reasonable doubt, that the offender has engaged in behaviour that caused or was likely to cause harassment, alarm, or distress to any person; and
- consider that making the order will help in preventing the offender from engaging in such behaviour.

There does not have to be a direct link between the incident(s) that led to the person being brought before the court and the anti-social behaviour the order aims to prevent.

Breach of a CBO is a criminal offence.

# 7.4 Dispersal powers

The police can direct people to leave an area for up to 48 hours if they are behaving in a way which has caused, or is likely to cause, harassment, alarm, or distress.

# 7.5 Closure powers

The police can issue a closure notice to close premises or prevent access to land for up to 48 hours if they believe this is necessary to prevent nuisance or disorder from continuing, recurring, or occurring.

An application must be made to a magistrates' court for a closure order. Unless the closure notice is cancelled, the court must hear the application within 48 hours and can issue a closure order prohibiting access to premises, part of the premises, or land for up to three months.

# 7.6 Police Community Support Officers (PCSOs)

PCSOs are employed by the police and focus on lower-level crime, disorder, and anti-social behaviour. They are uniformed and spend most of their time on patrol in communities.

Approach them if you have questions or concerns about anti-social behaviour. They have a range of standard powers – for example they can issue fixed-penalty tickets and confiscate alcohol consumed in public places and may also have locally determined powers.

# 8 ASB Case Review (Anti-social Behaviour Case review – previously known as the Community Trigger)

If you have reported anti-social behaviour and are not getting any respite, you may be able to request an ASB Case Review. This entitles you to a multi-agency review of your case, if a certain threshold is met.

A published local policy should explain how case reviews are conducted, outline timescales, and give a point of contact for reporting anti-social behaviour.

The charity ASB Help has an online contact point directory (see section 13 for contact details).

The review threshold is determined locally, though it must be set at no greater than three reports within a six-month period.

You can make a report yourself, or it can be made by a third party (with your consent). You should make each report as soon as possible after each incident occurs.

You may be invited to the first part of the review to explain the impact of the anti-social behaviour, or you can submit a written statement if you prefer.

The agencies involved in the review will share information related to the case, review what action has previously been taken and may make recommendations to tackle the issue.

If further action is needed, they should discuss and devise an action plan with you to help resolve the anti-social behaviour.

# 9 Action that landlords can take against perpetrators of anti-social behaviour

All landlords can take action against anti-social behaviour, but community landlords – local authorities or housing associations – are more likely to act and have more powers.

# 9.1 Community landlords

Community landlords can apply for injunctions, although non-local authority landlords (such as housing associations) can only apply if the behaviour directly or indirectly relates to, or affects the management of, their housing.

If an injunction is made, the landlord can apply for a warrant for the perpetrator's arrest, or a committal proceeding, if they think a provision has been breached. The court has the power to grant an injunction excluding an adult perpetrator from their home if it is made on the application of a local authority or the community landlord that manages that property. A local authority landlord can ask the prosecution to apply for a CBO (criminal behaviour order) in criminal proceedings – also see section 7.3 above.

It is for the landlord to decide how best to use its powers and what action to take. If you are a contract-holder in a community landlord property, ask your housing officer for help with housing-related anti-social behaviour. If you are not such a contract-holder, **but** the perpetrator is, you can contact their landlord and tell them about the problems you are experiencing and ask for their help.

A housing officer should investigate the alleged anti-social behaviour before deciding on appropriate action. This may involve contacting the person you have complained about. If the alleged perpetrator is felt to be vulnerable – for example, due to a mental health problem – the housing officer may involve other agencies such as social services or mental health services.

All community landlords must publish policies and procedures for dealing with anti-social behaviour, under the *Anti-social Behaviour Act 2003*. You can inspect a copy of this and request a copy for a reasonable fee, or a summary free of charge.

#### 9.2 Private landlords

If the person causing you problems is a contract-holder in the private rented housing sector, you could contact their landlord (or the letting agent managing the property on their behalf) and report the anti-social behaviour.

If you are a contract-holder with a community landlord, but the perpetrator rents privately, you can still ask your housing officer for help. This is because community landlords can apply for injunctions against any perpetrator, not just their own contract-holders.

Private landlords have the power to evict contract-holders behaving anti-socially, if other steps do not resolve the problem. They cannot apply for an injunction, but they can involve the local authority or the police, who will be able to do so (provided the conditions outlined in section 7.2 above are met).

# 10 If you wish to move to alternative accommodation

You may want to move to alternative accommodation, rather than try to resolve an issue with anti-social behaviour (or other dispute that has got very serious). This could particularly be the case if you fear you are at risk of violence, or are afraid of retaliation from the perpetrator/s for actions you've previously taken to try and rectify the situation.

Moving can be complicated, with lots of issues to consider (many of which will be based around what type of housing you live in and whether you rent or are a homeowner).

# 10.1 If you live in community landlord housing (local authority or housing association landlords)

#### Asking for a transfer

Your landlord may agree to re-house you in another property, though this will generally only happen in the most serious cases. Check your landlord's anti-social behaviour policies and procedures and discuss your situation with them to explore if a transfer would be considered.

In cases that are judged less serious, you may be able to join a waiting list for a transfer though – depending on housing availability in the area – you might have to wait some time (the authority may, however, allocate you a higher priority – see the information on 'reasonable preference' below).

Another potential option is a transfer between secure contract-holders (previously referred to as 'mutual exchange').

If you are offered alternative accommodation, or are seeking to arrange a transfer with another secure contract-holder, check what type of occupation contract you would have and whether this comes with the same security and rights as before.

Further information on transfers, including important issues to consider before going ahead, can be found in Age Cymru's Factsheet 8w Community landlord housing in Wales – local authority or housing association homes.

#### 'Reasonable preference'

The law says that local authorities must give certain groups of people a 'reasonable preference' for housing on the authority's housing register. To decide how much priority you get, your application should be assessed by the local authority using their housing allocations policy.

Authorities must ensure that 'reasonable preference' is given on the register to certain groups of people. This includes people who are homeless, people living in unsatisfactory housing conditions and those who need to move on medical or welfare grounds.

You may be able to argue your property is unsatisfactory because of anti-social behaviour, or that you need to move as it is affecting your health and wellbeing.

Authorities can set policies giving 'additional preference' to people in the reasonable preference groups who have urgent housing needs. Welsh Government guidance says this can include people needing to escape serious anti-social behaviour or domestic violence.

Seek advice from a specialist organisation, such as Shelter Cymru (see section 13 below for contact details), if you are concerned the authority doesn't seem to be taking your situation as seriously as you feel they should and you are not being offered 'reasonable preference' / 'additional preference'. Again, you may also find Factsheet 8w useful on this topic.

# 10.2 If you live in private rented accommodation

It is extremely unlikely a private landlord will re-house you if you are subject to anti-social behaviour. However, occupation contracts in the private rented sector tend to be granted for shorter periods of time with more limited security of tenure. This gives you more flexibility if you experience anti-social behaviour, as you should be able to move more quickly.

If your occupation contract has a fixed term and you are within this period, check whether the agreement contains a break clause allowing you to leave early. If not, you could ask your landlord if they will agree to you 'surrendering' the contract. It's very important to bear in mind that, if they refuse, you may be liable to pay rent for the duration of the fixed term, even if you leave the property.

Seek advice from Shelter Cymru if you are confused by your occupation contract and/or your rights.

The following Age Cymru factsheets may also be useful for further information:

- Factsheet 63w Finding private rented accommodation in Wales;
- Factsheet 68w Renting your home in Wales rights if you are threatened with eviction.

**Note:** If you have lived in the same home in the private rented sector (or been with the same landlord) since before 15 January 1989, it's possible you still have an older 'regulated tenancy'. These provide the tenant with stronger rights and should not be given up without very careful consideration. Seek advice from Shelter Cymru if this may apply to you.

# 10.3 Homelessness applications

You can make a homelessness application if it is no longer reasonable for you to occupy your property. For example, it is not reasonable for you to remain in situations where it's probable this would lead to you (or another member of your household) experiencing violence or domestic abuse.

Violence includes threats of violence likely to be carried out. Domestic abuse has an even broader meaning and includes psychological, physical, sexual, financial, or emotional abuse, as well as coercive control.

Being treated as homeless gives you reasonable preference on the housing register – see above. However, you can also make a separate homelessness application – for further information on this, see Age Cymru's Factsheet 89w *Dealing with homelessness in Wales*.

It should be noted that local authorities can re-house homeless households in private rented accommodation, which generally has more limited security of tenure than community landlord housing (Age Cymru's Factsheet 63w Finding private rented accommodation in Wales has further information on renting in the private sector).

**Note:** Do not leave a property or terminate an occupation contract without getting advice, as you may be considered 'intentionally homeless' – see Factsheet 89w for further information, or contact Shelter Cymru for advice.

# 10.4 If you are a homeowner

If you own your home, but wish to move somewhere else because of anti-social behaviour or other problems you've experienced, we have information on the things to consider, such as fees, costs and finding a solicitor, in Age UK's Information Guide 8 *Housing options* (the information can be found in a section titled '*Moving home: buying options*').

However, you should bear in mind that when selling a property, you must declare information that might put a reasonable buyer off, such as a long-standing dispute with a neighbour.

# 10.5 'Age-exclusive' housing or sheltered housing

This type of housing can be an option for some older people. It can be available to rent or buy, depending on the individual scheme.

'Age-exclusive' housing is where residents must be over a certain age to qualify, with buildings likely to be designed to be age friendly. The housing would have little or no support provided, however. In cases where this may be required, sheltered housing may be more suitable. In sheltered housing you would still have your own individual accommodation with some level of support on-site. There is usually an emergency alarm system in each property, providing a 24/7 link with a response centre (there may also be 'extra care' sheltered housing for those with greater needs).

Further information on this topic can be found in the following Age UK factsheets:

- Factsheet 64 Specialist housing for older people; and
- Factsheet 2 Buying retirement housing.

# 11 Complaints regarding organisations to which you've reported anti-social behaviour or other serious neighbourhood issues

If you're unhappy with how any of the following organisations or agencies have dealt with your concerns, you may be able to use their complaints procedure to pursue the matter further.

# 11.1 Complaints about housing association landlords

Housing associations must have a clear procedure for dealing with complaints. If you are dissatisfied with their response, you can refer the complaint to the Public Services Ombudsman for Wales for their consideration (see section 13 below for contact details). Further information can be found with Age Cymru's Factsheet 8w Community landlord housing in Wales – local authority or housing association homes.

# 11.2 Complaints about local authorities (if the authority is your landlord, or you have requested assistance from them in regard to any of their other functions)

If you are unhappy with how a local authority has handled your case, you can make a formal complaint. Ask the authority about its complaint procedure. If you are dissatisfied with their response, you can escalate your complaint to the Public Services Ombudsman for Wales.

If the Ombudsman finds the authority was at fault, it may make recommendations about what it should do. For example, it may recommend the authority reviews its policies and procedures or awards compensation. The Ombudsman cannot tell the authority to move your neighbour or start legal proceedings against them, however.

If your complaint concerns the local authority's role as your landlord, Age Cymru's Factsheet 8w Community landlord housing in Wales – local authority or housing association homes may also be helpful.

# 11.3 Complaints about the police

You can complain if you experience or witness:

- inappropriate behaviour from a police officer or member of police staff; or
- have been adversely affected by the conduct of a police officer or member of police staff.

Police forces are expected to take all complaints seriously, to listen to you, and to act in a fair and balanced way to seek to put things right.

Contact the relevant police force as soon as possible. The police can decide not to deal with a complaint received more than 12 months after the incident in question. If your complaint is outside this timeframe, give reasons for the delay.

You may wish to seek advice or support to make your complaint, for example from Citizens Advice (see section 13 below for contact details).

The police should 'record' your complaint (there are only a small number of exceptions to this, such as a vexatious complaint). Once a complaint is recorded it means it has formal status under the *Police Reform Act 2002* and, therefore, must be dealt with according to formal rules and guidance.

Depending on the details and nature of the complaint, it should then be progressed via the methods listed below. Some complaints would not be deemed suitable for local resolution – for example, where the conduct complained about could result in criminal or misconduct proceedings against the police (these cases should go straight to one of the higher level forms of investigation, including in the most serious circumstances, an Independent Office for Police Conduct (IOPC) investigation):

- local resolution;
- local investigation;
- supervised investigation (carried out by the police Professional Standards Department under their own direction and control);
- managed investigation (carried out by the police Professional Standards Department, but under the direction and control of the IOPC);
- Independent investigation carried out by the IOPC.

#### **Further information**

The IOPC have further information on the complaints process on their website at:

# 12 If you have been accused of anti-social behaviour

# 12.1 Try to be a good neighbour

Try to be a good neighbour yourself and avoid action that might cause a nuisance to others, for example:

- do not carry out loud work (including repairs) at night;
- do not play your television, radio, hi-fi, or musical instruments loudly, especially at night, or use headphones if you do;
- if you are experiencing hearing loss, find out about aids and equipment from an organisation like Royal National Institute for Deaf People (see section 13 below for contact details);
- keep your dogs and other pets under control;
- dispose of your rubbish properly; and
- talk to your neighbours if you intend to have a party or other gathering likely to create a lot of noise.

# 12.2 Possible eviction if you rent your home

There are specific grounds (or reasons) that landlords can rely on in court if they want to evict someone for anti-social behaviour. Evictions are usually considered only in the most serious cases, as a last resort. Other measures such as mediation, giving you a demoted occupation contract, or applying for an injunction should be attempted first.

The likelihood of you facing eviction may depend on the type of occupation contract you have. Further information can be found in Age Cymru's Factsheet 68w *Renting your home in Wales – rights if you are threatened with eviction*.

**Note:** If there is a danger that you may be evicted, seek specialist housing advice from an organisation such as Shelter Cymru – see section 13 below for contact details.

# 12.3 Obtaining housing from a community landlord – this may be more difficult if you have been accused of anti-social behaviour

You may find it more difficult to get housing from a local authority or housing association if you have been accused of anti-social behaviour in the past. You may be excluded from your local authority's waiting list (the 'housing register'), or given less priority than other applicants. Also see section 9 and 10 above and Age Cymru's Factsheet 8w *Community landlord housing in Wales – local authority or housing association homes* for further information on how levels of priority are decided for applicants for community landlord housing.

# 13 Useful organisations

### **Age Cymru Advice**

Free and confidential information and advice on matters affecting the over 50s in Wales.

Tel: 0300 303 44 98

E-mail: advice@agecymru.org.uk

Website: www.agecymru.org.uk/advice

# Age Cymru organisations (local)

Your local Age Cymru may be able to provide advice and support on a range of issues. **Age Cymru Advice** can provide details of your local Age Cymru (see above), or visit the Age Cymru website at:

www.agecymru.org.uk/local

#### **ASB** Help

Charity offering advice and support to victims of anti-social behaviour. This includes information on ASB Case Reviews (discussed in section 8 above).

Website: www.asbhelp.co.uk

#### **BAWSO**

An organisation providing support and services for anyone from a Black and Ethnic Minority background who is affected by, or at risk of, domestic abuse and other forms of violence.

Tel: 0800 7318147

E-mail: info@bawso.org.uk Website: www.bawso.org.uk

### **Citizens Advice Bureaus (CABs)**

National network of free advice centres offering confidential and independent advice, face to face or by telephone.

Tel: 0800 702 20 20

Details of your nearest CAB can be found at:

www.citizensadvice.org.uk/wales

#### **Civil Mediation Council**

Provides online directory listing local and national civil and commercial mediation providers, accredited by the Civil Mediation Council.

Tel: 01707 594104

Website: www.civilmediation.org

# **Disability Law Service**

Charity providing legal information and advice to people with a disability.

Tel: 0207 791 9800

E-mail: advice@dls.org.uk Website: www.dls.org.uk

#### **Diverse Cymru**

Diverse Cymru is a charity committed to supporting people faced with inequality and discrimination because of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex or sexual orientation.

Tel: 029 2036 8888

E-mail: info@diverse.cymru

Website: www.diversecymru.org.uk

#### **Equality Advisory & Support Service**

A helpline that can advise people on equality and human rights issues.

Tel: 0808 800 0082

Website: www.equalityadvisoryservice.com

#### Galop

A charity for LGBT+ victims and survivors of abuse and violence (this could include in relation to anti-social behaviour in housing). They can offer support in regard to various types of abuse, such as domestic abuse; sexual violence; hate crime; honour-based abuse and so-called 'conversion therapies'.

Helpline: 0800 999 5428 E-mail: help@galop.org.uk Website: www.galop.org.uk

# Home Office (The) (GOV.UK)

The GOV.UK website has information on anti-social behaviour, including a link to *Anti-social Behaviour*, *Crime and Policing Act 2014: Anti-social behaviour powers* – *Statutory guidance for frontline professionals*.

Website:

www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour

#### **Hourglass**

Works to protect older people and prevent the abuse and neglect of vulnerable older adults. They operate a 24-hour helpline, providing advice and support.

Tel: 0808 808 8141

Website: www.wearehourglass.org

#### **Independent Office for Police Conduct (IOPC)**

Responsible for overseeing the police complaints system in England and Wales. They investigate certain serious complaints against the police and appeals in relation to complaints that are managed locally.

Tel: 0300 020 0096

E-mail: enquiries@policeconduct.gov.uk Website: www.policeconduct.gov.uk

### **LGBT+ Cymru helpline**

Provides general information, advice and confidential support on various issues that affect LGBT+ people, their families and friends.

Tel: 0800 917 9996

E-mail: info@lgbtcymru.org.uk Website: www.lgbtcymru.org.uk

# **Live Fear Free Helpline**

A free helpline in Wales, which is managed by Welsh Women's Aid.

Live Fear Free can advise on stopping violence against women, domestic abuse and sexual violence. They can help anyone who is experiencing, or has experienced, abuse or sexual violence. They can also offer advice if you are concerned about another person, such as a friend, family member or colleague; or a practitioner seeking professional advice.

Their services are available 24 hours a day 7 days a week.

Tel: 0808 80 10 800 (freephone)

Text: 0786 00 77 333

E-mail: info@livefearfreehelpline.wales Website: www.gov.wales/live-fear-free

#### Local authorities in Wales

Contact details for your local authority can be found via the Welsh Government's website at:

www.gov.wales/find-your-local-authority

#### Men's Advice Line

A confidential helpline for men experiencing domestic violence and abuse.

Tel: 0808 801 0327 (freephone)
E-mail: info@mensadviceline.org.uk
Website: www.mensadviceline.org.uk

#### **Police**

If you fear you are at an immediate risk of harm or violence, dial **999** and ask to speak to the police.

For less urgent matters, you can call 101.

You can access information on your local police force, via the Welsh Government's website at:

www.gov.wales/find-your-local-police-force

#### **Public Services Ombudsman for Wales**

The Ombudsman looks to see whether people have been treated unfairly or have received a bad service from a public body, such as a local authority.

Tel: 0300 790 0203

E-mail: ask@ombudsman.wales Website: www.ombudsman.wales

# Race Council Cymru

An umbrella body established by ethnic minority grassroots communities to bring key organisations together who combat racial prejudice, race discrimination, harassment, or abuse and violence.

Tel: 0330 229 0995

E-mail: info@racecouncilcymru.org.uk Website: www.racecouncilcymru.org.uk

### **Royal Institution of Chartered Surveyors (RICS)**

The RICS Helpline Scheme enables you to access up to 30 minutes of free advice from a member firm on boundary disputes or party walls.

Website: www.ricsfirms.com/helplines

#### Royal National Institute for Deaf People (RNID)

National organisation offering information and support to people who are deaf or hard of hearing.

Tel: 0808 808 0123

E-mail: contact@rnid.org.uk Website: www.rnid.org.uk

#### Scope

Charity offering support, information and advice to help disabled people have the same rights as everyone else.

Tel: 0808 800 3333

E-mail: helpline@scope.org.uk Website: www.scope.org.uk

# **Shelter Cymru**

A charity providing advice to people with housing problems. This covers a wide range of topics, including issues around rent; rights for contract-holders; eviction; homelessness and repairs.

Tel: 08000 495 495

Website: www.sheltercymru.org.uk

# **Stonewall Cymru**

Organisation that provides advice and information on LGBT+ rights.

Tel: 029 2023 7744

E-mail: cymru@stonewallcymru.org.uk Website: www.stonewallcymru.org.uk

#### Tai Pawb

An organisation in Wales promoting equality and social justice in housing. Tai Pawb works in partnership with providers and receivers of housing services, local authority partners, voluntary organisations and the Welsh Government.

Tel: 02921 057 957

E-mail: info@taipawb.org Website: www.taipawb.org

#### **Victim Support**

An independent charity for victims and witnesses of crime.

Supportline: 08 08 16 89 111

Website: www.victimsupport.org.uk

#### **Welsh Government**

The devolved government for Wales.

Tel: 0300 060 4400

E-mail: customerhelp@gov.wales

Website: www.gov.wales

# Welsh Women's Aid (WWA)

WWA are a national charity for Wales who work to end domestic abuse and all forms of violence against women. They are an umbrella organisation, representing local Women's Aid Groups situated across the country. Local groups can provide advice, plus direct services for women who are experiencing domestic abuse – for example, counselling, support groups or access to a refuge (or other safe accommodation).

Helpline: WWA manage the 24-hour **Live Fear Free Helpline** – see the entry above for contact details.

Website: www.welshwomensaid.org.uk

# 14 Further information about Age Cymru

#### 14.1 Who we are

Age Cymru is the national charity for older people in Wales. We work to develop and deliver positive change with and for older people.

Together with our local partners:

- · we provide information and advice;
- we deliver wellbeing programmes;
- we provide independent advocacy;
- we support carers;
- we campaign and research.

#### Age Cymru

Mariners House Trident Court East Moors Road Cardiff CF24 5TD

029 2043 1555

www.agecymru.org.uk

Registered Charity 1128436

# 14.2 How we can help

# Age Cymru Advice: our information and advice service for matters affecting people over 50 in Wales

Age Cymru Advice is committed to being the foremost information and advice service to older people in Wales. We aim to provide effective, accessible, high-quality information and advice while offering a free, impartial and confidential service. Age Cymru Advice can assist older people themselves, their family, friends, carers, or professionals. All of our guides and factsheets are available to download from our website, or you can contact our advice line to have copies posted to you for free.

#### **Local support**

Age Cymru Advice also acts as a gateway to our local services. Face to face support via local offices and home visits may be available to people requiring additional or more specialised support.

#### **Getting in touch**

If you want to talk to one of our expert advisers, in Welsh or English, call us on **0300 303 44 98**. Our advice line is open between 9am and 4pm, Monday – Friday.

(Calls are charged at the same rate as a call to a standard 01 or 02 number. They will also be automatically included in any landline or mobile inclusive minutes package).

You can also:

- email us at advice@agecymru.org.uk; or
- visit our website at www.agecymru.org.uk/advice



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Our quarterly newsletter contains details of our campaigns, services and how you can support our work. Sign up today by visiting:

www.agecymru.org.uk/agematters

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# 14.3 How you can help

All the information and advice we provide is free and completely impartial. In many cases our timely intervention can be life changing. We are an ageing population and more people than ever are coming to us for support. You can help us be there for those that need us most.

#### Make a donation

No matter how small or large, donations make a massive difference and help us continue our important work.

Call: **029 2043 1555** 

Visit: www.agecymru.org.uk/donate

Every donation we receive helps us be there for someone when they need us.

- £10 helps towards a fully trained expert advice worker to respond to queries from people who need the support of our information and advice service.
- £20 helps towards the cost of us producing free information guides and factsheets that provide useful advice on issues affecting people over 50.

#### **Fundraise**

Whether it is having a bake sale, running a marathon or knitting small hats for the Big Knit, there are so many ways to raise vital funds to support our work.

Call: **029 2043 1555** 

Visit: www.agecymru.org.uk/getinvolved

#### Volunteer with us

All volunteer roles at Age Cymru support us to improve lives and help us work towards an age friendly Wales. However you'd like to get involved, we'd love to hear from you.

Call: **029 2043 1555** 

Visit: www.agecymru.org.uk/volunteer

# Leave us a gift in your will

With a gift to Age Cymru in your will, you can do so much to make sure older people have the support they deserve in the years to come. Leave a world less lonely.

Call: **029 2043 1555** 

Visit: www.agecymru.org.uk/legacy

