

# DYFED-POWYS POLICE

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## Housing Policy

HQ Policy Ref No: 48/01

<b>Author:</b>	Gareth Thomas	<b>Dept:</b>	Personnel & Development
<b>Version:</b>	1.1		
<b>Date:</b>	16 <sup>th</sup> May 2001		
<b>Human Rights Act Certification:</b>	M. Beckett	<b>Date:</b>	August, 2001
<b>Approved by:</b>	Mr. B. Taylor (Force Legal Adviser)	<b>Date:</b>	25th September, 2001
<b>Ratified by:</b>	HRSG	<b>Date:</b>	25th September, 2001
<b>Review Date:</b>	1st December, 2002		

## Document History

Version	Date	Author	Reason for Change

## Consultation Circulation List


# Policy Contents

<b>This Policy has been drafted in accordance with the Human Rights Act 1998</b>
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## 1. POLICY

- 1.1 The Police Service has a duty, and an expectation from its Police Authority and the public, to provide an efficient and effective service in the discharge of all its functions, which includes the efficient and effective management of all its available funds and assets.
- 1.2 That being so, it is the **policy** of the Dyfed Powys Police to:-
- undertake regular evaluation of its housing stock;
  - dispose of premises which are surplus to requirements;
  - re-invest and use the capital gained from such sales for the benefit and efficiency of the force.
- 1.3 Staff, in the exercise of this duty, must ensure that:
- ( a ) they follow a clearly defined decision making process by detailing their objective(s), assessing all available and relevant information and feasible options, documenting decisions made, and reviewing outcomes.
  - ( b ) they give due regard to the welfare, safety, general well being and human rights of all individuals involved;
  - ( c ) they do not unjustifiably discriminate against any individual or groups of individuals;
  - ( d ) actions taken are justified, strictly proportional to, and the least intrusive and damaging option to the achievement of their legitimate aims;
  - ( e ) they follow the guidance, which is contained in **Appendix A** of this policy.
- 1.4 The decision making process, as at 1.3(a) above will be subject of review and scrutiny by Chief Officers, the Director of Finance, Divisional Managers, as well as other relevant parties as appropriate.

## 2. AIM AND LAWFUL AUTHORITY

- 2.1 The aim of the Dyfed Powys Police is to maximise the potential of its assets and their financial capabilities for the benefit of the service.
- 2.2 The lawful authorities for the exercise of the powers and duties outlined in this policy is / are:
- ( a ) Section 6 Police Act 1996.
- 2.3 Dyfed Powys Police consider that these actions are necessary in a democratic

society in the interest of, and in order to safeguard:

- the prevention of disorder or crime,

### **3 DEFINITION OF TERMS**

#### **Definitions :-**

#### **3.1 ' Police Houses '**

means : living quarters owned by the Police Authority which are kept / used for accommodating serving police officers in accordance with the requirements of Police Regulations.

### **4. DEROGATIONS**

NIL

### **5. ENFORCEMENT AND REPORTING**

#### **Enforcement**

- 5.1 It will be the responsibility of all officers, Support Staff, supervisors and managers to ensure strict compliance with this policy

#### **Recording**

- 5.2 The recording / administrative requirements will be subject to examination and evaluation by Chief Officers, the Director of Finance, Divisional Managers and / or relevant others.

### **6. ACCESSIBILITY, REDRESS AND REVIEWS.**

- 6.1 This Document will be published and made readily available to all police officers, support staff and volunteers within the Dyfed Powys Police via the Force Intranet system, or where this facility is not available, and at the discretion of Divisional Commanders / Heads of Departments, through paper dissemination.

- 6.2 The document will be made available to the general public via the force external Internet Site, ( [www.dyfed-powys.police.uk](http://www.dyfed-powys.police.uk) ) or upon written requests made to the force Policy Co-ordinator.

- 6.3 The operation of this policy by Dyfed Powys Police Officers will be subject to internal and external review mechanisms. These include Her Majesty's Inspector of Constabularies (HMIC), and other bodies as appropriate.

- 6.4 Any person ( or persons ) who has / have cause to feel aggrieved by any matter outlined in this policy may seek redress via the Dyfed Powys Professional Standards Department in either of the following ways:

- ( a ) In relation to the content of this policy any question or complaint will be dealt with in accordance with the Dyfed Powys Police organisational complaints

procedures.

( b ) Matters relating to the specific conduct of Police Officers will be dealt with using the Police Misconduct Regulations.

- 6.5 In exercising their right as detailed in 6.4 above, the individual will have a right to make representation to the Dyfed Powys Police Professional Standards Department and in so doing may seek legal advice, and have access to equal information.
- 6.6 This policy will be reviewed annually by the Dyfed Powys Police and may where appropriate be subject to independent scrutiny by Her Majesty's Inspector of Constabulary and any other relevant bodies or parties.
- 6.7 Public consultation is an important part of this process and any views or comments will be welcomed. These should be addressed to:

The Chief Constable,

Dyfed Powys Police,

P.O. Box 99,

Llangunor,

Carmarthen. SA31 2PF

## **. HUMAN RIGHTS GENERIC AUDIT COMPLIANCE LIST**

**POLICY NAME: Housing Policy.**

**Policy Owner : Personnel & Development Dept.**

**Audited by :**

<b>Issue</b>	<b>Question</b>	<b>Response</b>	<b>Page Ref</b>
<b>AUDITING FOR POTENTIAL INTERFERENCE AND DISCRIMINATION</b>	Have the contents of this policy (and any attendant powers, authorities and directions contained within it) been audited for potential interference with an individuals rights?	YES	See initial heading on Page 3 and Page 8
	Have the contents of this policy been audited for the potential for it to be discriminatory. In relation to the application or provision of such rights?	YES	See Paragraph 1.3(c)
<b>KEY HUMAN RIGHTS PRINCIPLES</b>	Does the policy contain a statement explaining what the legal basis is for the policy (and any attendant powers, authorities or directions given within it)?	YES	See Paragraph 2.2

<b>KEY HUMAN RIGHTS PRINCIPLES</b>	Does the policy provide details of what could be considered a legitimate aim(s) for the potential interference with an individuals rights by virtue of exercising the policy and its attendant powers, authorities or directions?	YES	See Paragraph 2.3
<b>KEY HUMAN RIGHTS PRINCIPLES</b>	Are supervisors and practitioners made aware of the need to follow a clearly defined decision making process in considering all information, and deciding on courses of action?	YES	See Paragraph 1.3 ( a )
<b>KEY HUMAN RIGHTS PRINCIPLES</b>	Is it explicit within the policy what the minimum standards are in relation to the documentation of such decision-making?	YES	See Paragraphs 1.3 & 5.2
<b>KEY HUMAN RIGHTS PRINCIPLES</b>	Does the policy provide managers and practitioners with clear guidance on establishing the:-  Legal basis of their actions  The aim of their actions (legitimate aims can only be established by virtue of the exemptions and derogation's given in the act)  Whether their actions are justified and proportionate in seeking to achieve their aim(s)  Whether the intended action is the least intrusive and damaging option to achieving the aim(s)  The need to document clearly the decision-making process and outcomes of action.	YES  - do -  - do -  - do -  - do -	See Paragraph 2.2  See Paragraph 2.3  See Paragraph 1.3 ( d )  See Paragraph 1.3 ( d )  See Paragraph 1.3 ( a )
<b>DELINIATING BETWEEN</b>	Does the policy incorporate police tactics, which would make it impractical to publish the contents? (NB: due to publication requirements it is suggested	NO	

<b>POLICY AND TACTICS</b>	that tactical material is not included in policy documentation for security reasons).		
<b>RIGHTS, PUBLICATION AUDIT AND INSPECTION</b>	<p>Does the policy contain a statement in favour of public disclosure or, if this is inappropriate, justification of any reservation to this rule on public interest/other grounds?</p> <p>Does the policy contain:-</p> <p>a clearly defined statement of rights when a power, authority or direction is being exercised. Including the right to make representations, access to legal advice etc?</p> <p>a statement about the availability of the policy (method of proposed publication to public). and clearly defined appeals procedure?</p> <p>a recommendation about maintaining audits and inspection of decision-making?</p> <p>a recommendation about the level of independent scrutiny of decision-making and complaints?</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>	<p>See Paragraphs 6.1 to 6.7</p>
<b>CERTIFICATION OF COMPLIANCE</b>	Does the policy contain a certification that it has been drafted in accordance with the Human Rights Act and the principles underpinning it?	YES	Page 8
<b>LEGAL VETTING</b>	Has this policy been through legal vetting for human rights compliance?	No. Not at this stage. This will be the next step in the process	
<b>POLICY REVIEW</b>	Has the policy got a review date to ensure ongoing compliance in light of emergent legislation and human rights case law?	No. This will take place after the document has been legally vetted.	

## CERTIFICATE OF COMPLIANCE

This policy has been drafted in accordance with the Human Rights Act and has been reviewed on the basis of its contents and the supporting evidence and it is deemed compliant with that Act and the principles underpinning it.

Signed: M. Beckett

(Force Legal Adviser)

Name: Martin Beckett

## REVIEW

Department: CJU

This policy is due for review by:

Date: 1st December, 2002

## LIST OF APPENDICES

LEGAL APPENDICES		ALL THESE WILL BE PUBLIC DOCUMENTS
APPENDIX		NIL
APPENDIX		

NOTES OF GUIDANCE		THESE ARE NOT PUBIC DOCUMENTS
APPENDIX	A	GUIDANCE RELATING TO HOUSING POLICY.
APPENDIX		

PUBLIC INTEREST IMMUNITY MATERIAL TO INCLUDE POLICE TACTICS		THESE ARE NOT PUBIC DOCUMENTS
APPENDIX		NIL
APPENDIX		

(Note: the appendices may or may not need to be published as necessary)

## Appendix A

Dyfed Powys Police

# Guidance Relating To Housing Policy

## Introduction

1. The number of police houses owned by the Police Authority represents a considerable amount of capital which if realised could be put to a number of uses for the benefit of the Service, e.g. to assist in financing new schemes or to finance building improvements.
2. Under current legislation if rent is charged for any unfurnished accommodation provided by the Police Authority, a secure tenancy may be created with 'right to buy' benefits accruing. The Home Office is currently considering a change in the law to remove any possible tenancy rights.
3. Only police officers that joined the Service before 1<sup>st</sup> September 1994 are entitled to police housing or an allowance in lieu and, over the next few years, the demand for police accommodation will fall. It is intended therefore to phase out police housing and all officers currently occupying police accommodation are strongly encouraged to purchase their own properties. However, the Chief Constable will consider any case of individual hardship.

## Categorisation

4. There are three categories of police accommodation:

**Category 1** – those living quarters attached to or forming an integral part of a police station;

**Category 2** – those living quarters within the curtilage of a police station; and

**Category 3** – those living quarters that do not fall within either Category 1 or Category 2.

## Disposal

5. Except those designated as 'Temporary Housing' or 'Travel Lodges' ( see paragraphs 12 and 16 ) **ALL** Category 3 police houses will be made available for sale.

## Notification of Proposed Sale

6. Officers currently occupying Category 3 houses will be advised by Superintendent, Personnel & Development of the intention to dispose of the property by way of sale and invited to purchase. Firm offers will be required with completion expected within 6 months.

7. The Buildings Manager will identify Category 1 or 2 houses that can be conveniently severed from their connection with a police station. Such property will then be placed on the open market. Officers residing in such accommodation will receive an invitation to purchase (see paragraph 6 above).

### **Offer of Alternative Accommodation**

8. Officers currently residing in Category 3 houses who do not wish to purchase, will be offered suitable Category 1 or 2 accommodation. If such accommodation is not readily available within a reasonable travelling distance from the officer's normal place of duty, the officer will be granted a period of 12 months (up to 2 years in exceptional circumstances) to find private accommodation (for which the appropriate allowance will be paid) and the property will then be advertised on the open market.

### **Temporary Housing**

9. It is recognised that on posting to another division some officers may initially find difficulty in finding suitable accommodation. In order to assist them, Officers in Charge of Division will identify at least one house within their division that will be maintained for use as a 'temporary housing'.
10. As far as practicable, temporary housing will be Category 1 or 2 houses unsuitable for re-categorisation.
11. An officer wishing to move his / her family to the division to which that individual has been posted, may be permitted a short term occupancy of a temporary housing ( if available ) whilst finding alternative accommodation.
12. A short-term occupancy will not exceed a period of 12 months.

### **Travel Lodges**

13. The Chief Constable accepts that some officers may wish to reside in single accommodation on a temporary basis. To assist such officers, 1 or 2 houses per Division will be designated by Officers in Charge of Division as 'Travel Lodges'.
14. Travel Lodges will normally be Category 1 or 2 accommodation and will be furnished.
15. Such houses will, subject to planning consent, be adapted for multiple occupation and made available to officers in the following circumstances:
  - (a) Officers joining on or after 1<sup>st</sup> September 1994 may occupy a room on payment of a fixed daily charge as determined by the Chief Constable.
  - (b) Officers entitled to free housing or allowance in lieu:
    - (i) may occupy a room on payment of a fixed daily charge as determined by the Chief Constable without loss of the allowance paid in respect of that officer's main residence; or
    - (ii) may occupy a room free of all charges but in such circumstances will not receive any housing allowance.

## Exclusion

16. Apart from paragraph 17(a) above, this policy confers no entitlements to police officers joining on or after 1<sup>st</sup> September 1994, or to members of the Support Staff.

## Property Maintenance

17. Any proposals for major expenditure for refurbishment of houses identified for disposal will not be approved without the specific agreement of the Director of Finance & Administration.

## Further Guidance

18. In order to assist understanding of the effect of this policy – the following guidance is provided;

Guidance re Varying Housing Situations				
1.	On 2/9/01 officer occupied category 3 house.	Does not wish to buy.	Will eventually have to move to category 1\2 house, or find alternative accommodation.	Original house sold on open market.
2.	On 2/9/01 officer occupied category 3 house.	Wishes to buy another category 3 house.	Officer entitled to purchase at market value/on open market	
3.	On 2/9/01 officer occupied category 3 house.	Does not wish to buy but wishes for other reasons to move to another empty category 3 house.	Will not be considered.	
4.	On 2/9/01 officer occupied premises not owned by the police authority.	Wishes to buy category 3 house.	Officer entitled to purchase at market value/on open market.	
5.	On 2/9/98 officer occupied premises not owned by the police authority.	Does not wish to buy but wishes for other reasons to move to empty category 3 house.	Will not be considered.	
6.	Officer occupies a category 1\2 premises at such time that it is identified for sale.	Does not wish to buy.	Will eventually have to move to category 1\2 house not identified for sale, or find alternative accommodation.	Original house sold on open market.
7.	Officer occupies a category 1\2 premises at such time that it is identified for sale.	Wishes to buy another Police Authority premises identified for sale.	Officer entitled to purchase at market value/on open market.	

8.	Officer occupies a category 1\2 premises at such time that it is identified for sale.	Does not wish to buy but wishes for other reasons to move to another empty Police Authority premises identified for sale.	Will not be considered.	
9.	Officer occupies premises not owned by the police authority at such time that a category 1\2 premises is identified for sale.	Wishes to buy that category 1\2 house.	Officer entitled to purchase at market value/on open market.	
10.	Officer occupies premises not owned by the police authority at such time that a category 1\2 premises is identified for sale.	Does not wish to buy but wishes for other reasons to move to empty category 1\2 house identified for sale.	Will not be considered.	