

# Dyfed Powys Police

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## *Business Interests Policy*

*HQ Policy Ref No: 9/01*

<b>Author</b>	Insp. H. Morgans	<b>Dept</b>	Professional Standards
<b>Version</b>	1.0	<b>Date</b>	31 January 2001
<b>Human Rights Act Certification</b>	Mr M. Beckett Force Legal Advisor	<b>Date</b>	12 February 2001
<b>Approved By</b>	HRSG	<b>Date</b>	6 March 2001
<b>Ratified By</b>	ACC	<b>Date</b>	6 March 2001
<b>Review Date</b>	October, 2008		

## Document History

Version	Date	Author	Reason for Change
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1.0	30/04/03	DI H. Rees	Reviewed - no changes
1.0	31.05.2007	TDCI A Phillips	Reviewed – Amendments made due to Police (Amendment) (No.2) Regulations 2006

### Consultation Circulation List


**This policy has been drafted in accordance with the Human Rights Act 1998**

### 1. Policy

1.1 It is Dyfed Powys Police policy to require an officer who has, or proposes to have, a business interest to give written notice to the Chief Constable.

1.2 Receipt of the notification will be acknowledged and it will be evaluated with the view of approval. The consideration process will essentially be mindful of;

- whether it is a business interest which must be reported in accordance with Police Regulations;
- whether it is compatible with the officer remaining a member of the Force; and
- if approved, what conditions or restrictions, if any, should apply.

1.3 In the exercise of any power, authority or directive under this policy, any consideration will ensure that;

a) Due regard is given to the applicants' welfare, safety, general well being and human rights;

b) There is not any unjustifiable discrimination against any individual or group of individuals;

c) Actions taken are justified, strictly proportional to and the least intrusive and damaging option to the achievement of their legitimate aims;

d) Guidance which is contained at appendix 'A' to this policy is followed.

1.4 That in the carrying out of this duty, it will be the duty of staff to follow a clearly defined decision making process by detailing their objectives, assessing all available and relevant information and options, documenting decisions made and reviewing outcomes.

1.5 This decision making process will be the subject of review and scrutiny by HMIC and other relevant parties as appropriate.

## **2. Aim and Lawful Authority**

2.1 The purpose of this business interests policy is to maintain the integrity of the Dyfed Powys Police within the communities it serves.

2.2 In respect of these procedures the Dyfed-Powys Police will follow general guidelines set nationally within Police Regulations.

2.3 The legal basis for the exercise of any power, authority or directive under this policy is:

- (a) Police Reform Act 2002

(b) Police Act 1996

(c) Police (Conduct) Regulations 2004

(d) Police (Complaints and Misconduct)  
Regulations 2004

(e) Police (Amendment) (No. 2) Regulations 2006

2.4 Dyfed Powys Police consider that any action taken under this policy is necessary in a democratic society in the interests of;

- National security
- Public safety
- Prevention of crime and disorder
- Protection of health and morals
- Protection of the reputations, rights and freedom of others

### **3. Definition of terms**

3.1 As far as Dyfed-Powys Police is concerned – The function of "Chief Officer" under section 67 of the Police Act 1996 will be delegated to the Deputy Chief Constable (in his absence, to the Assistant Chief Constable) and further references to "Chief Officer" and "appropriate authority" shall be interpreted accordingly.

3.2 Business interest - The general rule is that an officer who undertakes an activity or intends to do so for which payment in cash or in kind is received, should assume that it constitutes a business interest which requires to be reported. (Note: There need not be any form of payment involved.)

### **4. Derogations**

Nil

### **5. Enforcement and reporting**

All staff, in particular managers and supervisors, will be responsible for the implementation and operation of this policy.

### **6. Accessibility, redress and reviews**

6.1 This policy will be published and made readily available to all police officers and support staff via the Force Intranet System or where this facility is not available, at the discretion of Divisional Commanders / Heads of Department, by paper dissemination.

6.2 This policy is a public document and will be made available to the general public via the Force Internet site – [www.dyfed-powys.police.uk](http://www.dyfed-powys.police.uk) - and upon written request to the Force policy coordinator.

6.3 This policy will be reviewed annually by the Professional Standards Department to ensure on-going compliance in respect of the Human Rights Act, any other legislation or guidance documents, to include Human Rights case law. There will also be external audit by, for example, Her Majesty's Inspector of Constabularies (HMIC). The policy will be published in a format making it easily readable.

6.4 Any person(s) who has / have cause to feel aggrieved by any matter outlined in this policy is / are able to and may seek redress in the following ways;

- Misconduct procedures
- Organisational complaints procedure
- Reconciliation procedure

6.5 In exercising their right as detailed in 6.4 above, the individual may have a right to equal access to information so far as the law permits and subject to the rules applicable in civil actions.

6.6 Public consultation is an important part of this process, with any views and comments welcomed. These should be addressed to the

Chief Constable,  
 Dyfed-Powys Police Service,  
 P.O. Box 99,  
 Llangunnor,  
 Carmarthenshire.  
 SA31 2PF.

## 7. Human Rights Generic Audit Compliance List

**POLICY NAME:** Complaints against the police, organisational complaints & misconduct procedures

**Policy Owner:** Professional Standards Department

**Audited by:** Sergeant H. Williams

Issue	Question	Response	Page Ref
AUDITING FOR POTENTIAL INTERFERENCE AND DISCRIMINATION	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.	Pages 1, 7-9

	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	Page 3 Para 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	Page 4 Para 2.3
<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	Page 4 Para 2.4
<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	Page 3 Para's 1.3 & 1.4
<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	Page 3 Para 1.3 & Appendix 'A'
<b>KEY HUMAN RIGHTS PRINCIPLES</b>	Does the policy provide managers and practitioners with clear guidance on establishing the:-		
	<ul style="list-style-type: none"> <li>• Legal basis of their actions</li> <li>• The aim of their actions (legitimate aims can only be established by virtue of the exemptions and derogation's given in the act)</li> <li>• Whether their actions are justified and proportionate in seeking to achieve their aim(s)</li> <li>• Whether the intended action is the least intrusive and damaging option to achieving the aim(s)</li> <li>• The need to document clearly the decision making process and outcomes of action.</li> </ul>	Yes - do - - do - - do -	Page 4 Page 4 Page 3 Para 1.3 (d) Page 3 Para 1.3(d) Page 3 Para 1.4
<b>DELINIATING BETWEEN POLICY AND TACTICS</b>	Does the policy incorporate police tactics, which would make it impractical to publish	No	

	the contents? (NB: due to publication requirements it is suggested 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> <ul style="list-style-type: none"> <li>• 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?</li> <li>• a statement about the availability of the policy (method of proposed publication to public). A clearly defined appeals procedure?</li> <li>• a recommendation about maintaining audits and inspection of decision making?</li> <li>• a recommendation about the level of independent scrutiny of decision making and complaints?</li> </ul>	<p>Yes</p> <p>- do -</p>	<p>Page 5 Para 6.2</p> <p>Para 6.4 &amp; 6.5</p> <p>Para 6.4</p> <p>Para 6.3</p> <p>Para 6.3</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 9
<b>LEGAL VETTING</b>	Has this policy been through legal vetting for human rights compliance?	Yes.	Pages 9
<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 be allocated upon being vetted for human rights compliance.	

	This policy has been drafted in accordance with the Human Rights Act and has been reviewed on the basis of its contents
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<b>CERTIFICATE OF COMPLIANCE</b>	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
	Department: CJU
<b>REVIEW</b>	This policy is due for review by:  Date: October, 2008

## **APPENDIX 'A'**

### **BUSINESS INTERESTS OF POLICE OFFICERS**

1. Police Regulations require that an officer who has, or proposes to have, a business interest must give written notice to the Chief Constable. This is to be forwarded, using form A. 135(m), through the individual's OCD/HOD to HQ Professional Standards Department.

2. The Professional Standards Department will acknowledge receipt of the application within 5 days and will consider:

- whether it is a business interest which must be reported in accordance with Police Regulations;
- whether it is compatible with the officer remaining a member of the Force; and
- if approved, what conditions or restrictions, if any, should apply.

3. The Head of the Professional Standards Department will advise the Assistant Chief Constable of the circumstances of the application and of his recommendations. The Assistant Chief Constable, acting on behalf of the Chief Constable, will notify the officer in writing of his decision within 28 days.

4. The nature of business interests are varied. Any attempt to produce a list of restricted activities would be inappropriate. There are too many variations in circumstances and such a list, if it could be drawn up, would be too rigid and quickly outdated.

5. The general rule is that an officer who undertakes an activity or intends to do so for which payment in cash or in kind is received, should assume that it

constitutes a business interest which requires to be reported. (Note: There need not be any form of payment involved.)

6. The consideration process will pose the following questions:

- Is the officer likely to be exposed to unnecessary physical harm or fatigue, potentially affecting the efficient performance of his/her duty, or rendering the officer incapable of work and creating sickness absence?
- Is it likely that the business activity will adversely influence the officer's judgement on police matters?
- Is the business interest likely to weaken public confidence in Dyfed-Powys Police?
- Is the officer likely to be unavailable for duty because of the business interest?
- Is there likely to be a conflict of interest for the officer, between the Dyfed-Powys Police and the proposed activity?

7. Police Regulations also imposes restrictions on the members of a police officers' family. For the purposes of this policy, 'spouse' will include 'partner'.

8. In respect of spouses / partners, the following considerations will apply:

- Is the business activity of the spouse, or relative (i.e. parent, son, daughter, brother, sister), likely to weaken public confidence in Dyfed-Powys Police?
- Is it likely that the commercial activity of a spouse or relative will adversely influence the officer's judgement on police matters?

### **The introduction of Police (Amendment)(No.2) Regulations 2006**

Regulations 2 and 3 relate to the prohibition on police officers from having business interests, which are incompatible with membership of a police force. Regulation 2(3) provides that where the business interest concerned is held by a relative of the officer, then the duty to notify this arises only in cases when officer believes that this interest could interfere with the discharge of his duties. Regulation 2(5) provides that in determining whether a business interest is compatible, the chief officer must have regard to the statutory Code of Conduct. Regulation 2(7) provides that in certain circumstances a police authority may remit a decision to a chief officer for re-determination, rather than themselves determining an appeal. Regulation 3 extends the category of persons whose interests may be incompatible with an officer's membership of a police force so as to include a civil partner or a co-habitee of the officer.

9. Each business interest approved by the Chief Constable may be subject to review and the Chief Constable reserves the right to revoke his authority should a business interest become incompatible with the role of Police Officer.

### **Rights of Appeal**

10. An officer may appeal against the decision of the Chief Constable to the Police Authority. Notice must be submitted, in writing, to the Clerk to the Police Authority within ten days of receipt of the decision.

11. Any officer who has any doubts about whether or not they should seek approval for their business 'interests' should contact the Head of the Professional Standards Department for advice.

12. A further appeal to the Home Office, against a decision made by the Police Authority, may be made in accordance with Police Regulations.

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A.135(m)

**DYFED – POWYS POLICE**  
**Application to register a Business Interest**

**Name:**.....  
**Rank:**.....**No:**.....**Post:**.....  
**Station:**.....**Division:**.....

Nature of Business Interest to be registered:

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Do you have any other business interests registered?: Yes / No

If Yes, please state nature of Business Interest and date authorised: .....

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**Section 1 – Employment Type**

<b>Please indicate</b>	<input type="checkbox"/>	Agency Work
	<input type="checkbox"/>	

<b>type of employment by ticking relevant box.</b>	<input type="checkbox"/>	Secondary Employment
	<input type="checkbox"/>	Self-Employed
	<input type="checkbox"/>	Other (Please specify).....

**Section 2 – Category of Business Interest**

<b>Please indicate category of business interest by ticking relevant box or boxes</b>	<input type="checkbox"/>	Training (If selected, please complete section 3)
	<input type="checkbox"/>	Driving
	<input type="checkbox"/>	Music
	<input type="checkbox"/>	Gardening
	<input type="checkbox"/>	Lecturing
	<input type="checkbox"/>	Consultancy
	<input type="checkbox"/>	Other (Please specify).....

**Section 3 – Skills**

<b>Complete this section by ticking relevant box or boxes if you selected Training in Section 2</b>	<input type="checkbox"/>	IT Skills
	<input type="checkbox"/>	Management Skills
	<input type="checkbox"/>	Driving Skills
	<input type="checkbox"/>	Keep Fit / Swimming
	<input type="checkbox"/>	Other (please specify).....
	<input type="checkbox"/>	.....

Please indicate if you have obtained this skill / these skills during Police Service training:

**Yes / No**

**Section 4 – Business Outline**

**Description of the nature of work:**.....

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**Description of product:**.....

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**Section 5 – Target Market**

**Description of target customers:**.....

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**Description of advertising medium (if applicable – include titles of publications):.....**

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**Section 6 – Time Commitments**

**Please indicate an estimate of time to be spent on business interest:**

<b>Self</b>	<b>Hours per month</b>	<b>Spouse</b>	<b>Hours per month</b>
	<b>Under 8</b>		<b>Under 8</b>
	<b>Over 8 – Under 24</b>		<b>Over 8 – Under 24</b>
	<b>Over 24 – Under 60</b>		<b>Over 24 – Under 60</b>
	<b>Over 60</b>		<b>Over 60</b>

(Spouse includes partner and close family members, i.e. parent, son, daughter, brother , sister)

**Section 7 – Who do you work for? – Employer details:**

**Name of Organisation (Please include business address) .....**



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**(Continue on separate sheet if necessary)**

**Applicant's signature :** .....

**Date :** .....

Please note: Your Business Interest may make you liable to pay additional income tax, National Insurance contributions, V.A.T., and in some circumstances Corporation Tax. You are strongly advised to make appropriate enquiries before pursuing your Business Interest. You may also wish to consider seeking appropriate advice in respect of suitable insurance cover.

**Section 9 – 1st Level Assessor comments and recommendations:**

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**Signature :** .....

**Date :** .....

**Section 10 – OCD / HOD comments and recommendations:**

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**Signature** :.....  
**Date** :.....

**Section 11 – For HQ Professional Standards Department Use Only:**

HQ Recommendation : .....  
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**Signature** : .....

**Reference No.** : .....

**To be reviewed at PDRS appraisal : Yes / No.**