



Business Interest Procedure

Procedure Statement

The purpose of this procedure is to provide a framework to support Police Officers and Police staff, whilst highlighting their obligation to North Yorkshire Police (NYP). This procedure applies to police officers, including special constables, and all police staff. It is acknowledged that special constables may be employed in other occupations at the time of their appointment as members of NYP. For special constables' checks are carried out prior to appointment to assess the compatibility of their current occupation with becoming a special constable, however the provision of this procedure applies once appointed as a special constable.

Procedures:

Staff Discipline Procedure
Confidential Reporting and Whistleblowing
Gifts, Gratuities and Hospitality Procedure

Other Documents:

Vetting (college.police.uk)
The Police (Conduct) Regulations 2020 (legislation.gov.uk)
Code of Ethics | College of Policing
National Ethics Report – Tone From the Top
Business Interest Form

Process

1.0 Introduction

- 1.1 The general aims and objectives of this procedure are to:
- 1.1.1 Ensure a consistent service wide approach to business interests;
 - 1.1.2 Explain how you must notify the Force when you wish to pursue a business interest; and
 - 1.1.3 Enable the Force to deal with business interest notifications in a fair and equitable manner.
- 1.2 The law regulates the circumstances in which a police officer or a relative in his or her family may have a business interest whilst that officer remains a member of NYP.
- 1.3 The law obliges police officers to abide by force policy of which this procedure forms part. Police Officers and Police Staff who do not comply with the provisions of this procedure or with the decisions reached pursuant to it will be dealt with under the appropriate regulatory provisions for Police Officers or the Staff Discipline process
- 1.4 In this procedure these expressions have the following meanings:

The Regulations	Police Regulations and Special Constable Regulations in force for the time being regulating the holding of business interests by police officers
NYP	North Yorkshire Police
PFCC	Police, Fire and Crime Commissioner



Member of NYP	Either a police officer under the direction and control of the Chief Constable of NYP, a member of police staff under the direction and control of the Chief Constable of NYP or a member of police staff employed by the Police, Fire and Crime Commissioner
Relative	Spouse or civil partner (in each case not being separated from the member) co-habitee, parent, son, daughter, brother or sister
Police officer	Holder of the office of constable
Police Staff	Member of police staff

2.0 Definition of a Business Interest

2.1 Police law says that a business interest exists where:

- 2.1.1 A member holds any office or employment for hire or gain (otherwise than as a member of the police force) or carries on any business.
- 2.1.2 A member of NYP or a relative included in his or her family holds (or possesses a financial interest in) a license or permit relating to liquor licensing, refreshment houses or betting and gaming or regulating places of entertainment in North Yorkshire or the City of York.

2.2 It also says that where:

- 2.2.1 A member of NYP proposes to have a business interest; and/or
- 2.2.2 A member of NYP is (or becomes) aware that a relative included in his or her family has or proposes to have a business interest which the member thinks interferes or could be seen as interfering with the impartial discharge of his or her duties, then that member of NYP must give notice of it to NYP.

2.3 The Regulations and this procedure provide a framework for determining whether the holding of a particular business interest is compatible with the person remaining a member of NYP. The Chief Constable has consented to the Deputy Chief Constable exercising the power to determine that question. This responsibility has been delegated to the Head of Professional Standards by the Deputy Chief Constable.

2.4 Members of the force to which this procedure applies are, as a matter of force policy, requested to give notice of proposed business interests promptly. The practice of requesting a determination under this procedure after an interest has been taken up, is discouraged. Police officers are reminded that Regulation 7 of Police Regulations 2003 deals with actual **or proposed** business interests.

3.0 Principles

3.1 Introduction

- 3.1.1 Owing to Police Regulations some details of the process differ for police officers and police staff.



3.2 Personal Responsibility

3.2.1 If you are a member of NYP and you are in any doubt as to whether your activities constitute a business interest you should seek advice from your district or departmental People Services Advisor.

3.2.2 You should not become improperly obliged to any person, group or organisation.

3.3 Public Confidence

3.3.1 The Force does not attempt to preclude you from undertaking additional employment, but any such employment, in the view of the Force must not:

- a) Conflict with or react detrimentally to the Force's interests;
- b) Weaken public confidence, in any way, in the manner in which the Force conducts business;
- c) Affect your performance;
- d) Take precedence over your work for NYP; or
- e) Conflict with the Police (Conduct) Regulations.

3.3.2 Generally, you will **not** be allowed to sell the skills or knowledge you have acquired through, or at the expense of, NYP to outside agencies or interests. These types of business interests may be rejected.

3.3.3 Your work within the Force could open up the opportunity to cultivate contacts, customers and suppliers both internally and externally. It would not be considered appropriate to use contacts developed in your Force role for your private business. If this occurred both you and the Force may be open to allegations of business impropriety.

3.4 Other Considerations

3.4.1 While each case should be considered on its own merits, a number of factors covering the following areas must be taken into account in determining whether to approve an application for a business interest or additional occupation. These include:

- a) Impartiality – predicted. Expected or evidenced;
- b) Impact on the Force – potential and perceived;
- c) The applicant's current performance;
- d) Proportionality – in relation to seniority and role;
- e) Equality and Diversity;
- f) Health, safety and wellbeing; and
- g) Any other personal circumstances concerning the individual.

4.0 Responsibilities

4.1 The Head of Professional Standards shall determine whether an actual or proposed business interest is:

4.1.1 In the case of a police officer, compatible with the member continuing to serve as a police officer with NYP. He/she shall also determine whether the holding of the business interest means, or



would mean, that the member fails to meet the appropriate standard set out in the Standards of Professional Behaviour applicable to police officers.

4.1.2 In the case of a member of police staff, likely to give rise to a conflict of interest or possible conflict of interest with the requirements and responsibilities of that member's role or would mean that the member fails to meet the appropriate standard set out in the Standards of Professional Behaviour applicable to police staff.

4.1.3 Where the member of staff is under the direction and control of the PFCC, the Head of PSD will liaise with the CEO. The Head of PSD will, in liaison with the CEO make such a determination having regard to any guidance issued by the Secretary of State relating to such determinations.

4.2 The Force Solicitor will advise the Head of Professional Standards on the law applicable to the recommendation. The Head of PSD shall supply to the Force Solicitor such information as he/she may reasonably require in order to formulate such advice. For the avoidance of doubt, any legal advice sought by the Head of Professional Standards is and remains subject to legal professional privilege.

4.3 On behalf of the Deputy Chief Constable the Head of Professional Standards shall maintain an electronic Register of Business Interests.

4.4 The responsibilities of the Head of Professional Standards or Force Solicitor may be delegated to a suitably qualified member of their respective departments.

5.0 Criteria

5.1 It is not possible to provide a definitive list of specific occupations, interests or activities that are likely to lead to your application being accepted or rejected because of the need to:

- a) Consider each case on its merits; and
- b) Assess the risks involved

Each notification will be considered separately.

6.0 Incompatible interests

6.1 Police Officers and police staff should be aware that it is unlikely that authorisation will be granted to hold a licence or permit granted in pursuance of the law relating to:

- a) Liquor licensing;
- b) Refreshment houses;
- c) Betting and gaming; or
- d) Regulating places of entertainment;

in the Force area

7.0 Potentially compatible/incompatible interests

7.1 The following lists of activities and examples of specific jobs are not exhaustive.



- 7.2 The following are examples of business interests that are likely to be approved:
- a) Owning or working in a shop;
 - b) Gardening/Manual work;
 - c) Sales advisors;
 - d) Teaching/lecturing;
 - e) Childcare;
 - f) Skilled trade, such as building/plumbing;
 - g) Artistic activities;
 - h) Property Rental; and
 - i) Professional/semi-professional sports activities.
- 7.3 The following are examples of types of activities which are likely to lead to the rejection of an application. Each case will be assessed on its own merit and assessed on the risks involved before a decision is made:
- a) Working in licences premises where there would be a conflict of interest with policing duties or with the specific work carried out by an employee;
 - b) An activity that would present a conflict of interest in the administration of justice (e.g. magistrate, practicing solicitor, barrister, fine enforcement officer);
 - c) An activity that involved investigation for other than police purposes (e.g. loss assessor, private detective);
 - d) An activity that mirrors police responsibilities or is an extension or police functions (e.g. close protection, private security or surveillance, crime prevention or personal safety);
 - e) An activity that is connected with the lending of money or the recovery of debts for others or an activity that involved “hard selling” to colleagues or members of the public by placing undue pressure on them to buy or rent, including recruiting others to sell on their behalf e.g. pyramid selling type arrangements;
 - f) An activity using specialised skills or knowledge obtained through the police service. This includes lecturing or training;
 - g) Renting accommodation from or letting accommodation to a member of staff who is in the same line management structure (excluding short terms arrangements e.g. holiday lets or those done through a letting agency);
 - h) Appearing in any commercial filming production in which they portray either a police officer, police community support officer or other police uniformed role, whether on or off duty, or undertake any role where it could be construed that they are representing the police service;
 - i) The writing and publication of books, articles or other material for gain by serving members of the police service about their policing or work experiences; or
 - j) Services provided for remuneration from internet subscription services which are not compatible with North Yorkshire Police Standards of Professional Behaviour, Code of Ethics and Police Regulations 2003 (e.g. ‘Only Fans’ Internet Services).

8.0 Voluntary Work

- 8.1 A member of NYP wishing to volunteer outside of their employment is still required to complete a business interest form to ensure it is compatible with working within North Yorkshire Police.



8.2 the following are examples of volunteer work:

- a) Coaching/Managing sports teams
- b) Regular charity work
- c) Scouts, Beavers, Girl Guides & Brownies
- d) committee member
- e) Cadet Trainer/Instructor
- f) School Governor/Board member
- g) Parish roles, eg. Parish Councillor

9.0 Notification and Decision

9.1 A member of NYP wishing to give notice of an actual or proposed business interest should complete the business interest notification form giving notice and submit to their Line Manager for initial assessment.

9.2 Line Management should make comment on the following areas:

- a) the member's performance;
- b) the member's capability;
- c) the member's attendance record.

9.2.2 The form should then be sent to the Area Commander or Head of Function (HoF).

9.3 The Area Commander or Head of Function should also state their recommendations prior to forwarding to the appropriate Peoples Services Advisor for their comment (reservist applications only).

9.4 The completed form should be submitted to the Professional Standards for full consideration. Following appropriate assessment, including referral to the Force Solicitor as referred to a paragraph 3.3, the Head of Professional Standards will make a decision on the Business Interest Notification.

9.5 Where the Head of Professional Standards is minded to decide that the business interest is not compatible with the member concerned remaining a member of NYP, or it is not so compatible unless conditions are imposed, the member shall be:

- a) notified in writing of this preliminary view and the reasons for it;
- b) given the opportunity to make representations in writing, at a meeting or both, at the discretion of the member;

and any such representation shall be taken into account by the Head of Professional Standards

9.6 Whether or not notification is given under paragraph 8.5, within 28 days of receipt of the form, the member of NYP shall be informed in writing of the determination made. This will include any conditions with which the member of NYP must comply with in order to hold (or continue to hold) the business interest at the same time as remaining a member of NYP. The determination shall be recorded on the form/letter showing the Head of Professional Standards' determination.

9.7 It is the responsibility of the member of NYP to notify Line Management of the Business interest should they move departments or there be a change in line management.



10.0 Continuing a business interest whilst sick or suspended

10.1 Business Interest while on sick leave

- a) If you wish to pursue a business interest while you are on sick leave, you must declare it to your area commander or departmental head via the procedure detailed in section 8 above. This must be done:
 - 1. On the first day of the sickness; or
 - 2. At any time when there is a change.
- b) Approval is likely to be given if it is clear that the proposed activity would **not** impede recovery and your business interest is different from your role.
- c) If you are on restricted or recuperative duties, consideration may be given to a review of your business inters. This is to ensure that the continuation of the business interest is not detrimental to your wellbeing and does not impact on your ability to fully perform your role.
- d) If your business interest is rejected or the approval to continue whilst on sick leave is rejected, then you must not pursue your business interest while you are on sick leave.

10.2 Business interest while suspended

- a) If you wish to continue with a business interest while you are suspended, this will be considered by the Deputy Chief Constable (DCC).
- b) If you wish to apply for a business interest while you are suspended, you must seek the approval as per the policy.

10.3 Changes

- a) If at any stage your approved business interest changes while you are on sick leave or suspended, you must notify NYP immediately. You must not start a new business interest without the approval of the Head of Professional Standards.

11 Undisclosed, unapproved, or declined business interests

11.1 Police Officers and Special Constables

- a) If you carry out a business interest activity which you have **not** disclosed, **not** had approved or has been considered and deemed to be incompatible with your role, then you are likely to be in breach of:
 - a. This policy procedure
 - b. The Code of Ethics; and/or
 - c. Police Regulations and/or The Police (Conduct) Regulations 2020 (as amended or updated)Any alleged breach will be dealt with under the appropriate regulatory provisions with particular reference to Regulation 7 of the Police Regulations 2003 (as amended) in respect of failing to abide by a decision that a business interest is incompatible.



11.2 Police Staff

- a) If you have a business interest which has been considered and deemed to be incompatible with your role, then you are likely to be in breach of:
 - 1. This police procedure;
 - 2. The Code of Conduct and the Code of Ethics;
 - 3. The Trust and Confidence terms of your contract of employment; and
 - 4. Be subject to an investigation in accordance with the discipline procedure for police staff.

11.3 All Employees

- a) If your business Interest is declined, you must cease or not start your business interest.
- b) If your business interest has conditions attached, you must adhere to these, any breach of the conditions may invalidate your approval to have your business interest.

12.0 Right of Appeal

- 12.1 Any member of NYP wishing to appeal against the Head of Professional Standards' determination shall have the right, within 10 days of receipt of the confirmation letter, to appeal to the Deputy Chief Constable or the Chief Executive should that individual be an employee of the PFCC.
- 12.2 Appeals lodged after the expiry of the 10-day period set out in the previous paragraph may be considered. The decision as to whether to consider a late appeal lies with the Deputy Chief Constable.
- 12.3 An appeal to the Deputy Chief Constable under this procedure shall be in the appeal format as set out in Regulations.
- 12.4 The Regulations set out the process and possible outcomes of an appeal.
- 12.5 Any member of NYP who has a business interest refused will be subject to checks by the Anti-Corruption unit to ensure that refusal has been complied with.

13.0 Review Process

- 13.1 The PSD will review each entry in the Register of Business Interests at least once in every 12-month period beginning with the date of the determination.
- 13.2 Members of NYP holding business interests shall respond to any reasonable enquiry made by Professional Standards in relation to such a review. As part of the review, Line Management must assess the member's performance and attendance records over the review period and comment on approval for the business interest to continue.
- 13.3 In the event that, following such enquiry, the Head of Professional Standards considers that there has been a material change in the nature of the business interest, he/she may require the member to give fresh notice under this procedure.



14.0 Changes to your Business Interest

- 14.1 You must notify the Force of any changes in your business interest in respect of its nature, extent or otherwise.
- 14.2 Any change that may have the effect of creating a new business interest must be notified to the Force.
- 14.3 For Police Officers and Special Constables only – If you become aware that a relative proposes to have or has a business interest as defined in this guidance which:
 - a) You have not declared; or
 - b) In your opinion, interferes or could be seen as interfering with the impartial discharge of your duties then you must notify the Force.

15. Monitoring and Compliance

- 15.1 It is the responsibility of the line manager to monitor any business interests that are held by their staff to ensure that they are complied with.
- 15.2 Any deviation from the business interest is to be dealt with by the line manager and reported to PSD for assessment without delay.

Responsibilities

Commanders/Head of Function - To allow for time taken to complete the process for individuals.

First Line Supervision – To comply with the process

Operational Officers/Police Staff – To declare relevant matters as above

All Police Service staff are personally responsible for the declaration of relevant matters

All Individuals who hold a supervisory role are responsible for compliance with this process

Area Commanders, Heads of Function and the HoPSD are responsible for compliance with this process and to allow for time taken to complete the process for individuals.