



**PD 575 Business Interest and Additional Occupation for Police Officers and Staff**

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Business Interest Policy – Police Staff

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1.7	24.8.18	Up-dated in line with ACPO Guidance on Business Interests and Additional Occupation (October 2012) and Police Regulations 2003
1.8	04/06/2021	Updated with new Police Conduct Regulations 2020

NOT PROTECTIVELY MARKED

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## **1. Introduction**

- 1.1 It is imperative that the public has confidence in the integrity and impartiality of the police service and it is the responsibility of Nottinghamshire Police and each member of staff to maintain and build public confidence in the police.
- 1.2 This procedure sets out a framework for the application for and approval or otherwise of a business interest or the taking of additional employment outside of the Force to ensure there will be no conflict of interest with the work of the Force, the role of the police, or the ability of any member of the force holding such a business interest or additional occupation to discharge his or her duties impartially.
- 1.3 This procedure applies to all police officers, all members of police staff and to those applying to become a police officer or a member of police staff.
- 1.4 All elements within this procedure apply to police officers, police staff and designated volunteers who from hereon in are referred to as the 'individual' and/or the 'applicant'.
- 1.5 Where Police Regulations are quoted such specific secondary legislation in law applies only to Police Officers. For the purposes of the Nottinghamshire Police Business Interest and additional occupation procedure, the direction prescribed by the Regulations in so far as BusinessInterests and additional occupation are concerned, will apply equally to police staff and designated volunteers. This is supported by the position statement for the management of Business Interests and additional occupation set out in the Police Staff Council of England and Wales, pay and condition of service handbook (June 2020) which references the ACPO guidance for Business Interest and additional occupations 2012.

## **2. Procedure Aim**

- 2.1 The purpose of this procedure is to:
  - safeguard the reputation of the Force
  - ensure the integrity of the police service, and
  - ensure the continued health, safety and welfare of all staff
- 2.2 This procedure does not constrain an individual from holding a business interest or taking an additional occupation but allows the Head of Professional Standards, (using delegated powers from the Chief Constable), to determine whether a business interest or the taking of employment outside of the organisation could conflict with the work of the

organisation or adversely affect the reputation of Nottinghamshire Police. Equally the ability of an officer or member of staff to discharge his or her duties impartially (including where members of the public might consider such a business interest or additional occupation as a barrier to impartiality).

- 2.3 In making approval decisions, the Head of Professional Standards Directorate (PSD) will take into account the support or otherwise of the individual's first line manager.
- 2.4 This procedure fully adopts the provisions set out in the ACPO Guidance on Business Interests and Additional Occupation (October 2012) and ensures compliance with the Police Regulations (2003), as amended by the Police (Amendment No. 3) Regulations 2012; the Police Staff Council and Conditions of Service Handbook (2018); the Code of Ethics for Policing (July 2014); Article 8 of ECHR as provided by the Human Rights Act 1998; and the European Working Time Regulations (1998).

### **3. Responsibilities**

- 3.1 Individuals who are considering applying for a business interest or an additional occupation (hereafter commonly termed a 'Business Interest') have a responsibility to first familiarise themselves with the ACPO Guidance on Business Interests and Additional Occupations (October 2012) attached here as Appendix 1 and to ensure applications are submitted in line with this guidance.
- 3.2 First Line managers have a responsibility to give fair consideration to any application by an individual for a Business Interest and will take into account individual and organisational needs when providing evidence of support or non-support to the Head of PSD. When reviewing evidence, this should include 1-2-1 records, adherence to the Attendance Management Procedure, performance, conflict of interest and adherence to the Working Time Directive.
- 3.3 The Head of PSD (in the capacity of the appropriate officer as delegated by the Chief Constable) is responsible for giving fair consideration to applications for Business Interests in line with individual circumstances and wider reputational matters of integrity and compatibility with the reputation of the force and the wider police service.
- 3.4 The Head of PSD reserves the right to delegate the responsibility set out at paragraph 3.3 to a senior management team representative for the PSD.

- 3.5 The Chief Constable is responsible for the fair application of the relevant appeals process in relation to Business Interests. All appeals regarding a refused business interest are made to the Chief Constable.
- 3.6 The PSD is responsible for maintaining records and monitoring compliance with this procedure by reviewing any authorised business interest every two years to determine whether the business interest remains active. The PSD will always reserve the right to lawfully investigate any business interest that failed to achieve authorisation, as is necessary and proportionate to ensure compliance with orders and instructions.
- 3.7 It is the responsibility of the applicant to only undertake activity to which the business interest has been explicitly authorised. Where a business interest has been approved, it is the responsibility of the individual to immediately report any changes envisaged by completing the Business Interest Review Form (G1014F), which will be processed in an identical manner to that which is set out at paragraphs 3.2 and 3.3.
- 3.8 It is the responsibility of the Line Manager to ensure that any authorised business interest is enquired into annually at the time of completing an integrity health check within the annual Personal Development Review(PDR) process. Where there is any variance in the business interest from the original application, the line manager must order that such activity cease and the applicant follow that which is set out at 3.7 above. In the event that a Business Interest has been terminated, the line manager must inform the PSD.
- 3.9 Regardless of whether or not there is any variation in the business interest, the applicant will be required to complete a Business Interest Review Form (G1014F) every 2 years. Where an applicant fails to return their review form within 14 days, their Business Interest **MAY** be terminated.

#### **4. Process**

The applicant must submit their Business Interest application form (G1014A, Appendix 2) to their first line manager for recommendation. The first line manager, upon completion of their recommendations, will be required to forward the Business Interest application form (G1014A, Appendix 2) to HR. HR will, following their recommendation to approve or not approve the Business Interest, forward to the PSD. The PSD will review the application and notify the applicant of their decision. Any application received within the PSD, which has not followed the above process will not be considered and returned direct to the applicant unauthorised. Only once approval has been obtained from PSD has the relevant business authority secured approval.

#### **5. Guidance**

## **Definition of a Business Interest**

- 5.1 The definition of a Business Interest is set out in Regulation 7 of the Police Regulations 2003 and can also be found at Section 2 of the ACPO Guidance on Business Interests and Additional Occupations (October 2012). Regulation 7 provides that a person has a business interest if:
- A) Being a member of a police force, the person holds any office or employment for hire or gain (otherwise than as a member of the force) or carries on any business, or;
  - B) Being a member of a police force or a relative included in such a member's family, the person holds or possesses a pecuniary interest in a licence or permit granted in pursuance of the law relating to liquor licensing, refreshment houses, betting and gaming or regulating premises of entertainment in the area of the police force in question.
- 5.2 "Relative" in relation to a member of a police force means:
- i) A spouse or civil partner who is not separated from the member;
  - ii) A person living with the member as if they were the member's spouse or civil partner, or;
  - iii) A parent, son, daughter, brother or sister of the member
- 5.3 An additional employment is such that it includes any activity whereby there is an intended element of profit in the activity and this gain would include money or barter.
- 5.4 Although police staff are not covered by Police Regulations, the same definition of business interest and relative applies to police staff and police support volunteers.
- 5.5 Prior to operating or establishing a Business Interest, the individual should consult with the ACPO Guidance Business Interest and Additional Occupations and the Nottinghamshire Police Business Interest Procedure to determine whether or not the intended activity will be permissible. If the activity would not be permissible, the applicant must not take any further steps to operate the business.
- 5.6 If the applicant believes the intended business interest to be permissible, they must submit a Business Interest Application Form (Appendix 2) to their first line manager and the process of authorisation as listed at paragraphs 3.3 and 3.4 above will follow.
- 5.7 The first line manager should ensure that applications are considered and where authorised forwarded to PSD within 14 days of receipt of the application.

- 5.8 All applications for a Business Interest will be considered by the Head of PSD within 28 days of receipt.
- 5.9 In considering whether a Business Interest should be approved, or approved subject to conditions, or indeed should not be approved, the Head of PSD will take into account the principles and considerations outlined in Sections 3 to 7 and Appendix A of the ACPO Guidance on Business Interests and Additional Occupations (October 2012).
- 5.10 The Head of the PSD will inform the applicant in writing of a decision to authorise a Business Interest or where an application is refused, a clear explanation in writing of the reasons for refusal will be provided together with details of the appeals procedure.
- 5.11 Once informed of the approval it is the responsibility of the applicant to notify HM Revenue and Customs or any other relevant agency of any additional income or occupation and to appropriately discharge any liability attached to any such Business Interest. Applicants should note that the CCU and HMRC may share information where there is a legal gateway to do so in investigation of tax liabilities.
- 5.12 A record of all applications for Business Interests whether or not they are approved will be maintained by the Professional Standards Department.
- 5.13 It should be noted that if paid employment is to be undertaken when requesting a career break from the organisation, a business interest submission must be submitted at the same time the career break form is submitted to HR.
- 5.14 When a business interest holder leaves the organisation and is subsequently re-employed, they are required to submit a new business interest application

## **6. Incompatible Business Interests and Additional Occupations**

- 6.1 Business interest or additional occupation applications will be decided on a case by case basis involving careful consideration of a number of factors. It is not possible to provide a definitive list of specific occupations, interests or activities that are likely to lead to an application being rejected because of the need to consider each case on its merits and to assess the risks involved. The following list provides examples of activities which are likely to lead to the rejection of an application:
- Holding a licence or permit granted in pursuance of the law relating to liquor licensing, refreshment houses or betting and gaming or regulating places of entertainment within the force area (all of which are activities specifically covered by Regulation 7 of the Police Regulations 2003);
  - Working a licensed premises where there would be a conflict of interest with policing duties or with the specific work carried out by a police staff employee;

- An activity that would present a conflict of interest in the administration of justice (e.g. magistrate, practicing solicitor, barrister, fine enforcement officer);
- An activity that involves investigation for other than police purposes (e.g. loss assessor, private detective);
- An activity that mirrors police responsibilities or is an extension of police functions (e.g. close protection, private security or surveillance, crime prevention or personal safety);
- An activity that is connected with the lending of money or recovery of debts for others or an activity that involves “hard selling” to colleagues or members of the public by placing undue pressure upon them to buy or rent, including recruiting others to sell on his or her behalf;
- An activity using specialist skills or knowledge obtained through the police service;
- An activity that is connected to delivering on behalf of fast foods outlets;
- Renting accommodation from or letting accommodation to a member of staff who is in the same line management structure (excluding short-term arrangements, such as holiday lets);
- Appearing in any commercial filming production in which they portray either a police officer, police community support officer or other uniformed role, whether on or off duty, or undertake any role where it could be construed that they are representing the police service;
- 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.

## **7. Appeals**

- 7.1 The individual may appeal against a decision by the Head of Professional Standards not to approve a notified Business Interest. The appeals process is set out in Regulation 7 of the Police Regulations 2003 (as amended by the Police (Amendment No. 3) Regulations 2012 and also by Appendix B of the ACPO Guidance on Business Interests and Additional Occupation (October 2012). At all stages of the appeals procedure, an appellant may be represented by a police friend, staff association or trade union representative.
- 7.2 Within 10 days of being notified by an appropriate officer’s decision under regulation 8(5), or within such longer period as the chief officer may in all the circumstances allow, the individual may appeal against that decision by sending written notice to the chief officer.

## **8. Review of Business Interests**

- 8.1 If the holder of a Business Interest is on a period of long-term sickness absence or subject of restricted or recuperative duties, then the Business Interest must be reviewed by their first line manager and the PSD notified. Permission for individuals to continue with a business interest **MAY** be

suspended if appropriate.

- 8.2 In some cases this may result in further enquiries by the PSD and where there is an indication that a holder of a business interest appears to be abusing the procedure, the circumstances will be investigated in accordance with either the Police (Conduct) Regulations 2020 or the Nottinghamshire Police Staff Misconduct Policy (2018). Where relevant, the business interest will be temporarily suspended until the outcome of the investigation is known.
- 8.3 Where a holder of a Business Interest is subject to Police Unsatisfactory Performance Procedures, Police Conduct Procedures, Police Staff Discipline Procedures or Attendance Management Procedures, current approved Business Interests will be reviewed by the Head of Professional Standards. Each application will be considered individually and in some cases the Business Interest **MAY** need to be temporarily suspended, subject to conditions, or withdrawn pending an outcome of the attendance, performance or misconduct procedures.
- 8.4 If a holder of a business interest is due to take maternity/paternity leave or a career break, they must inform the PSD 28 days prior to the commencement of the arranged absence.
- 8.5 Police officers and police staff on restricted duties, who are working the full hours required by their employment terms may continue with their business interest.

## **9. Special Constables**

- 9.1 A business interest does not apply to Special Constables, however, if there is a change to their primary employment, they must immediately notify the Force Special Constabulary Co-ordinator and PSD/Vetting.

## **10. Volunteering**

- 10.1 All police officers and members of police staff who undertake voluntary, community based duties or responsibilities must seek approval as a business interest under this procedure.

## **11. Review**

- 11.1 All business interests will be reviewed every 2 years from the date of approval by repeating the process outlined in this procedure. A yearly E mail will be sent to all holders of a business interest to confirm it is still active.

## **12. Appendices**

Appendix 1 – business interests.pdf

Appendix 2 – G1014A

G1014A – Business Interest or Additional Occupation Application Form



**Business Interest or Additional Occupation Application Form**

***Before submitting this form, please ensure that adequate detail is provided, as insufficient information will result in the application being returned unauthorised.***

**Part 1 – to be completed by the applicant**

<b>Name of Applicant</b>	
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Rank/Grade	Collar/DMS No.	Division/Dept	Telephone No.
Role			

Nature of business interest/additional occupation:

Details: Please include details of the role you will undertake and any other details which may be relevant to this application. If you are not directly involved in the business interest, provide details of the person involved and your relationship to them. Where the proposed business interest involves property rental, please provide the address(es).

What is your role in the business/additional occupation:

<b>How many hours will you work per week:</b>	
<b>Business interest – revenue generated</b>	<b>Yes/No</b>
<b>Additional occupation - paid</b>	<b>Yes/No</b>
<p><b>I can confirm that I have reviewed the occupation/role against the ACPO Guidance on Business Interests and Additional Occupation (Oct 2012) and the Force Procedure for Business Interests and Additional Occupations (2013)</b></p> <p><b>I can confirm my attendance record is attached and is within the boundaries of the current force standard.</b></p> <p><b>I can confirm I am not subject of any unsatisfactory performance improvement notice or any post misconduct finding action plan. I can confirm that I will discharge all my tax liabilities in accordance with legislation.</b></p> <p><b>I agree to adhere to the force procedure on business interests including the requirement to record and monitor hours spent in order to comply with Working Time Regulations and to report any changes to my line manager and the Professional Standards Directorate.</b></p> <p><b>I declare that should I suffer any injury or personal loss as a consequence of my undertaking a business interest or additional occupation whilst I am still a member of Nottinghamshire Police, I will make no claim against Nottinghamshire Police for such injury or personal loss. I declare that all the information I have provided is correct and true to the best of my knowledge and belief.</b></p> <p><b>I am aware that if I have knowingly submitted any false or misleading information, I may be subject to disciplinary proceedings</b></p>	
<b>Signed</b>	(electronic signature only)
<b>Dated</b>	

***Once complete, please send this form to your line manager.***

**Part 2 – to be completed by the Applicant’s Line Manager**

<b>Name of Applicant</b>	
<b>Absence within acceptable limits for Force Attendance Procedure</b>	<b>Yes/No</b>
<b>Compatible with business interest and additional</b>	<b>Yes/No</b>

<b>occupation procedure</b>	
<b>Live finding of misconduct and/or subject of unsatisfactory performance procedures (UPP) or police staff equivalent</b>	<b>Yes/No</b>
<b>Subject of disciplinary investigation</b>	<b>Yes/No</b>
<b>Request would be within acceptable limits for the Working Time Directive</b>	<b>Yes/No</b>
<b>No relevant matters</b>	<b>Yes/No</b>
<b>Additional information (please provide any relevant additional information that you believe the PSD should consider in making their determination as to whether or not to approve the application)</b>	

<b>Recommendation</b>	<b>Approve – Yes/No</b>	<b>Decline – Yes/No</b>
<b>I agree to annually review this application as part of the PDR process and any long term sickness.</b>	<b>Yes/No</b>	

<b>Signature</b>	(electronic signature only)	<b>Date</b>	
<b>Name</b>		<b>Rank/collar no.</b>	

***Once complete, please send this form to HR.***

**Part 3 – to be completed by HR**

	<b>Name (printed)</b>	<b>Date</b>
<b>Application received by HR manager</b>		
<b>Application supported by HR manager</b>		
<b>Application not supported by HR manager</b>		

<b>Date application forwarded to ‘Business Interests’ mailbox</b>	
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**Part 4 – to be completed by PSD**

<b>APPROVED / REJECTED</b> (please delete as appropriate)			
	<b>Name</b>	<b>Rank/Grade</b>	<b>Date</b>
<b>Decision communicated to applicant, relevant Line Manager and People Services Advisor</b>			
<b>PSD records updated</b>			
<b>Oracle updated</b>			

### Appendix 3 – Frequently asked questions

#### Frequently asked questions:

- Q. I am a School Governor; do I need to record this as a business interest?
- R. Yes
- Q. I serve on a committee; do I need to record this as a business interest?
- R. Yes, as there may be a conflict in respect of the activities of that committee
- Q. I volunteer at my child's school, do I need to record this as a business interest?
- R. No, as it is a role at a local authority and you are not employed or assisting in a business
- Q. I have a second property which I rent out; do I need to record this as a business interest?
- R. Yes, as this generates a second income
- Q. I intend to sell a number of personal items which I have acquired over time through lifestyle on e-bay, do I need to record this as a business interest?
- R. No, but there is a limit before this triggers as a business
- Q. If I were to procure a commodity for sale regardless of profit or loss, would that constitute a business interest?
- R. Yes