

Business Interest Policy



**Lancashire
Constabulary**
police and communities together

Owning Department	Professional Standards
Framework Owner	Superintendent Simm
Chief Officer Sponsor	Deputy Chief Constable
Risk Rating	Medium
Equality Impact	Nil
Date of Commencement	31/07/2016
Date of Next Review	31/07/2019

1. Introduction

The Lancashire Constabulary is committed to ensuring that the highest standards of integrity are maintained by all members of the organisation. It is essential that the public has confidence in the integrity and impartiality of the police service and all its members, including not being beholden to any real or perceived conflict of interest.

Police officers and staff are not prevented from holding a business interest or secondary occupation. However such interests must not conflict with the work of the police, undermine public confidence or adversely affect the reputation of a member of staff, the force, or the wider police service.

This policy provides a clear and consistent application and decision-making process for all members of the organisation in relation to business interests.

2. Aims and Purpose

The aim of this policy is to provide clarity in respect of the application and decision-making process for business interests, for new and serving police officers, Specials and police staff, in respect of:

- Police Officer business interests
- Special Constabulary business interests and compatible employment
- Police Staff secondary employment and supplementary income

The policy will also ensure consistency, openness, fairness and timeliness in the consideration of applications.

3. Policy Details

3.1 Regulations

Regulation 7 of the Police Regulations 2003 (as amended by the Police (Amendment No.3) Regulations 2012) provides that a person has a business interest if:

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 police force) or carries on any business, or:

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 or betting and gaming or regulating places of entertainment in the area of the police force in question.

“Relative” in relation to a member of a police force means:

1. a spouse or civil partner who is not separated from the member
2. a person living with the member as if they were the member's spouse or civil partner
3. a parent, son, daughter, brother or sister of the member.

Although police staff are not covered by Police Regulations, the same definition of business interest and relative applies to police staff and volunteers. The term ‘member’ is used in this policy to refer to police officers, police staff and volunteers, i.e. to all members of the organisation.

Applicants to the police service are required to declare any existing business interest that they may intend to continue should they be appointed. However they will not be eligible for appointment if they intend maintaining a business interest that is incompatible with being a member of the police service.

Special Constables are covered by separate guidance in terms of the compatibility of their primary employment – as detailed in NPIA Circular 01/2011 – Special Constables: Eligibility for Recruitment. However the considerations in the circular are broadly similar to those contained in this policy.

This policy formally adopts the ACPO Guidelines on the Management of Business Interests & Additional Occupations for Police Officers & Police Staff (October 2012). In so doing, it applies the authorising principles; the assessment, recording and appeals process; the monitoring and review process; and the guidance on incompatible business interests and additional occupations.

3.2 Application Process

Prior to applying, the officer or staff ‘member’ should:

- Read Regulations 7, 8 and 9 of the Police Regulations 2003 (as amended) and the ACPO Guidelines on the Management of Business Interests.
- Read Special Constables (Amendment) Regulations 2012, and NPIA Circular 01/2011 – Special Constables - Eligibility for Recruitment - if applicable.
- Satisfy themselves that the proposal is compatible with being a member of a police force and will not lead to a potential breach of the Standards of Professional Behaviour.
- Understand that if they conduct a business interest without the appropriate authority, the matter will be regarded as a breach of these Standards, amounting to gross misconduct.

The member must:

- Complete the application form in full and submit with any relevant supporting documents to the Professional Standards Department at Headquarters.
- Co-operate with any requests for further information which may be required by the decision-maker (or their representative).

PSD will gather all relevant information as deemed necessary by the decision maker, but which will include:

- Performance and attendance records for the member, including PDR/CPD;
- Complaints/misconduct/intelligence records held within the PSD;
- The views and observations of line management via the appropriate Divisional Commander/Head of Department.

The application will be referred to the Pre-Risk Management Panel which sits regularly prior to the Risk Management Meeting. The meeting will be chaired by the Head of the Intelligence and Anti-Corruption Team. The purpose of the Pre-Risk Management Panel is to identify applications where the following criteria apply and may be suitable for immediate approval:

- A precedent has been established of previous approval regarding the nature of the Business Interest, i.e. no risk of conflict of interest.
- Where there is an amendment to an agreed Business Interest that does not fundamentally alter the nature of the existing Business Interest.
- There are no outstanding PSD, absence or performance issues and there are no adverse IACT references.
- The application has been supported by Divisional SMT.

If the Pre-Risk Management Panel is in agreement that the application meets the relevant criteria, the Head of the Intelligence and Anti-Corruption Team is authorised to grant approval.

All Business Interests that are not deemed appropriate for immediate approval will be referred to the Risk Management Panel which sits regularly and consists of representatives of HRP and PSD, including Vetting and Legal Services, and is chaired by the Head of PSD.

The decision-making for approval, or otherwise, of business interests is undertaken by a person defined in the Regulations as the 'appropriate officer'. The appropriate officer is defined as a person serving in the part of the force responsible for the maintenance of standards of professional behaviour, who has been authorised to exercise functions under Regulation 8. The Chief Constable has determined the appropriate officer to be the Head of PSD/ Head of the Intelligence and Anti-Corruption Team.

The decision of the Head of PSD/ Head of the Intelligence and Anti-Corruption Team should be made and communicated to the applicant. All attempts will be made to complete this process within 28 days of receipt of the application (with the 28 days starting when all the documentation and information associated with the application has been received, necessary to enable the Head of PSD/ Head of the Intelligence and Anti-Corruption Team to make a decision).

Where the appropriate officer is minded to decide that an application for a business interest should not be authorised, or should only be authorised according to certain conditions, the applicant should be notified in writing and provided with an opportunity to make oral and written representations (and in doing so may be assisted or accompanied by a police friend/trades union/staff association representative) before a final decision is made. It is good practice for the appropriate officer to discuss informally with the applicant any issues pertaining to the application prior to forming a preliminary view.

The final decision of the appropriate officer should be provided to the applicant with a written rationale for any decision to either not authorise an application or to impose limiting conditions on it.

3.3 Appeals.

The Appeals procedure is set out in full at Appendix B of the ACPO Guidelines.

All appeals against the non-authorisation of an application for a business interest will be heard by a chief officer. This will be the Chief Constable for serving police officers only (in accordance with the Regulations which do not allow any delegation); and the Deputy Chief Constable for police staff and other members of the force.

Written notice of an appeal must be made, to the PSD Department in the first instance, within 10 days of being notified of the decision not to approve an application.

The applicant has a right to make written and/or oral representations in support of the appeal; and may be represented by a police friend/trade union/staff association representative.

The chief officer's decision will be given to both parties to the appeal at the conclusion of the meeting and within 28 days of receipt of the notice of appeal. There is no further right of appeal against the decision of the chief officer.

3.4 Amendments

Any change in the nature (including the time commitment) of a business interest previously approved, must be notified to the PSD Department.

3.5 Reviews

The Constabulary reserves the right to review and reconsider at any time any business interest that has been previously approved. This may be due to any variation of:

- Police Regulations
- Constabulary or ACPO policy
- The nature of the business interest

- The performance and attendance of the officer
- Organisational risks associated with the business interest
- Or any other reason which is considered to necessitate a review.

The responsibility for facilitating the review will rest with PSD and the decision making, communication and appeals process will replicate that above.

3.6 Additional notes relevant to staff employed by the Police and Crime Commissioner (PCC).

For police staff employed by the PCC and working in the Office of the PCC (OPCC) the 'appropriate officer' is the Chief Executive of the OPCC.

Appeals in relation to applications determined by the Chief Executive will be considered by the PCC.

Applications for business interests from the Chief Executive will be determined by the PCC whose decision will be final.

4. Documents

Business Interest Application Form

5. References

Police Regulations 2003

Police (Amendment No. 3) Regulations 2012

ACPO Guidelines on the Management of Business Interests & Additional Occupations for Police Officers & Police Staff (2012)

NPIA Circular 01/2011 Special Constables: Eligibility for Recruitment

HMIC Review of Police Integrity – "Without fear or favour"

Lancashire Constabulary – Counter Corruption Strategy

Special Constables (Amendment) Regulations 2012