

IN THE POLICE (CONDUCT) REGULATIONS 2020

AND IN THE MATTER OF:

DC JAMES YATES

SUMMARY OF FINDING AND OUTCOME

Officer Name: - DC James Yates

Warrant No: P219413

Date of Hearing: 3rd July 2026

I have had the benefit of receiving the papers in advance of today and read them carefully before the hearing started.

Service

I am satisfied that the required notices under the Police (Conduct) Regulations 2020 have been served. These are matters which have not, in any case, been disputed before me.

Public Hearing

I directed that the hearing be held in **Public**, because the default position in misconduct proceedings is transparency and open justice. The matters alleged are serious and engage public confidence in the police service; holding the hearing in public enables appropriate scrutiny of the process and its outcome and promotes accountability. I have nevertheless kept under review whether any part of the hearing should be heard in private, and I was satisfied that no specific and evidenced risk to the administration of justice, the safety of any person, or the protection of sensitive information required departure from the presumption of a public hearing.

I have listened to the case presented on behalf of the Appropriate Authority (AA) by Mr Lee and the Officer's case presented by Ms Lickert.

The allegation against DC Yates is that: -

Allegation 1: Failure to Declare and/or Unauthorised Continuation of Business Interest

Between 1 October 2025 and 31 January 2026, following your reinstatement to duty and whilst suspended, you had a continuing interest in a business, namely [REDACTED], which you failed to declare to and/or failed to receive authorisation from the Metropolitan Police Service ("MPS").

Particulars:

- i. You were a director of [REDACTED] including during October 2025 to January 2026;
- ii. Following your reinstatement in October 2025, you were required to declare any business interests and were instructed to do so by MPS Human Resources;
- iii. You knew, or ought reasonably to have known, that declaration and/or authority were required;
- iv. You continued to be involved in the business of the company;
- v. You failed to declare your continued involvement in the company;
- vi. You failed to receive authorisation for continued involvement in the company;
- vii. Your actions at subparagraphs (i) to (vi) lacked integrity.

Professional Standards of Behaviour

In the circumstances, the Appropriate Authority contends that your actions breached the Standards of Professional Behaviour as set out in the Regulation 5 and Schedule 2 of the Police (Conduct) Regulations 2020 (as amended by the Police (Conduct) (Amendment) Regulations 2024, namely:

- (i) Honesty and Integrity
- (ii) Orders and Instructions

In that your conduct may bring the police service into disrepute and damage the relationship of trust and confidence between the police and the public.

As a result of that stated herein, if proven, the conduct individually or cumulatively amounts to gross misconduct and your dismissal may be justified.

Facts

1. On 19th August 2025, the Officer became a director of [REDACTED]. He was dismissed from the MPS in 2024 and reinstated in October 2025. On 15th October 2025, he was suspended from duty. Today, and without objection from the parties, I have seen and reviewed the suspension form, which states as follows:

Business Interests

An officer must obtain authority to continue or commence any business interest whilst suspended from their BCU/OCU senior manager point of contact for business interests.

2. On 22nd October 2025, DC Yates was emailed the Business Interest Form by Frances Holland, MPS Senior Payroll Lead and reminded that he needed to complete a business interest form.
3. The Officer did not respond to the instruction in the suspension form or the email by Ms Holland.
4. On 31st January 2026, a Facebook post was posted by the officer, where he appears to be advertising his carpentry business. It is accepted by all parties that the MPS Business Interest SOP requires all police officers to seek, and obtain, approval, should they wish to engage in a business interest. It is further accepted that DC Yates' directorship of [REDACTED] constitutes a business interest pursuant to the policy.
5. The AA's case is that this constitutes a breach of the standard of integrity to the level of gross misconduct. The Officer was fully aware of the requirement to register a business interest, having attempted to do so in the past. He realised, or should have realised, that a business interest whilst suspended needed to be renewed and failed to do so.

Officer's response

6. I have read and considered the Officer's Regulation 54 response and the helpful submissions of Lickert. She submits the following:

- (a) The officer had previously submitted applications for business interest approval in 2023 and 2024, and he believed it had been approved;
- (b) Due to the circumstances of his dismissal and reinstatement, he was understandably not familiar with the MPS SOP;
- (c) That his business interest would likely have been approved in any event, and
- (d) In October 2025, DC Yates was suffering from significant personal difficulties following the birth of his daughter and therefore did not read or appreciate the terms of his suspension letter, which was sent by email, or the email from Ms Holland.

7. She therefore invites me to find that there has not been a breach of the standards of professional behaviour, and if there is, this does not amount to gross misconduct.

Findings

8. I remind myself that the burden is on the AA on the balance of probabilities.
9. Many of the facts are agreed between the parties. It is agreed that the Officer should have registered his business interest and that his failure to do so contravenes the MPS SOP on Business Interests. The question for me to determine is whether this failure demonstrates a lack of integrity on the officer's part. I have been helpfully referred to the case of *Wingate v SRA* [2018] EWCA Civ 366 and the judgment of Lord Justice Jackson at paragraphs 96, 97 and 100:

Integrity is a more nebulous concept...In professional codes of conduct, the term 'integrity' is a useful shorthand to express the higher standards which society expects from professional persons and which the professions expect from their own members...The underlying rationale is that the professions have a privileged

and trusted role in society. In return they are required to live up to their own professional standards...Integrity connotes adherence to the ethical standards of one's own profession. That involves more than mere honesty.

10. I accept, on the balance of probabilities, that the Officer honestly believed that the business was authorised at the time. However, I also find that the Officer was therefore aware of the requirements around the reporting of business interests and would have known that he would be required to have done so again upon suspension.
11. I also find as a fact that the Officer either did, or ought to have known that he was required to re-apply for business interest authorisation. It was written on the suspension form in clear terms and was repeated in the email of Ms Holland, which the Officer clearly read and responded to. In my view, it was or should have been obvious to the Officer that such authorisation was required.
12. It is important to consider the purpose for which the Business Interest SOP exists. The public have a right to expect that any business interest will be compatible with the officer's responsibility to the public and the reputation of policing as a whole. Unauthorised business interests have the potential to cause huge damage to policing and can put the safety of the public at risk.
13. Any breach of the SOP therefore must be viewed through the prism of how a member of the public would perceive a police officer engaging in an unapproved business interest.
14. That is inevitably a fact specific exercise. Whilst I accept, as a general proposition, that a trade business of the like operated by the officer is likely to be approved, it is important to note that the Officer was suspended from duty at the time.

15. The SOP requires a separate application for officers seeking approval for a business interest whilst suspended for obvious reasons. The plain fact of suspension, whatever the reasons behind it, is that a police officer is receiving full pay but is not engaged in any policing duties. In such circumstances, it could be extremely tempting for an officer to use the opportunity to earn additional income via a second employment.
16. Equally, it is also obvious that the public would likely find such employment highly objectionable. As a general rule, a police officer should not be taking advantage of a period of suspension to maximise their income via alternative streams. The gravamen of the misconduct in this case is not simply the failure to declare the business interest, but to continue it whilst subject to a suspension and receiving his full salary.
17. I therefore find, on the balance of probabilities, the facts of the allegation proved.

Breaches of Standards

18. I must decide whether it amounts of breach of the following standards of behaviour namely:
- (i) Integrity – Police officers with integrity and do not compromise or abuse their position.
19. I have found as a fact that the officer knew, or should have known, that he needed to register his business interest. I have further found that in failing to do so, he was in the position of receiving full pay as a serving police officer whilst topping up his income from a secondary earning stream.

20. Applying the principles in Wingate, I consider that this constitutes a breach of the standard integrity.

Level of misconduct

21. Finally, I have to consider whether the conduct is so serious that dismissal may be justified, so that the behaviour amounts to gross misconduct. I have to make a provisional assessment of seriousness. To do so, I consider culpability and harm.

Culpability – High

22. The Officer did not only fail to disclose his business interest at the start of his suspension, he continued to fail to do so for several months whilst continuing his business interest. His failure to read the clear terms of the suspension form was a significant failing on his part. For those reasons, I find culpability high.

Harm – High

23. Harm is high in this case. As set out above, the public have a right to expect that officers who are suspended from duty and in receipt of full pay will not be engaging in alternative business interests without the requisite authority. The actions of the Officer will therefore damage confidence in policing, were they to be known by the public at large. Overall, I assess the seriousness of the Officer's conduct as High.

Gross Misconduct

24. I have reminded myself that gross misconduct is a breach or breaches of the standards of professional behaviour, which individually or cumulatively, are so serious that dismissal would be justified. Applying that definition – I find the matter **proven** as Gross Misconduct.

Outcome

25. I now have to move to consider outcome. Pursuant to Regulation 42(3) as amended, having found gross misconduct, the appropriate outcome is dismissal without notice unless I find exceptional circumstances so as to justify a final written warning. There is no authority as to what constitutes “exceptional circumstances” in the context of Regulation 42.

26. In support of her submission that exceptional circumstances should apply, Ms Lickert points to the Officer’s personal circumstances at the time of the misconduct, the fact that he believed he had authorisation prior to suspension, that he has not at any stage attempted to conceal his behaviour, as well as the positive testimonial from DS Wakeling.

27. Having considered the matter with care, I do not find that exceptional circumstances apply in this case. Whilst I accept and have considered the Officer’s personal circumstances and the effect they must have had on him, I return to the length of time over which he was operating the business interest whilst suspended. Whilst I consider the other matters mitigation, I do not consider that individually or collectively they amount to exceptional circumstances.

28. The appropriate outcome in this case is therefore dismissal without notice. DC Yates will be placed on the College of Policing Barred List.

COMMANDER ANDY BRITTAIN

3rd July 2026