



# Targeting the risk

An inspection of the efficiency and effectiveness of firearms licensing in police forces in England and Wales

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## Key facts



**151,413**

Number of section 1 firearms certificates on issue at 31 March 2014



**582,923**

Number of shotgun certificates on issue at 31 March 2014



**1,837,243**

Total number of firearms and shotguns licensed at 31 March 2014

**72%**

Increase in the number of licensed section 1 firearms between 31 December 1998 and 31 March 2014

**260**

Total number of certificates revoked or surrendered as a result of a review of their domestic violence history

**5 - 154**

The range across forces of the average number of days taken to grant a new section 1 firearms certificate

**5 - 165**

The range across forces of the average number of days taken to grant a new shotgun certificate

**949**

Total number of applications refused by forces between 1 April 2013 and 31 March 2014

**1 - 100**

The range across forces of the average number of days taken to renew a section 1 firearms certificate

**1 - 96**

The range across forces of the average number of days taken to renew a shotgun certificate

The story that these facts tell will be set out later in this report.

## **Executive summary**

Firearms are lethal weapons. They can kill or seriously injure. In firearms licensing, the overarching consideration is public safety at all times.

The way in which the police are required to undertake their firearms licensing responsibilities is set out in 34 separate pieces of legislation. These are supported by the Home Office guidance and by the College of Policing's guidance which is set out in its Authorised Professional Practice.

This report sets out our findings from fieldwork in 11 police forces supported by data from all 43 forces in England and Wales. Our recommendations are relevant to all police forces throughout England and Wales.

### **Governance arrangements**

We were concerned to find that 3 of the 11 forces which we inspected were not meeting the requirements regarding the way in which the overall performance of their licensing departments should be assessed.

We found that only 4 of the 11 forces had effective monitoring and audit arrangements in place.

### **Capability and capacity**

In all 11 forces, we found that a senior police officer from the chief officer team had been appointed to oversee the licensing arrangements.

All firearms licensing staff with whom we spoke understood the requirements of the Home Office guidance and the Authorised Professional Practice.

The effectiveness and consistency with which the licensing arrangements are undertaken rely upon the skills of those with responsibility for carrying out the licensing function. While some training has been made available, we are concerned at the continuing absence of nationally accredited training.

### **The processing of applications**

Five forces took in excess of an average of 100 days to grant a section 1 firearm certificate, whereas 13 forces took an average of 40 days or less. For the granting of a new shotgun certificate, 18 forces took in excess of an average of 60 days, whereas 5 took an average of less than half this time. The overall time span for both firearm and shotgun applications ranged from an average of 5 to 165 days.

With regard to the renewal process, the overall time span ranged from 1 to 100 days for firearm renewals and 1 to 96 days for shotgun renewals.

## **The role of referees**

The role of the referee is particularly important for new licence applications where the police do not have previous knowledge of the applicant.

Only 28 of the 43 forces contact referees in respect of the grant of a section 1 firearms certificate or a shotgun certificate. The number of forces who contact referees falls on renewal applications to 18 and 15, respectively.

## **Home visits**

In our survey of firearm certificate holders, all respondents reported that the police undertook home visits when they first applied for a licence. However, they had differing experiences of the way in which these visits were conducted.

In the case of renewal applications, we found that 32 forces undertook home visits in the case of section 1 firearms renewals and 23 in the case of shotgun renewals.

## **Unannounced home visits**

It is essential that the police undertake unannounced visits when they have the necessary intelligence to do so. We were pleased to find that all forces stated that they would undertake visits when intelligence was received.

It would appear that the police require the consent of the householder to enter the premises, even where they have intelligence that there may be a concern about the security of a firearm. The absence of a specific legal right of entry means that the police may not be able to carry out their responsibilities when they attempt an unannounced visit, if the householder refuses entry.

This potential impasse is not in the best interests of the public. The Home Office should ensure that, in such cases, the law enables the police to fulfil their duty by inspecting the firearm, ammunition and the site where they are stored.

## **Expired certificates**

Seven of the 11 forces which we inspected told us that they were experiencing backlogs in dealing with renewal applications. As a result, some certificate holders had experienced occasions when their certificates had expired, prior to the renewal being approved.

## **The medical suitability of applicants**

The Home Office guidance sets out the requirements for both the applicant and the police in respect of the provision and assessment of medical information for the purpose of a firearm licence. GPs are not obliged to respond to any police request for information about a potential firearms certificate holder. Nor is there any obligation on the GP to note the fact that his or her patient is a firearm certificate holder which may prompt notification of any medical condition that subsequently arises.

These unsatisfactory arrangements leave fundamental gaps in the establishment of a safe and effective firearms licensing system.

At the time of publication of this report, the Home Office is working at a national level to strengthen the arrangements by which GPs can share information with the police about those who may be medically unfit to have access to firearms.

This is progress; however, we are concerned to find that this requirement on GPs will not have any basis in law and that its effectiveness relies solely upon their cooperation.

Our concerns are reinforced by the results of a pilot scheme which suggest that a more structured and mandatory approach is required. At the very least the system should not allow licensing to take place without a current medical report from the applicant's GP, supported by a process whereby GPs are required, during the currency of a certificate, to notify the police of any changes to the medical circumstances (including mental health) of the certificate holder.

## **On-going risk assessments**

In the 11 forces which we inspected, we found that 7 had introduced processes which meant that every incident which related to the name or address of a firearm certificate holder was automatically flagged. This ensured that attending officers were informed of the possible involvement of a firearm. This is good practice which should be considered by all forces.

## **Decision making**

All 11 forces which we inspected allowed decisions regarding the granting and renewal of certificates to be made by staff working within the firearms licensing department – usually the firearms licensing manager or a dedicated firearms licensing decision-maker.

However, we found that the role and rank at which decisions were made in respect of refusals to grant or renew or to revoke a certificate were less consistent.

## **Refusing or revoking a certificate**

Approximately 1.5 percent of new applications for section 1 firearm certificates and 2.8 percent of new applications for shotgun certificates are refused. In addition, 402 section 1 firearm certificates and 1,377 shotgun certificates were revoked by police forces during the twelve months between April 2013 and March 2014.

One of the main reasons to refuse or revoke a certificate is that the applicant or certificate holder cannot be permitted to possess the firearm without danger to public safety or to the peace. However, there is no definition, either in the Firearms Act 1968 or in the Home Office guidance to describe or explain how “danger to the peace” should be applied.

## **Public engagement**

All the forces which we visited recognised the importance of good public engagement and how this can contribute to the delivery of effective firearms licensing arrangements. However, we found that not all forces demonstrated this in their level of investment or commitment to undertaking public engagement.

## **Improving the licensing arrangements**

We have identified three areas, which, if addressed, would make the licensing arrangements more effective:

- 1 simplifying the licensing process through digitisation;
- 2 introducing independent scrutiny of licensing decisions; and
- 3 enhancing the status of firearms guidance.



## **Learning from the past**

We observed throughout the inspection that lessons from the past have not always been learnt, or if changes have been made, that they still allow for interpretation and variation in their application by forces.

Our clear conclusion is that forces have done little to implement changes independently. They have waited for a response to emerge at a national level, be that from the government or the overarching police group that has responsibility for firearms policy. A comprehensive response has not been forthcoming.

## **The status of guidance**

The Home Office should review how the status of the guidance may be enhanced, in order to ensure that the police and, where necessary, the courts take into account the same considerations.

The current Home Office guidance should be distilled into clear rules that chief officers should be obliged to follow. Those rules should carry the weight of the law and we are encouraged by the fact that ministers in the Home Office have made rules under the Firearms Act in the past.

## **Conclusions**

Notwithstanding our concerns and criticism of those who are responsible for establishing, maintaining and following the current licensing arrangements, it is only right that we state clearly and unequivocally that the vast majority of decisions concerning the grant, renewal, refusal and revocation of firearm licences are correct.

We summarise the current position as follows:

- 1 the relevant firearms licensing arrangements are set out across a substantial number of statutes;
- 2 the Home Office guidance is too discretionary in approach;
- 3 in any event, it seems as though the courts may not be prepared to place weight on it when deciding cases; and
- 4 previous recommendations designed to strengthen the current position have not been implemented.

This is not a satisfactory situation and it cannot be allowed to continue.

## **UNDER EMBARGO UNTIL 00.01 ON TUESDAY 15 SEPTEMBER 2015**

On too many occasions, the police are not following the Home Office guidance or the Authorised Professional Practice. And, the guidance and practice in many respects are inadequate, allowing room for interpretation and the creation of inconsistency in the way firearms licensing is undertaken within and between police forces.

In many forces, basic scrutiny of the efficiency and effectiveness of their licensing arrangements is not in place.

Inconsistency was found to be a theme. Whether it is the time taken by forces to complete the process of firearms licensing, the approach to contacting referees, the use of home visits, the way in which forces respond to expired licences, the use of temporary permits or something as fundamental as the level of decision making, we found inconsistency. Often, forces are working outside the Home Office guidance and the Authorised Professional Practice and they are sometimes inexcusably compromising public safety.

The Home Office guidance and the systems in place to assess the medical suitability of a licensing applicant, and new proposals that aim to improve these (as welcome as they are), compromise the effectiveness of the police in fulfilling their licensing responsibilities.

Despite enhancements in technology, the licensing system still relies on a paper-based application process. Digitisation of the system would reduce bureaucracy, increase transparency, allow applicants to track progress, reduce the variability in the way forces manage the application process and make it much more efficient and effective.

We cannot make our position any clearer: it is now for others to accept the need for change. If they do, perhaps the life of the next victim of firearms misuse might be saved. What is highly likely is that, if change is not effected, there will be another tragedy.

## 1. Introduction

- 1.1. Her Majesty's Inspectorate of Constabulary (HMIC) is an independent inspectorate with a statutory responsibility to "inspect, and report on the efficiency and effectiveness of every police force maintained for a police area" in England and Wales.<sup>1</sup>
- 1.2. In May 2013, the then Association of Chief Police Officers' Firearms and Explosive Licensing Working Group invited HMIC to undertake an inspection of firearms licensing. It asked us to pay particular attention to the structures which forces have in place to oversee the licensing procedure, to forces' decision-making processes with regard to the grant of licences, and to the consistency with which forces apply the relevant Home Office guidance.<sup>2, 3</sup>
- 1.3. Thereafter, in July 2013, the Home Secretary gave approval for HMIC to undertake a scoping exercise, to examine how well police forces had responded to concerns raised about firearms licensing in previous reports published by HMIC,<sup>4</sup> the Independent Police Complaints Commission<sup>5</sup> and the House of Commons Home Affairs Committee.<sup>6</sup>
- 1.4. The work which we undertook then indicated that many of the concerns raised in these reports had not been satisfactorily addressed and that this had the potential to present a risk to public safety.

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<sup>1</sup> Section 54(2), Police Act 1996.

<sup>2</sup> At the time of our inspection, the relevant Home Office guidance was contained in *Guide on Firearms Licensing Law*, Home Office, October 2014. It was updated in March 2015 and the earlier version is no longer available. The current version is available at: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/417199/Guidance\\_on\\_Firearms\\_Licensing\\_Law\\_v13.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/417199/Guidance_on_Firearms_Licensing_Law_v13.pdf)

<sup>3</sup> In this report, we have quoted and cited the relevant text from the 2015 guidance, as this represents the current approach required by the Home Office.

<sup>4</sup> *The Administration of Firearms*, HMIC, London, 1993, available from: [www.justiceinspectorates.gov.uk/hmic/publications/administration-of-firearms-licensing/](http://www.justiceinspectorates.gov.uk/hmic/publications/administration-of-firearms-licensing/) and *HMIC Firearms Licensing Thematic Review*, HMIC, London, 2002. The second report is available from: [www.justiceinspectorates.gov.uk/hmic/media/firearms-licensing-thematic-report-20020101.pdf](http://www.justiceinspectorates.gov.uk/hmic/media/firearms-licensing-thematic-report-20020101.pdf)

<sup>5</sup> *Mr Michael Atherton: IPCC investigation into the granting, management and review of his shotgun certificate and firearm license by Durham Constabulary*: IPCC, May 2013. It is available at: [www.ipcc.gov.uk/sites/default/files/Documents/investigation\\_commissioner\\_reports/NATIONAL\\_LEARNING\\_REPORT\\_ATHERTON.pdf](http://www.ipcc.gov.uk/sites/default/files/Documents/investigation_commissioner_reports/NATIONAL_LEARNING_REPORT_ATHERTON.pdf)

<sup>6</sup> *Firearms Control*, Home Affairs Committee, Third Report, December 2010. It is available at: [www.publications.parliament.uk/pa/cm201011/cmselect/cmhaff/447/44702.htm](http://www.publications.parliament.uk/pa/cm201011/cmselect/cmhaff/447/44702.htm)

1.5. As a result, an in-depth inspection of the way in which forces undertake this important work was included in the 2014/15 HMIC inspection programme.<sup>7</sup>

## **Terms of reference**

1.6. Our terms of reference required us to examine and assess:

1. how effectively the governance structures for firearms licensing work at a national, regional and local level;
2. whether the Home Office guidance<sup>8</sup> and the Authorised Professional Practice<sup>9</sup> relating to firearms licensing are applied in a consistent and effective way by forces;
3. how effectively forces understand and manage the risks relating to firearms licensing on a 24-hour basis, including levels of awareness of firearms licensing-related risk among first responders and supervisors;
4. how effectively forces engage with stakeholders (for example, medical professionals, firearm certificate holders, special interest groups, educational establishments and the public); and
5. how forces implement changes following recommendations from national reports into fatal shootings (for example, reports by the Firearms and Explosive Licensing Working Group, the Home Affairs Select Committee, Her Majesty's Coroners and the Independent Police Complaints Commission).

## **Methodology**

1.7. A detailed account of our inspection methodology is set out in annex A at page 91.

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<sup>7</sup> *HMIC's 2014/15 inspection programme*, HMIC, London, 2014. It is available at: [www.justiceinspectors.gov.uk/hmic](http://www.justiceinspectors.gov.uk/hmic)

<sup>8</sup> See footnote 2.

<sup>9</sup> The College of Policing publishes approved guidance for police officers on a substantial range of policing matters. The relevant publication with regard to firearms licensing is available at: [www.app.college.police.uk/app-content/major-investigation-and-public-protection/firearms-licensing/](http://www.app.college.police.uk/app-content/major-investigation-and-public-protection/firearms-licensing/)

## **Structure of this report**

- 1.8. We have set out our findings in respect of our first four terms of reference in chapters 3-6. We have considered how the firearms licensing system might be improved in chapter 7. We have addressed our fifth term of reference in chapter 8 and set out our conclusions and recommendations in chapters 9 and 10.
- 1.9. We have included in our recommendations timeframes within which we expect action to be taken. Those timeframes start from the date of the publication of this report.
- 1.10. Throughout this report, we have made recommendations regarding the need to clarify the Home Office guidance. We have done so, without prejudice to our overarching recommendation that the Home Office should reduce its guidance into a set of rules. Our position in this regard is set out in paragraphs 8.18-23.
- 1.11. We are grateful to all those who have given their time in helping us to consider the issues set out in this report.

## 2. Background

- 2.1. There is no greater duty on the police service than to ensure the safety of every member of our society. Firearms are lethal weapons. They can kill or seriously injure. Parliament has provided a framework within which the holding of firearms by those members of our society who are considered suitable may be appropriately controlled and regulated. In firearms licensing, the overarching consideration is public safety at all times.
- 2.2. The decision whether a person may possess a firearm rests with the police and, ultimately, the courts.<sup>10</sup> In each case, the chief officer must be satisfied that the applicant may be permitted to have the firearm in their possession without danger to the public safety or to the peace.<sup>11</sup>
- 2.3. The way in which the police are required to undertake their firearms licensing responsibilities is set out in 34 separate pieces of legislation.<sup>12</sup> These are supported by the Home Office guidance and by the College of Policing's guidance which is set out in the relevant section of its Authorised Professional Practice.

### **Relationship between the law, guidance and professional practice**

- 2.4. However, it is important to recognise the relative weight to be given to these documents. Neither is issued under a statute and neither carries the weight of the law, in so much as a failure to comply with either does not constitute an offence nor the means by which others may seek to enforce their application. The Home Office guidance and the Authorised Professional Practice are exactly that: guidance and practice.
- 2.5. In early versions of the Home Office guidance, specific mention was made of the fact that chief officers may find it "necessary to depart from the guidance" when a case is "assessed on its merits and the circumstances justify such a course of action". While such clauses do not appear in the 2015 version, there has not been any statutory change which places the current guidance on any more compelling footing than earlier versions of it.

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<sup>10</sup> Sections 27 and 28, Firearms Act 1968, and *Guide on Firearms Licensing Law*, Home Office, March 2015, chapter 10, paragraph 10.13.

<sup>11</sup> *Guide on Firearms Licensing Law*, Home Office, March 2015, chapters 10 and 11.

<sup>12</sup> The relevant statutes and regulations are set out in annex B on page 95.

- 2.6. Further, while the police service is expected to have regard to the Authorised Professional Practice, the document itself provides for the possibility that there may be circumstances in which it is “perfectly legitimate to deviate” from it, provided there is “clear rationale for doing so”.<sup>13</sup>
- 2.7. As a result, the best that can be said of the guidance and the practice is that they provide a route map for chief officers when determining how best to deal with firearms licensing in their force areas. Deviating from the guidance or the practice requires nothing more than a consideration of what is best in any particular case.
- 2.8. In our inspection, however, we assessed the way in which forces dealt with firearms licensing in the light of the guidance and the practice. We were not advised in any instance of specific consideration being given to not complying with them as being the best way of dealing with any given case.
- 2.9. Accordingly, we take the view that a failure to abide by the guidance and the practice are signs that a force is not doing as it should.
- 2.10. More generally, we have considered the broader issues which arise as a result of the current status of the Home Office’s guidance at paragraphs 8.18-23.

## **The current licensing process**

- 2.11. We have set out in Annex C on page 96 an explanation of the current licensing regime. The licensing arrangements for firearms cover the granting, renewal and revocation of both section 1 firearm<sup>14</sup> certificates and shotgun<sup>15</sup> certificates.
- 2.12. In this report, the terms 'firearm' and 'firearm licensing' refer to both section 1 firearms and shotguns, unless otherwise stated.

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<sup>13</sup> These quotations are taken from the general paragraphs that introduce all areas of the Authorised Professional Practice and are applicable to the specific section on firearms licensing. The general introduction is available at: [www.app.college.police.uk/about-app/](http://www.app.college.police.uk/about-app/)

<sup>14</sup> Section 1, Firearms Act 1968 (as amended) applies to all firearms except: i) a shotgun; ii) an air weapon (unless declared especially dangerous); prohibited weapons such as centre fire self-loading rifles, handguns, machine guns etc. (unless specifically authorised).

<sup>15</sup> Section 1(3)a, Firearms Act 1968 (as amended) defines a shotgun as: i) a smooth bore gun (not being an air weapon); ii) having a barrel not less than 24” (60.96cm) and a bore less than 2” (5.08cm); iii) either having no magazine, or a non-detachable magazine incapable of holding more than two cartridges; iv) not a revolver gun.

## **What is the demand for firearm licences?**

2.13. At the time of the publication of our report, the latest published Home Office data<sup>16</sup> are for the year ending 31 March 2014. They indicate that there were:

- 151,413 section 1 firearm certificates on issue.<sup>17</sup> This is an increase of 2.5 percent compared with March 2013;
- 507,867 section 1 firearms covered by these certificates. This is the highest number since these figures were first collected in 1995;
- 8,930 new section 1 firearm certificates granted. This is a decrease of 11.4 percent compared with the previous year;
- 582,923 shotgun certificates on issue. This is an increase of 2.1 percent compared with March 2013;
- 1,329,376 shotguns covered by these certificates. This is a decrease of 0.3 percent compared with the previous year;
- 23,680 new shotgun certificates granted. This is a decrease of 10.4 percent compared to the previous year;
- approximately 1.5 percent of new applications for section 1 firearm certificates and 2.8 percent of new applications for shotgun certificates refused; and
- 402 section 1 firearm certificates and 1,377 shotgun certificates revoked.

2.14. Since 1998, the number of section 1 firearms covered by certificates has risen by 72.2 percent. This is the highest number of licensed section 1 firearms since these figures were first collected in 1995.

2.15. The following chart illustrates the steady increase in the number of section 1 firearms per certificate. For comparison, we also include the number of shotguns per shotgun certificate which remains broadly unchanged.

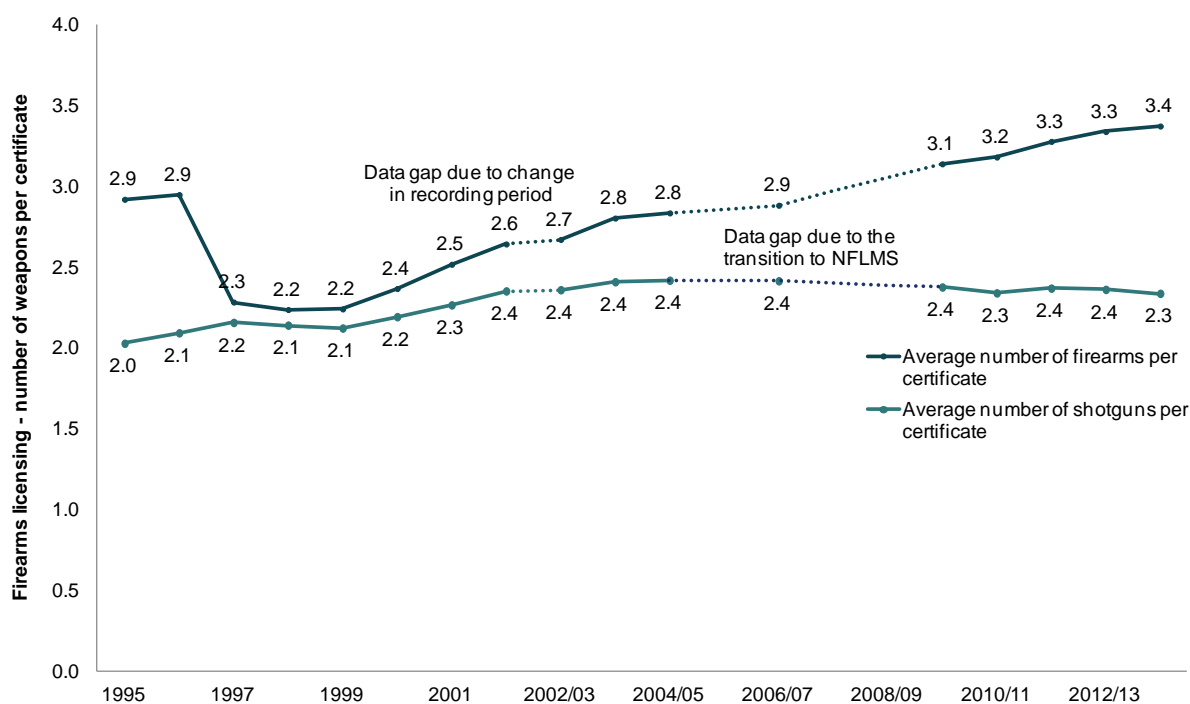
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<sup>16</sup> *Firearm and shotgun certificates in England and Wales financial year ending March 2014*, Home Office, London, August 2014. It is available at: [www.gov.uk/government/statistics/firearm-and-shotgun-certificates-in-england-and-wales-financial-year-ending-march-2014](http://www.gov.uk/government/statistics/firearm-and-shotgun-certificates-in-england-and-wales-financial-year-ending-march-2014)

<sup>17</sup> “On issue” is the term used by the Home Office to indicate the number of certificates that are currently issued and valid.



**The number of section 1 firearms and shotguns per certificate between 1995 and 2014**



**The risks associated with firearms licensing**

2.16. Every holding of a firearm presents a risk to the public as the number of high-profile incidents in which firearms are used illegally demonstrates. But as the Minister for Policing and Criminal Justice said in the Home Office’s *Guide on Firearms Licensing Law*:

"[t]he vast majority of these licence holders will quite legitimately and responsibly use their firearms for work and leisure pursuits. It is only in an extremely small minority of cases that legally held firearms are misused."<sup>18</sup>

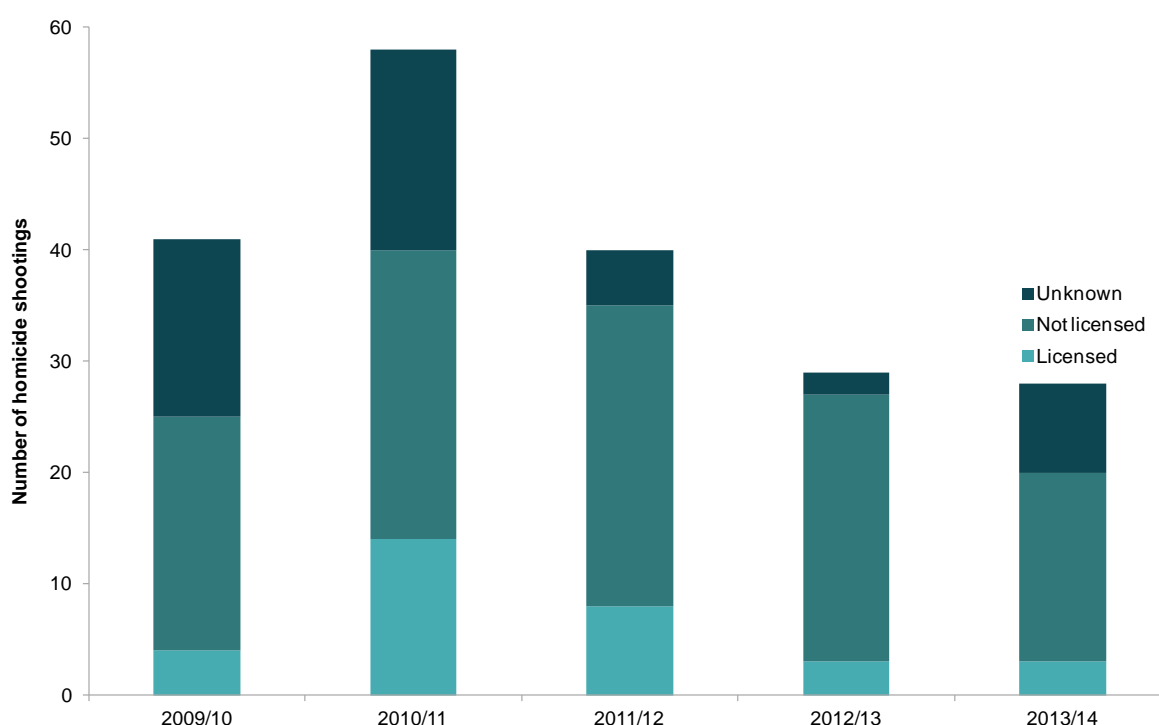
2.17. This is supported by the fact that the misuse of firearms which leads to fatalities is rare. Although the most high-profile incidents when such tragedies do occur take place in a public setting, it is important to point out that fatal incidents involving licensed firearms also happen in a home environment – often involving family members. Tragic shooting events in 2010 and 2012 led the minister to emphasise that:

<sup>18</sup> *Guide on Firearms Licensing Law*, Home Office, March 2015, Foreword. Available from: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/417199/Guidance\\_on\\_Firearms\\_Licensing\\_Law\\_v13.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/417199/Guidance_on_Firearms_Licensing_Law_v13.pdf)

"[t]hese incidents focused attention on the importance of having an excellent firearms licensing process."<sup>19</sup>

- 2.18. They led the Home Office to revise its guidance on firearms licensing, resulting in the 2015 version to which we refer throughout this report.
- 2.19. The latest available data for 2013/14 show that 5 percent of firearm-related homicides in England and Wales involved licensed firearms.
- 2.20. The chart below sets out the number of firearm-related homicides by type of licence between 2009/10 and 2013/14.<sup>20</sup> Only a small proportion is attributed to licensed firearms.

**The licensing status of firearm-related homicides between 2009/10 and 2013/14**



- 2.21. As far as we are aware, there are no statistics available which indicate the extent to which the licence holder, as distinct from a non-licensed individual who illegally used the firearm concerned, committed homicide. Neither are there any statistics which indicate the extent of non-fatal injuries caused by the discharge of a lawfully held firearm, either by the licence holder or anyone else.

<sup>19</sup> *Ibid.*

<sup>20</sup> *Homicide index*, Home Office, 5 November 2014. Data are subject to revision as ongoing cases are completed. These data are not designated as national statistics.

- 2.22. Every death or injury caused by the discharge of a firearm is a matter of grave public concern. In a report of this nature, it is only right that we recognise the pain and distress that is felt by those who have been injured by a firearm and by those who have lost loved ones in firearm-related crimes. Our sympathy goes to all those who have been affected by such crimes.
- 2.23. By keeping such high-profile incidents in our thinking, we remind ourselves constantly of the importance of the licensing arrangements and the need for the police service to ensure that it carries out its role in safeguarding our communities in this regard.
- 2.24. In the chapters which follow, we have set out our findings with regard to each of our terms of reference.

### 3. Are the governance arrangements for firearms licensing effective at a national, regional and local level?

- 3.1. Our first term of reference was to examine how efficient and effective the governance structures for firearms licensing are at the national, regional and local level.
- 3.2. At a national level, the National Police Chiefs' Council<sup>21</sup> has 12 coordination committees. These cover issues such as crime operations, finance and criminal justice. Each is led by a chief constable. Beneath these broad categories, chief officers take the lead on specific issues. Firearms licensing comes within the remit of the crime operations committee.
- 3.3. Coordination committees work closely with the College of Policing to assist in the development of professional practice for police officers in different areas of policing. Representatives from the government, criminal justice system agencies and the third sector are involved in the committees' work to ensure that a range of perspectives is considered.
- 3.4. On behalf of all chief constables, the national policing lead for firearms licensing is responsible for developing policy and providing strategic support to maintain standards and to secure compliance and consistency of approach by forces with the licensing process.
- 3.5. The national policing lead chairs meetings of the Firearms and Explosives Licensing Working Group. Police officers representing all forces in each policing region attend these meetings, alongside representatives from Police Scotland and the Home Office. These meetings provide an opportunity for information sharing in respect of lessons learnt and discussions regarding national policy developments.
- 3.6. Regional and force representatives are responsible for disseminating the outcomes of these meetings.
- 3.7. At a force level, the Authorised Professional Practice requires that within each force:

"[t]he chief officer, or a member of their chief officer team with delegated authority, should hold regular governance meetings to discuss and/or assess the overall performance of their licensing department. These meetings should include the following areas:

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<sup>21</sup> The National Police Chiefs' Council coordinates national policing policy.

1. performance monitoring regarding the granting of certificates, renewals, refusals and revocations;
  2. the outcome of appeals and any relevant good practice;
  3. timeliness of the department's processes, (for example, in relation to applications for the granting and renewal of certificates);
  4. finance and resourcing;
  5. cases of note which may require further investigation and/or review;
  6. implications of new developments and/or national good practice associated with firearms licensing;
  7. dip-sampling of granted/renewed certificates;
  8. monitoring of the force risk matrix;<sup>22</sup>
  9. public engagement strategies/stakeholder meetings; and
  10. complaints – their investigation, resolution and any learning from experience."<sup>23</sup>
- 3.8. These requirements are both important safeguards of public safety and straightforward to undertake. We were concerned, therefore, to find that 3 of the 11 forces which we inspected were not meeting these requirements.<sup>24</sup> Without these basic governance and oversight arrangements in place, chief constables cannot be confident that their force is identifying any service failure. As a result, they put the public at increased risk of harm.
- 3.9. In two of the forces that were not meeting the requirements,<sup>25</sup> oversight was confined to monitoring basic numerical targets relating to the proportion of renewal applications completed before expiry of the current certificate, and the number of days taken to complete a grant or renewal of a certificate. There was no oversight of the quality of the day-to-day decisions being made or any attempt to identify risks.

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<sup>22</sup> The *Authorised Professional Practice, Firearms Licensing*, College of Policing, 2014, section 2.3 states: “[w]hen information or intelligence is gathered on certificate holders, forces should manage and grade the level of the risk and any subsequent review. Forces should develop and adopt a risk matrix to prioritise workloads according to the level of risk.”

<sup>23</sup> *Op cit*, section 2.

<sup>24</sup> Warwickshire Police, West Mercia Police and Cumbria Constabulary.

<sup>25</sup> Warwickshire Police and West Mercia Police.

## **Recommendation 1**

Within three months, all chief constables should assess how well the governance of firearms licensing in his or her force meets the standards set out in Authorised Professional Practice. Chief constables of forces where the governance standards are not being complied with should put in place immediately the correct arrangements and procedures in order to meet the standards in full.

## **Monitoring and audit**

3.10. Governance does not end with the creation of a meeting structure; it must include effective monitoring, audit and review.

3.11. The Authorised Professional Practice makes it clear that:

"[a]lthough a chief officer may delegate some of their responsibilities to selected staff members, they retain oversight, governance and accountability for all firearms licensing decisions made on their behalf."<sup>26</sup>

3.12. It goes on to say that the chief officer:

"must audit and justify decisions concerning refusals, revocations and grants. They must also ensure that the highest level of scrutiny and investigation is applied should any risks to public safety and/or any breaches of the Firearms Act 1968 be identified, especially those that are avoidable or foreseeable."<sup>27</sup>

3.13. We found that only 4 of the 11 forces which we inspected had effective monitoring and audit arrangements in place.<sup>28</sup> Of the others:

1. three forces did not have any formal monitoring and audit arrangements in place at all;<sup>29</sup>
2. one force had limited monitoring and audit arrangements in place but these needed to be enhanced;<sup>30</sup>

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<sup>26</sup> *Authorised Professional Practice, Firearms Licensing*, College of Policing, 2014, section 2.1.

<sup>27</sup> *Op cit*, section 2.

<sup>28</sup> Essex Police, Lincolnshire Police, Sussex Police and Surrey Police.

<sup>29</sup> Cumbria Constabulary, Dorset Police and Durham Constabulary.

<sup>30</sup> North Yorkshire Police.

3. one force had established plans to introduce monitoring and audit arrangements;<sup>31</sup> and
  4. two forces had audit arrangements within their firearms licensing departments, but they did not include any audit of the decisions to licence a firearm or to revoke a firearm certificate.<sup>32</sup>
- 3.14. Good monitoring and audit arrangements are an essential part of the chief officer's responsibility to make sure that considerations about public safety are at the heart of the firearms licensing arrangements. Our finding that fewer than half the forces which we inspected had effective monitoring and audit arrangements is a cause of grave concern.

## **Recommendation 2**

Within six months, all chief constables should establish arrangements for the effective monitoring and audit of their firearms licensing procedures, as required by the Authorised Professional Practice.

- 3.15. To support this recommendation, we consider that it is necessary for the College of Policing to work with the police service to make clear the requirements of an effective monitoring and audit system for firearms licensing.
- 3.16. Further, we see merit in police forces helping each other. As a way of ensuring that the day-to-day decisions in this sensitive area of police work are of good quality and remain so, we encourage chief officers to agree a system of peer review whereby a sample of decisions of one force are evaluated by another. This will provide a measure of independent oversight and provide an opportunity for forces to learn from each other.

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<sup>31</sup> Dyfed Powys Police.

<sup>32</sup> Warwickshire Police and West Mercia Police.

## 4. Are forces applying the Home Office guidance and the Authorised Professional Practice in a consistent and effective way?

- 4.1. Our second term of reference was to examine whether forces are applying the Home Office guidance and the Authorised Professional Practice in a consistent and effective way.
- 4.2. The licensing of firearms is a legal requirement that should be carried out in a consistent way throughout England and Wales. Based at force level, its strength lies in local police officers having access to local intelligence about, and understanding of, the local area. However, the ability to take into account local circumstances should not lead to any variation in the nature or quality of the licensing process. Officers should follow the Home Office guidance and the Authorised Professional Practice at all times, and in all places, unless a considered and reasoned decision is taken not to do so. In such instances, the reason for not following the guidance or practice should be clearly recorded.
- 4.3. In this chapter, we have considered first whether forces have sufficient capability and capacity to discharge their licensing obligations. Then, we have gone on to consider various stages of the licensing process as required by the Home Office guidance or the Authorised Professional Practice to assess the forces' performance. We have phrased these in the form of questions:
  1. how efficiently do forces process licensing applications and renewals;
  2. to what extent do forces make contact with applicants' referees;
  3. to what extent and in what way do forces make use of home visits;
  4. to what extent and in what circumstances do forces conduct unannounced home visits;
  5. how effective are forces at dealing with expired certificates;
  6. to what extent and in what way do forces make use of temporary permits; and
  7. how accurate are firearms licensing records.



## Do forces have sufficient licensing capability and capacity?

- 4.4. Our starting point was a consideration of the level of resources which chief constables assigned to the firearms licensing arrangements. The Authorised Professional Practice states that:

"[i]n order to fulfil their responsibilities, a chief officer should consider appointing a senior officer or senior member of staff to oversee the management of a firearms licensing department. This appointment should be based on seniority, experience, capacity and capability."<sup>33</sup>

- 4.5. It goes on to state that:

"[a] chief officer may delegate some or all of their powers [in respect of firearms licensing] to other staff in accordance with their role and responsibilities. Staff should be carefully selected and powers delegated to those whose role requires them and where it is necessary for efficient and effective compliance with the administration of the Firearms Act 1968."<sup>34</sup>

- 4.6. In all 11 forces which we inspected, we found that a senior police officer from the chief officer team had been appointed to undertake this role, and that authority to make licensing decisions had been formally delegated to senior staff working within the forces' firearms licensing departments.

- 4.7. In addition, we were pleased that all firearms licensing staff with whom we spoke understood the requirements of the Home Office guidance and the Authorised Professional Practice as they relate to their roles.

- 4.8. The Authorised Professional Practice requires that:

"[a]ll staff involved in firearms licensing are trained to understand and apply the National Decision Model."<sup>35</sup>

- 4.9. The National Decision Model is designed to help staff to make correct decisions, based on a risk assessment framework, in a consistent way across all 43 police forces in England and Wales.

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<sup>33</sup> *Authorised Professional Practice, Firearms Licensing*, College of Policing, 2014, section 2.

<sup>34</sup> *Op cit*, section 2.1.

<sup>35</sup> *Op cit*, section 2.2.

- 4.10. In 10 of the 11 forces which we inspected, we found that the National Decision Model was widely understood and applied; however, in one force, none of the firearms enquiry officers was familiar with it.<sup>36</sup> Where staff have not been trained, there is a risk that decisions taken are wrong.
- 4.11. The Authorised Professional Practice also states that chief police officers should be:
- "seeking to develop appropriate accredited training for firearms licensing staff."<sup>37</sup>
- 4.12. While such training is not yet in place, we found that proposals for accredited training are under consideration by the national policing lead for firearms licensing and the College of Policing.
- 4.13. In 2007, in the absence of national accredited training, Dorset Police introduced a firearms licensing course. This course provides training on the theory and practical skills that are required to perform the role of a firearms enquiry officer. It also provides the opportunity for firearms licensing departments and staff to share learning experiences.
- 4.14. Seven of the 11 forces inspected had sent staff on this course;<sup>38</sup> two hoped to do so;<sup>39</sup> and the two remaining forces provided their own in-house training.<sup>40</sup> In one of these forces, there was a structured induction programme covering all elements of the licensing process, including the National Decision Model, the Home Office guidance and the Authorised Professional Practice;<sup>41</sup> however, in the second force, the training programme was less structured and generally limited to training by the manager or peers.<sup>42</sup>

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<sup>36</sup> Cumbria Constabulary.

<sup>37</sup> *Authorised Professional Practice, Firearms Licensing*, College of Policing, 2014, section 2.6.

<sup>38</sup> Dorset Police, Durham Constabulary, Dyfed Powys Police, Essex Police, Sussex Police, Warwickshire Police and West Mercia Police.

<sup>39</sup> Lincolnshire Police and Surrey Police.

<sup>40</sup> Cumbria Constabulary and North Yorkshire Police.

<sup>41</sup> North Yorkshire Police.

<sup>42</sup> Cumbria Constabulary.

- 4.15. The effectiveness and consistency with which the licensing arrangements are undertaken within forces rely upon the skills of those with responsibility for carrying out the licensing function. While some training has been made available, we are concerned at the continuing absence of nationally accredited training. Its absence has meant that some staff involved in the licensing arrangements, in particular those charged with making firearms licensing decisions, have yet to receive sufficient training, commensurate with their role and responsibility.

### **Recommendation 3**

Within 12 months, the national policing lead for firearms licensing, in conjunction with the College of Policing, should identify the skills required by those staff involved in the firearms licensing process. Thereafter they should introduce professional development arrangements to ensure a consistent national approach to firearms licensing. Consideration should also be given to the accreditation of these arrangements.

- 4.16. The Home Office guidance and the Authorised Professional Practice do not prescribe the extent to which forces should staff their firearms licensing units, nor would we expect them to do so. Staffing arrangements are a matter for the chief constable of each force who is accountable for the efficient and effective provision of the firearms licensing arrangements.
- 4.17. Since 1995, it has been possible to predict the potential peaks and troughs of demand with regard to the renewal of firearm licences because of the extension that was then introduced to the duration of a firearm licence. Peaks in demand require additional staff to process the applications for renewal in a timely fashion.
- 4.18. We found that forces are aware of the effects that this extra demand can place on their ability to manage firearms licensing applications and, indeed, six forces have introduced a number of measures to cope.<sup>43</sup> These include the recruitment of extra staff on fixed-term contracts and police officers on short-term secondments. However, we found that 4 of the 11 forces which we inspected did not have sufficient resources to handle current or anticipated future demand<sup>44</sup> and a further force did not have a structured plan for the long-term resourcing of its licensing arrangements.<sup>45</sup>

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<sup>43</sup> Dorset Police, Dyfed Powys Police, Lincolnshire Police, North Yorkshire Police, Surrey Police and Sussex Police.

<sup>44</sup> Essex Police, Lincolnshire Police, Warwickshire Police and West Mercia Police.

<sup>45</sup> Durham Constabulary.

- 4.19. Gaps in the capacity of a force to undertake efficient and effective licensing arrangements have the potential to let down those involved in the licensing process, and substantially to increase the likelihood that mistakes will be made, thereby compromising public safety.
- 4.20. Seven of the 11 forces which we inspected told us that they had backlogs of work in their firearms licensing departments.<sup>46</sup>

#### **Recommendation 4**

Within three months, all chief constables should assess the demand placed on their firearms licensing department and ensure it has the capacity to meet this demand and provide an efficient and effective service at all times.

### **How efficiently do forces process licence applications and renewals?**

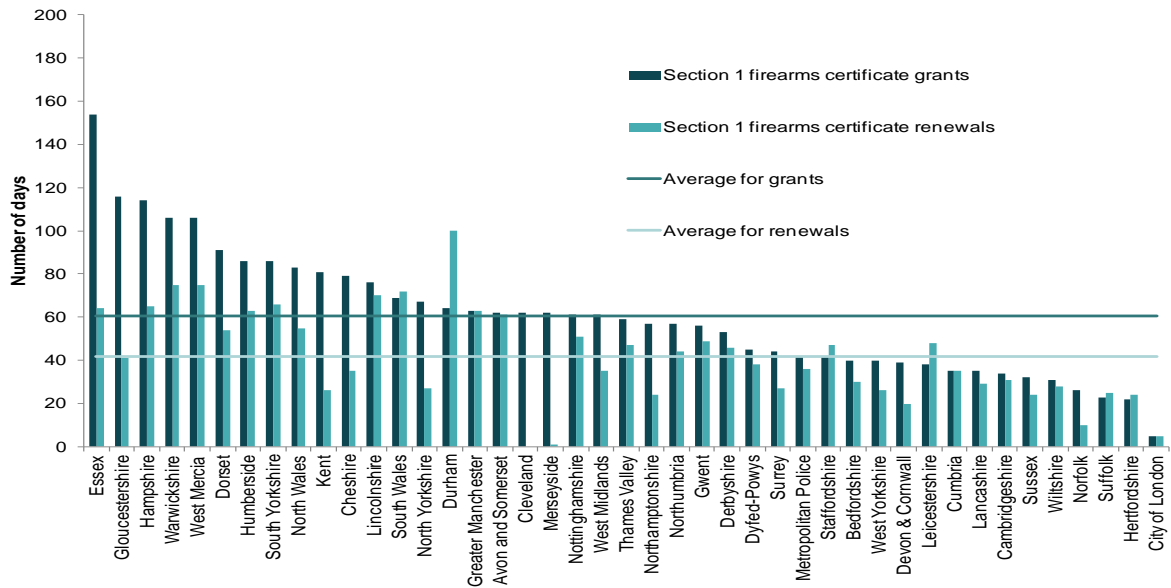
- 4.21. The Home Office guidance and the Authorised Professional Practice set out what is expected from, and what should be considered by, forces when dealing with licence applications and renewals. However, they do not specify a timeframe for the processing of new or renewal applications. This is understandable, because every applicant's background is different, and the enquiries which are required correctly to assess the suitability of the applicant to possess a firearm can be protracted.
- 4.22. As with other licensing systems, applications for the grant or renewal of certificates should be processed without undue delay. On average, the time taken to grant or renew firearm licences should be broadly similar in all forces.
- 4.23. However, this is not the case. We found that there were significant variations in the time taken by forces to process an application, ranging from days to months. Some certificate holders reported that their certificates had expired prior to them being renewed because of delays.
- 4.24. During May 2015, we asked all forces in England and Wales to disclose the average time (in days) which it had taken them to process applications for new licences and renewals made between 1 April 2014 and 31 March 2015.<sup>47</sup>
- 4.25. The following charts set out the response of all 43 forces.

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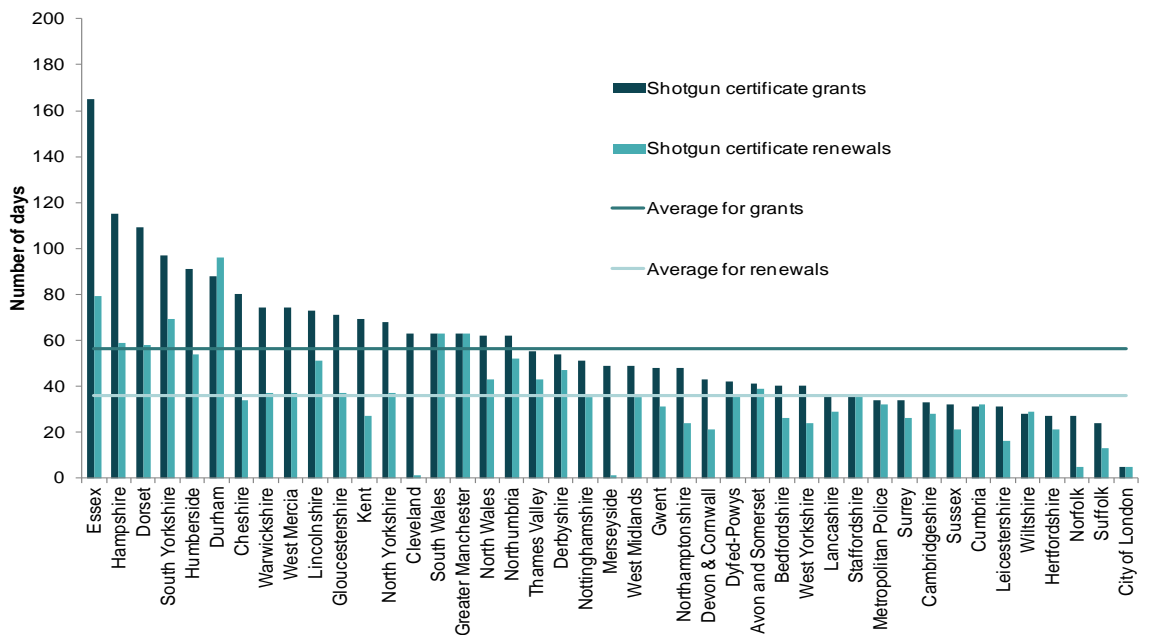
<sup>46</sup> Dorset Police, Dyfed Powys Police, Essex Police, Lincolnshire Police, Surrey Police, Warwickshire Police and West Mercia Police.

<sup>47</sup> Owing to changes in staffing and working practices the data for Greater Manchester Police relate to the time taken to process applications for new licences and renewals during July 2015.

**Average time taken by forces to grant or renew a section 1 firearm certificate in 2014/15<sup>48</sup>**



**Average time taken by forces to grant or renew a shotgun certificate in 2014/15<sup>49</sup>**



<sup>48</sup> Merseyside Police and Cleveland Police data for renewals are based on working practices which mean renewal applications are collected at the time of a home visit following background checks. They are not representative, therefore, of the full period taken by these forces to renew either type of certificate.

<sup>49</sup> The same caveat regarding Merseyside Police and Cleveland Police applies here: see footnote 47.

- 4.26. We are concerned to find the wide variation in the average time taken by forces to complete the application process: 5 forces took in excess of an average of 100 days to grant a section 1 firearm certificate, whereas 13 forces took an average of 40 days or less. For the granting of a new shotgun certificate, 18 forces took in excess of an average of 60 days, whereas 5 took an average of less than half this time. The overall time span for both firearm and shotgun applications ranged from an average of 5 to 165 days.
- 4.27. The wide variation in the average time taken by forces to complete the application process is both inexplicable and unacceptable. If 13 forces can process new section 1 firearm applications in an average of 40 days or fewer, it is difficult to find acceptable reasons why the remaining forces take so long.
- 4.28. The position is not any better with regard to the length of time which forces take to consider applications to renew licences. Here, the overall time span ranged from 1 to 100 days for firearm renewals and 1 to 96 days for shotgun renewals.
- 4.29. Delays in renewal applications are of particular concern. This is because delays could leave firearms in the possession of those who are no longer fit to possess them; or it could mean that those in lawful possession of a firearm find themselves without a licence, through no fault of their own, causing anxiety and the inconvenience of having to find a place lawfully to store the firearm, pending a decision regarding renewal.
- 4.30. Data on the time that forces take to process applications and renewals should be shared and made available to all forces so that they may take action to prevent long delays and backlogs. Such data would also provide police and crime commissioners with the means to hold their chief constables to account for this aspect of their force's performance.

### **Recommendation 5**

Within six months, the Home Office should capture and publish the average time taken by each force for the grant and renewal of firearm certificate applications, as part of the annual publication of firearm and shotgun certificates in England and Wales.

## To what extent do forces make contact with applicants' referees?

4.31. The Firearms Rules 1998 state that:

"[a]n application for the grant or renewal of a firearm certificate shall be accompanied by... the names and addresses of two persons who have agreed to act as referees [and who] must be resident in Great Britain, have known the applicant personally for at least two years, and be of good character."<sup>50</sup>

4.32. Only one referee is required for a shotgun certificate application.

4.33. The role of the referee is particularly important for new licence applications where the police do not have previous knowledge of the applicant. Referees provide essential information to help the police to assess whether there might be any risk to public safety if the applicant were permitted to have access to, or possession of, a firearm.

4.34. The Home Office guidance states that:

"the role of the referee is to offer advice to the police on the applicant's fitness to possess firearms, the police should be satisfied that the referee is honest and reliable, and can be trusted to offer a fair and sensible view of the applicant."<sup>51</sup>

4.35. It further states that the referee:

"must have known the applicant personally for at least two years. During this period the referee should have had some reasonable degree of contact with the applicant, whether in a professional, business or social context."<sup>52</sup>

4.36. However, the Home Office guidance does not prescribe the circumstances in which forces are required to make contact with a referee. Instead, it states that:

"[i]t is open to the police to contact the referee to discuss any matter relating to the application."<sup>53</sup>

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<sup>50</sup> Rules 3(3) (a) and 5(3) (a), Firearms Rules 1998.

<sup>51</sup> *Guide on Firearms Licensing Law*, Home Office, March 2015, chapter 10, paragraph 10.15 and chapter 11, paragraph 11.11.

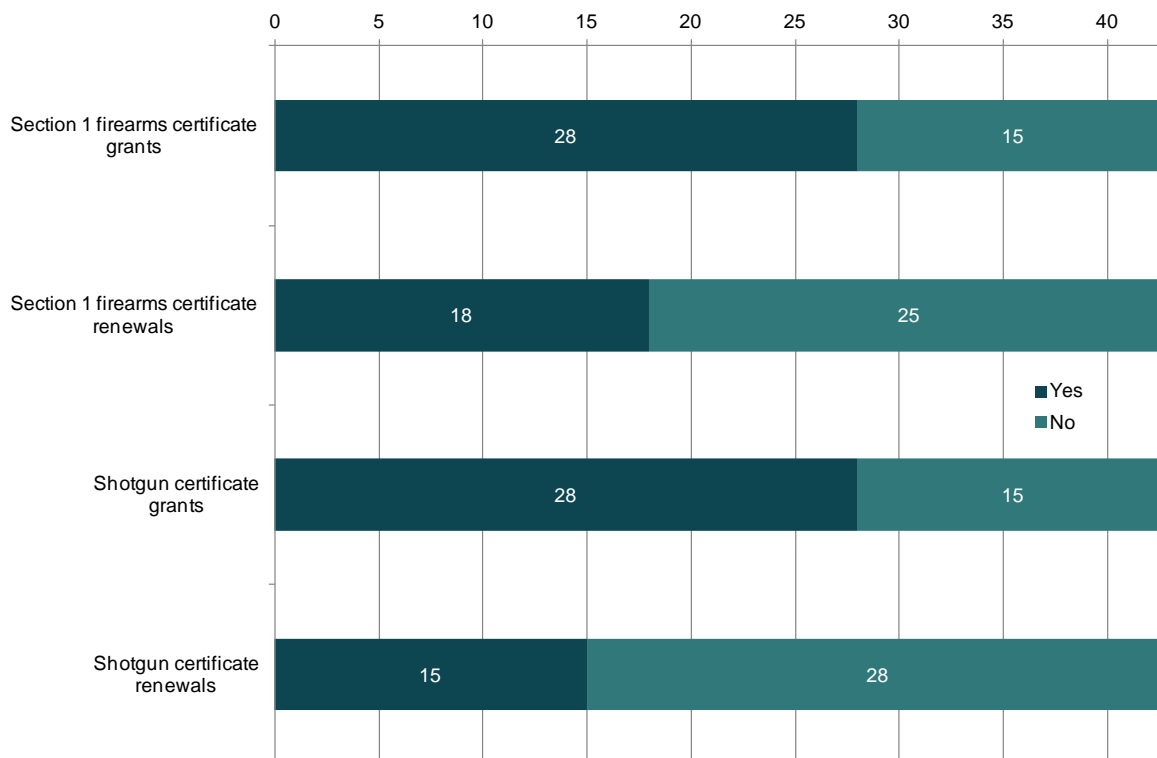
<sup>52</sup> *Op cit*, chapter 10, paragraphs 10.14 and chapter 11, paragraph 11.10.

<sup>53</sup> *Op cit*, chapter 10, paragraphs 10.17 and chapter 11, paragraph 11.13.

4.37. Some certificate holders with whom we spoke told us that their referees had not been contacted by the police regarding their application.

4.38. This apparent inconsistency of approach in such an important area of the licensing process led us to ask all 43 forces in England and Wales whether they contact referees. Their responses are set out in the following chart.

**The number of forces which contact all referees – by type of licence application.**



4.39. This inconsistent approach was exacerbated by the responses which we received when forces were asked to set out the criteria on which they based their decision to contact the referees:

1. only 14 of the 28 forces which contact referees for all new grant applications also contact all referees for renewals;<sup>54</sup>
2. 14 forces only contact referees on the basis of a risk assessment;<sup>55</sup>

<sup>54</sup> Cheshire Constabulary, Cleveland Police, Cumbria Constabulary, Derbyshire Constabulary, Devon & Cornwall Police, Dorset Police, Essex Police, Greater Manchester Police, Lancashire Constabulary, City of London, South Wales Police, South Yorkshire Police, Staffordshire Police and Thames Valley Police.

<sup>55</sup> Durham Constabulary, Gloucestershire Constabulary, Hampshire Police, Leicestershire Police, Lincolnshire Police, Norfolk Constabulary, Northumbria Police, North Yorkshire Police, Suffolk Constabulary, Surrey Police, Sussex Police, Warwickshire Police, West Mercia Police and Wiltshire Police.



3. three forces contact all referees except in the case of shotgun renewals,<sup>56</sup>
  4. one force contacts one in five referees, unless there is other information which justifies further investigation;<sup>57</sup> and
  5. one force relies on the discretion of the firearms licensing manager to decide whether to contact an applicant's referee.<sup>58</sup>
- 4.40. The lack of consistency is unacceptable; it introduces different standards for the processing of licence applications in different police forces. It is of particular concern that a number of forces are not contacting referees in the case of first-time applicants.
- 4.41. We consider that the principal cause of this inconsistency lies in the way in which the Home Office guidance is written in relation to referees: it does not require forces to make contact with referees. We have concluded that there should not be any discretion in this matter. To the extent that the Home Office guidance is ambiguous about this requirement, it should be redrafted to set out the position clearly.
- 4.42. Our comments about the referees are based on the current licensing arrangements. However, as we have undertaken our inspection and reflected on our findings, we have considered again the purpose and value of the referee requirement in firearms licensing. Even if it were the case that referees were contacted in respect of every application and renewal, we question the benefit that the police gain from the procedure.
- 4.43. Experience suggests that applicants are unlikely to nominate referees who do not support their application for a firearm. Given that fact, we wonder how this helps the police to make a decision regarding the applicant's suitability.
- 4.44. At this stage, we do not do anything more than raise the issue, but if there comes a time when the licensing regime is considered afresh, the value of the referee requirement should be critically appraised.

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<sup>56</sup> Avon and Somerset Constabulary, Metropolitan Police and North Wales Police.

<sup>57</sup> Dyfed-Powys Police.

<sup>58</sup> West Midlands Police.

## To what extent and in what way do forces make use of home visits?

4.45. The Home Office guidance mentions that the home of applicants may be visited; however, it does not explain the circumstances in which such visits should take place.

4.46. In relation to the granting of a new certificate, the guidance mentions home visits only in the context of new shotgun certificates. It states that:

"licensing staff have to satisfy themselves that the applicant can be permitted to possess a shotgun without danger to public safety or to the peace. This will necessitate an interview and consideration of their security arrangements. Home visits should always be made by prior appointment and take place at a mutually convenient time."<sup>59</sup>

4.47. In relation to renewal applications, the guidance applies to shotgun and section 1 firearm applications, but only states that:

"[home] visits should always be made by prior appointment;"<sup>60</sup>

4.48. And that:

"chief officers who adopt a risk assessment approach to the consideration of applications to renew [firearm or shotgun] certificates may decide a home visit is not necessary in all cases."<sup>61</sup>

4.49. In our survey of firearm certificate holders, all respondents reported that the police undertook home visits when they first applied for a licence. However, the respondents had differing experiences of the way in which these visits were conducted.

4.50. Some reported that the police undertook a thorough examination of the site where the firearm was to be housed, which involved shaking cabinets to see if they were robust and if they could be forcibly removed from the wall to which they were secured; others reported that the physical checks were more cursory. Differing advice was also provided to applicants in cases where the firearm was to be stored outside the main household building, and in relation to the requirements for locks, cabinets, and alarms.

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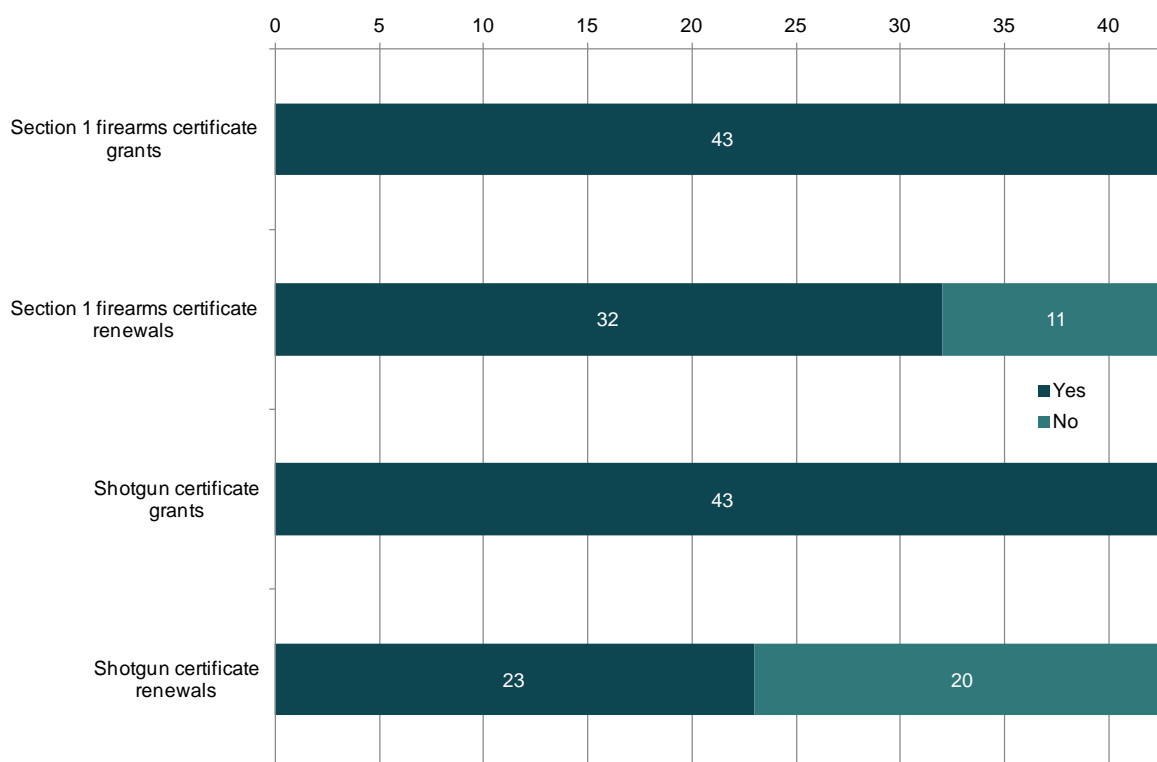
<sup>59</sup> *Guide on Firearms Licensing Law*, Home Office, March 2015, chapter 11, paragraph 11.20.

<sup>60</sup> *Op cit*, chapter 10, paragraph 10.5.

<sup>61</sup> *Op cit*, chapter 10, paragraph 10.6 and chapter 11, paragraph 11.30.

4.51. We asked all 43 forces in England and Wales to tell us when they undertake home visits. The responses of all 43 forces are set out in the following chart.

**The number of forces which always conduct home visits by application type**



4.52. While there is uniformity regarding home visits with regard to initial applications for both firearms and shotguns, the picture is mixed with regard to home visits on renewal.

4.53. And further, with regard to those forces which undertake home visits for renewals, the basis on which they do so is inconsistent: some forces adopt a risk-assessment approach;<sup>62</sup> others undertake home visits automatically.<sup>63</sup>

4.54. We could not find any clear reason why some forces apply a risk assessment approach and others do not for renewals.

<sup>62</sup> Avon & Somerset Constabulary, Bedfordshire Police, Cambridgeshire Constabulary, Cheshire Constabulary, Dorset Police, Hampshire Police, Hertfordshire Constabulary, Lincolnshire Police, Norfolk Constabulary, Northumbria Police, North Yorkshire Police, Nottinghamshire Police, Thames Valley Police, Staffordshire Police, Suffolk Constabulary, Surrey Police, Warwickshire Police, West Mercia Police, West Yorkshire Police and Wiltshire Police.

<sup>63</sup> Cleveland Police, Cumbria Constabulary, Derbyshire Constabulary, Devon & Cornwall Police, Durham Constabulary, Dyfed-Powys Police, Essex Police, Gloucestershire Constabulary, Greater Manchester Police, Gwent Police, Humberside Police, Kent Police, Lancashire Constabulary, Leicestershire Police, City of London Police, Merseyside Police, Metropolitan Police, Northamptonshire Police, North Wales Police, South Wales Police, South Yorkshire Police, Sussex Police and West Midlands Police.

- 4.55. While the guidance allows for a risk assessment approach in the case of renewals, there is no guidance about what should be considered as part of the risk assessment process.
- 4.56. Once again, we consider this to be an area in which clearer guidance is required.

### **Recommendation 6**

Within six months, the Home Office should amend its firearms licensing guidance so that it explicitly requires the police to conduct home visits for all new grant applications, setting out the purpose of these visits and how they should be conducted. In the case of renewals, the guidance should also set out more clearly the way in which the risk assessment process should be used to establish whether a home visit is required.

## **To what extent and in what circumstances do forces conduct unannounced home visits?**

- 4.57. The Home Office guidance states that:

"[w]here it is judged necessary, based on specific intelligence in light of a particular threat, or risk of harm, the police may undertake an unannounced home visit to check the security of a certificate holder's firearms and shotguns."<sup>64</sup>

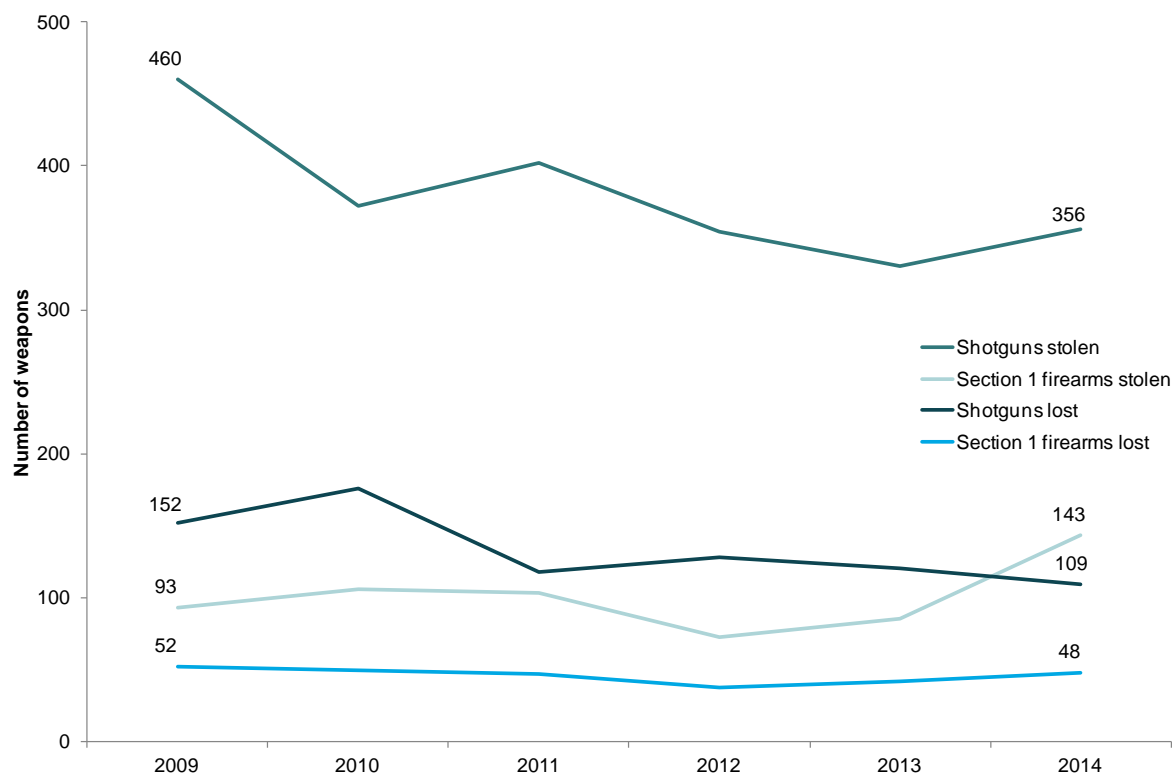
- 4.58. Given the risk which inadequately secured firearms carry, it is essential that the police undertake unannounced visits when they have the necessary intelligence to do so. These would establish how the firearms are looked after, outside the specific periods of application and renewal when it is more likely that greater attention is paid to the storage requirements.
- 4.59. The Firearms Rules 1998 are clear that the responsibility for the security of licensed firearms rests with the certificate holders.<sup>65</sup> Licence holders who fail to follow the rules concerning the security of their firearm run a greater risk that it may be lost or stolen. The following graph sets out the number of firearms which have been lost or stolen between 2009 and 2014.

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<sup>64</sup> *Guide on Firearms Licensing Law*, Home Office, March 2015, chapter 19, paragraph 19.11.

<sup>65</sup> Rule 3, paragraph 4(iv), Firearms Rules 1998.

**The number of lost and stolen firearms and shotguns for each year between 2009 and 2014<sup>66</sup>**



4.60. Every lost or stolen firearm is a matter for concern, as it carries the risk that it may fall into the hands of someone who is not authorised to possess it; who may not know how to store it properly; or, at worst, who may be intent on using it for further illegal purposes.

4.61. In October 2014, the national policing lead for firearms licensing initiated a national campaign to raise awareness of security requirements among certificate holders. This was followed by unannounced home visits to certificate holders. In accordance with the Home Office guidance, all such visits were based on intelligence.

4.62. This campaign resulted in 1,254 unannounced visits which led to:

1. the identification of 170 issues of concern, including 107 regarding the security of firearms;
2. 83 certificate holders receiving advice;
3. 25 certificate holders receiving a written warning;
4. 62 certificates being made the subject of further review; and
5. 28 certificates being revoked.

<sup>66</sup> Source: National Firearms Licensing Management System. See paragraph 4.99 et seq.

- 4.63. Such initiatives are a welcome contribution to public safety in respect of firearms and are good practice. Every certificate holder visited, every certificate holder whose awareness of the issues of security was raised, and every member of the public, benefited from this initiative.
- 4.64. We asked all 43 forces in England and Wales whether they conducted unannounced home visits. We were pleased to find that all forces stated that they would undertake visits when intelligence was received, but many had only done so as a result of the national campaign in October 2014.
- 4.65. A number of forces raised concerns with us about the legal limitations under which they are obliged to operate in this regard.
- 4.66. The Home Office guidance states that:
- "[i]t is recognised that there are no new powers of entry for police or police staff when conducting home visits. To mitigate any misunderstanding on the part of the certificate holder the police must provide a clear and reasoned explanation to the certificate holder at the time of the visit."<sup>67</sup>
- 4.67. It would appear, therefore, that the police require the consent of the householder to enter the premises, even where they have intelligence that there may be a concern about the security of a firearm. The absence of a specific legal right of entry means that the police may not be able to carry out their responsibilities on every occasion that they attempt an unannounced visit, if the householder refuses entry.
- 4.68. The option to obtain a search warrant is limited to cases of a more serious nature where criminality is suspected.<sup>68</sup>
- 4.69. This potential impasse is not in the best interests of the public.
- 4.70. It is clear to us that the benefit of unannounced visits is being thwarted by the way in which the legislation and guidance are drafted.
- 4.71. It should be made explicit that the police are required to undertake an unannounced visit where they have the required intelligence that justifies such a course of action.

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<sup>67</sup> *Guide on Firearms Licensing Law*, Home Office, March 2015, chapter 19, paragraphs 19.12.

<sup>68</sup> There are some limited powers available under section 46, Firearms Act 1968. This includes allowing a justice of the peace to grant a warrant if satisfied that there are reasonable grounds for suspecting that, in connection with a firearm or ammunition, there is a danger to the public safety or the peace. It is an offence for any person intentionally to obstruct the police in the exercise of powers under this section.

- 4.72. Where this is the case, the police should have a right of access to the firearm, ammunition and the site where they are stored.

### **Recommendation 7**

Within 12 months, the Home Office should amend its firearms licensing guidance so that it explicitly requires the police to conduct unannounced home visits when it is judged necessary in the light of intelligence. The Home Office should ensure that, in such cases, the law enables the police to fulfil their duty by inspecting the firearm, ammunition and the site where they are stored.

## **How effective are forces at dealing with expired certificates?**

- 4.73. The Home Office guidance states that:

"[t]he onus for applying to renew a firearm certificate rests with the holder. All forces, however, should issue reminders to their certificate holders well in advance to allow the renewal process to be completed before the original certificate expires. The amount of time depends on how long it takes for a force to process renewal applications and should be tailored accordingly."<sup>69</sup>

- 4.74. A shared responsibility exists, therefore, between the certificate holder and the force, to ensure that the process of renewal is completed before the current certificate expires.

- 4.75. Where it becomes apparent that a certificate will not be issued before the expiry of the previous certificate, the Home Office guidance states that:

"[i]f a certificate expires before a renewed certificate has been issued and the certificate holder has behaved in a reasonable manner returning the forms in good time, a temporary permit should be issued."<sup>70</sup>

- 4.76. In relation to the issuing of a temporary permit, the guidance further states that:

"[t]his may be appropriate where the renewal of a certificate is so delayed that the applicant may otherwise be left without permission to continue possessing and using their firearm and ammunition. This may not be the case where the applicant or his referees had been uncooperative and, is,

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<sup>69</sup> *Guide on Firearms Licensing Law*, Home Office, March 2015, chapter 10, paragraphs 10.50 and chapter 11, paragraph 11.28.

<sup>70</sup> *Op cit*, chapter 10, paragraph 10.51.

or are, substantially responsible for the delay. In these circumstances, the applicant should be advised to arrange for the firearms and ammunition to be placed in storage with a registered firearms dealer or another suitably authorised certificate holder."<sup>71</sup>

4.77. As we have stated earlier, 7 of the 11 forces which we inspected told us that they were experiencing backlogs in dealing with renewal applications.<sup>72</sup> As a result, some certificate holders had experienced occasions when their certificates had expired, prior to the renewal being approved. They told us that it could be a source of great concern, stress and worry when their licence renewal is delayed and that it left them feeling vulnerable, particularly when the delay may mean that they held their firearm unlawfully.

### **Case study 1**

In our survey of firearm certificate holders, two respondents described the same experience with one force.<sup>73</sup>

Their renewal applications had been submitted in good time but the force did not complete the renewal process before expiry of their certificates. Instead of issuing temporary permits to allow them to continue possessing and using their firearms lawfully, the force told them that they could continue doing so until the renewal process was complete, but only in that force area.

In a further example involving another force,<sup>74</sup> the renewal applicant was not told of any restrictions on where he may use his firearm, only that he would not be able to purchase ammunition until the new certificate had been issued. The example from this force was supported by the experience of three other respondents.

In none of these cases was the correct procedure followed. Without a valid certificate or temporary permit, the continued possession of firearms by these applicants was unlawful, both within their respective force area and elsewhere. This is irrespective of whether an application is pending.

4.78. For forces to allow certificate holders to possess firearms unlawfully is a serious failure; arguably, they have colluded in breaking the law. It is unacceptable behaviour which must stop immediately.

<sup>71</sup> *Op cit*, chapter 15, paragraph 15.4.

<sup>72</sup> Dorset Police, Dyfed Powys Police, Essex Police, Lincolnshire Police, Surrey Police, Warwickshire Police and West Mercia Police.

<sup>73</sup> West Mercia Police.

<sup>74</sup> Derbyshire Constabulary.



4.79. Where forces do not receive any reply to a reminder to renew a firearm certificate, the Home Office guidance states that:

"enquiries should be made to confirm that the holder no longer has possession of the firearms or ammunition to which the certificate relates, or if the certificate has not yet expired, that arrangements have been made to dispose of the firearms and ammunition before expiry."<sup>75</sup>

4.80. To support this requirement, we found that a daily automated review of certificate holder records is completed on the National Firearms Licensing Management System. This identifies any certificates or temporary permits that have expired, and where an application for renewal has not been received.

4.81. When an expired certificate or temporary permit is identified through this process, a 'total expired' notification is sent to the respective force in order for it to start enquiries as required by the Home Office guidance. The Police National Computer is automatically updated to show the expired status of the certificate or temporary permit, and that the holder may be in unlawful possession of firearms.

4.82. We found the number of such notifications outstanding in the 11 forces which we inspected varied greatly between forces, from 1 to as many as 168.

4.83. In order to examine the effectiveness of the arrangements for dealing with these notifications, we reviewed 55 records across the 11 forces.

4.84. In 4 of the 11 forces, the actions taken in response to 'total expired' notifications were appropriate, and records properly described the action taken by the force.<sup>76</sup>

4.85. However, there were 22 records across 7 forces that raised cause for concern.<sup>77</sup> These concerns varied between forces but included:

1. poor record-keeping of actions and enquiries undertaken in response to these notifications, including records where action had not been taken;
2. no record to show that follow up enquiries had been undertaken to confirm the location of firearms when holders of expired certificates had informed the police that their firearms had been (or would be) lodged with another certificate holder or a registered firearms dealer;

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<sup>75</sup> *Guide on Firearms Licensing Law*, Home Office, March 2015, chapter 10, paragraph 10.50.

<sup>76</sup> Sussex Police, Durham Constabulary, Warwickshire Police and West Mercia Police.

<sup>77</sup> Cumbria Constabulary, Dorset Police, Dyfed Powys Police, Essex Police, Lincolnshire Police, North Yorkshire Police and Surrey Police.

3. no further checks when expired certificate holders informed the police that they would submit a late application;
  4. the backdating of a temporary permit to cover a period of unlawful possession which had occurred because of delays in the police process to check the medical condition of the applicant;
  5. firearms having been voluntarily surrendered to the police before the certificate expired where the records had not been correctly updated. This caused the Police National Computer incorrectly to show that the certificate holder remained in unlawful possession of the firearms; and
  6. a lack of review or audit by senior staff of enquiries undertaken by licensing staff in response to 'total expired' notifications.
- 4.86. Knowingly leaving unlicensed firearms with members of the public and failing to maintain accurate records defeat the purpose of an effective licensing process: certificate holders are being let down; the public is being put at risk; and the police are failing in their duty.

### **Recommendation 8**

Immediately, all chief constables should satisfy themselves that all appropriate action is being taken by their force with regard to 'total expired' licensing records.

## **To what extent and in what way do forces make use of temporary permits?**

- 4.87. The use of temporary permits is not only limited to circumstances in which certificates have expired.
- 4.88. The Home Office guidance states that:
- "[p]ermits should be issued by chief officers where a certificate has not been re-issued or where a variation has been delayed and the applicant has made the application in good time"<sup>78</sup>
- 4.89. This is intended to cover temporary situations, such as delays to renewals or variations to certificates, and to allow short-term possession of firearms in circumstances where a renewal of a certificate has been refused (to allow for the disposal of the firearm) or after the death of the certificate owner.

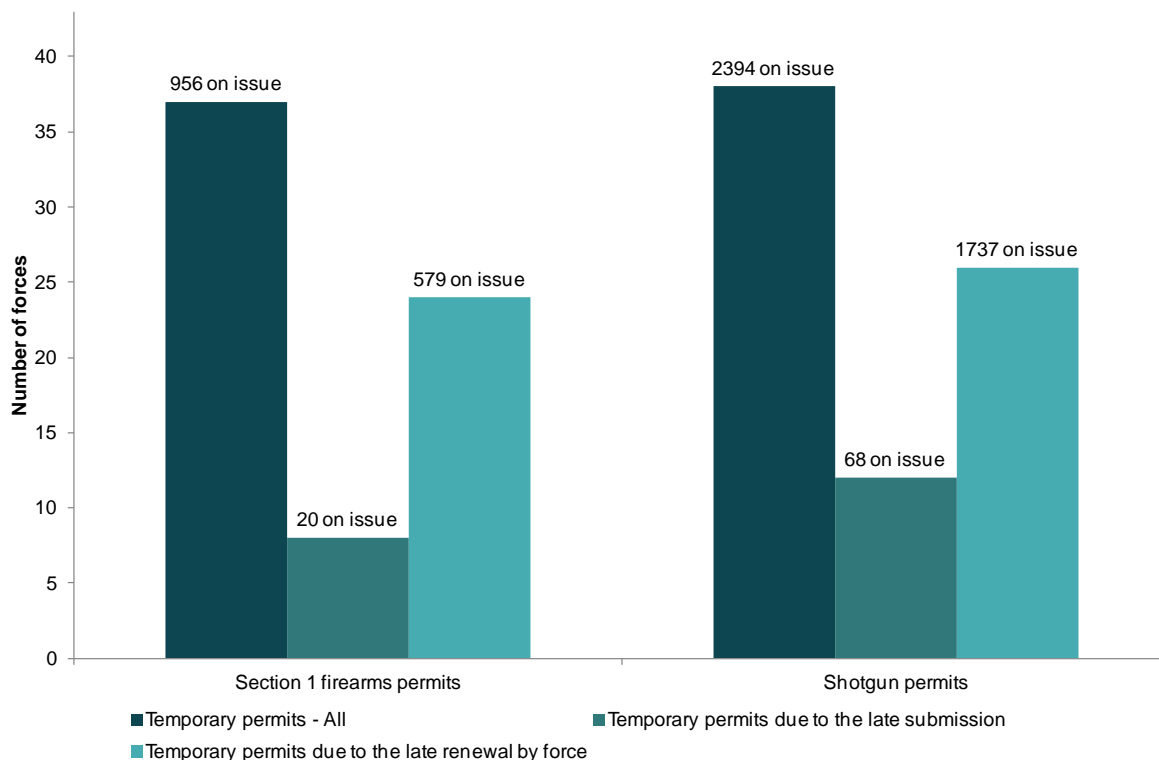
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<sup>78</sup> *Guide on Firearms Licensing Law*. Home Office, March 2015, chapter 15, paragraph 15.4.

4.90. During May 2015, we asked all 43 forces how many temporary permits they had on issue in total; how many of these related to delays in the processing of the renewal by the force; and how many related to the late submission of a renewal application by the certificate holder.

4.91. The responses from all 43 forces are set out in the following chart:

**The reason for and number of temporary permits on issue<sup>79</sup>**



<sup>79</sup> It should be noted that the total number of temporary permits exceeds the total shown in the other two columns as it includes permits issued for other reasons, such as those issued following the death of a certificate holder.

## Case study 2

In one force, we found good practice had been developed to deal with the issue of late submission of a renewal application.<sup>80</sup>

If the force does not receive the renewal application eight weeks before the expiry date of the certificate, having already sent the certificate holder a reminder, it writes to the certificate holder to inform him or her that, due to the timescales, it will not be able to process any application before the expiry date. The certificate holder is advised that he or she must lodge his or her firearm with a registered firearms dealer, or in the case of a shotgun, with another certificate holder.

If, by the time of the renewal date, the force has not received confirmation that this has been done, officers visit the certificate holder, seize the firearm and report the owner for being in unlawful possession of the firearm.

We regard this as an effective procedure which allows the force to meet its requirements for rigorous assessment while maintaining a good relationship with the certificate holder.

4.92. During our fieldwork, we found that one force was issuing temporary permits immediately upon the receipt of a renewal application, no matter how much in advance of the certificate renewal date the application was received.<sup>81</sup> This was said by the force to be due to delays within the licensing department. In May 2015, the force had in excess of 1,200 temporary permits on issue.

4.93. While this may be a pragmatic approach to the backlog of work within the force firearms licensing department, the time taken to go through the additional process of issuing temporary permits on every occasion makes it an inefficient way of working. It also means that the review of the suitability of the certificate holder, which the law requires every five years, is not undertaken when it should be.

4.94. We also found that the same force utilised this approach in circumstances where the renewal application was submitted late. This is in direct contravention of the Home Office guidance which requires the certificate holder, in such circumstances, to lodge his or her firearm with a registered firearms dealer or, in the case of a shotgun, with another certificate holder.<sup>82</sup>

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<sup>80</sup> Derbyshire Constabulary.

<sup>81</sup> Essex Police.

<sup>82</sup> *Guide on Firearms Licensing Law*, Home Office, March 2015, chapter 15, paragraph 15.4.

- 4.95. While this practice may contravene the Home Office guidance, there is nothing in law that prevents the force from doing this.<sup>83</sup> It does contribute, however, to the unacceptable inconsistency in the application of the licensing process in England and Wales.
- 4.96. In another force, we found that temporary permits were being issued in accordance with Home Office guidance;<sup>84</sup> these were hand-written during home visits. However, the force had chosen subsequently not to enter details of the temporary permit onto the certificate holder's record on the National Firearms Licensing Management System. This means that the Police National Computer record does not reflect the temporary permit, and, as such, the Police National Computer shows incorrectly that the permit holder may be in unlawful possession of a firearm, at least for the period of the temporary permit.

### **Recommendation 9**

Within three months, all chief constables should ensure that their arrangements in respect of the use of temporary permits are in accordance with the Home Office guidance; that temporary permits are properly recorded without delay on the National Firearms Licensing Management System; and that effective systems exist to ensure certificate holders are not permitted, at any time, to remain in unlawful possession of a firearm.

### **How accurate are firearms licensing records?**

- 4.97. Accurate licensing records are not just important for the purpose of providing data about the number of individuals licensed to possess firearms in England and Wales; they also help the police service effectively to discharge its duty to protect the public from harm: for example, the assessment of risk when the police respond to an incident is informed by licensing information. Where this information is inaccurate, the response by the police may not adequately deal with the risk which may exist. The consequences of this may be serious for the public and the police.
- 4.98. In accordance with the Firearms (Amendment) Act 1997, a register has been established to keep records of all those who have applied for a firearm or shotgun certificate.<sup>85</sup> This register is known as the National Firearms Licensing Management System.

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<sup>83</sup> See paragraphs 2.4-2.10.

<sup>84</sup> Cumbria Constabulary.

<sup>85</sup> Section 39, Firearms (Amendment) Act 1997.

- 4.99. The National Firearms Licensing Management System holds information about the licensing status of any new applicant and current certificate holders. This information is automatically transferred from the National Firearms Licensing Management System to the Police National Computer.
- 4.100. However, when that information is transferred, it must be in a particular format. Where forces have not entered the details in the required format, or where the data are incomplete, the Police National Computer will not be updated. Instead, an error notification is sent through the National Firearms Licensing Management System to the force.
- 4.101. Where a force receives an error notification, it is expected to correct the licensing record so that the Police National Computer may be correctly updated. This should be done without undue delay so that Police National Computer records accurately reflect the current licensing status of the individual concerned.
- 4.102. This is important as officers often rely upon the accuracy of the Police National Computer records to confirm that individual's licensing status.
- 4.103. We were concerned to find that 3 of the 11 forces which we visited did not have an adequate process to deal with these notifications.<sup>86</sup> In each of these forces, certificates had been issued despite error messages being outstanding. This means that, while the National Firearms Licensing Management System showed the licensing status of the individual correctly, the Police National Computer did not.

### **Recommendation 10**

Immediately, all chief constables should ensure that effective arrangements are in place for the day-to-day management of Police National Computer error notifications on the National Firearms Licensing Management System, ensuring that the notification requirements are dealt with and that the National Firearms Licensing Management System record is successfully transferred to the Police National Computer.

- 4.104. Throughout this chapter, we have given examples of the way in which inappropriate processes lead to incomplete or misleading information being generated with regard to many aspects of the firearms licensing procedure.

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<sup>86</sup> Durham Constabulary, Warwickshire Police and West Mercia Police.

- 4.105. These incorrect data have a consequential effect at a national level. The Home Office is responsible for publishing key information annually about the firearms licensing system. This includes providing statistical data about the number of licence holders; the number of applications for renewal; and the number of applications refused.
- 4.106. That information is obtained from the police management systems which we have demonstrated are likely in many key aspects not to be accurate.
- 4.107. The Home Office will want to consider the extent to which it is under a duty to ensure that the information that it publishes is accurate. And to the extent that it is within the Home Office's gift to introduce systems to oblige forces to supply up-to-date and accurate information, we envisage that it will want to take steps to correct what appear to us to be many flawed aspects of the current data collection system.
- 4.108. Simply put, it is a matter of securing and maintaining public confidence in the firearms licensing arrangements. Without accurate information, that confidence cannot be secured.

## 5. How effectively do forces understand and manage the risks relating to firearms licensing?

- 5.1. Our third term of reference was to examine how effectively forces understand and manage the risks relating to firearms licensing on a 24-hour basis, including levels of awareness of licensing-related risk among first responders and supervisors.
- 5.2. The Home Office guidance explains the overarching consideration in all firearms licensing arrangements:

"[f]irearms law and licensing is in place to allow the legitimate possession and use of firearms by those judged safe to do so. The overarching consideration in all firearms licensing is public safety."<sup>87</sup>
- 5.3. We interviewed firearms licensing managers and conducted focus groups with firearms enquiry officers. We found that, in each of the 11 police forces which we visited, these staff were personally committed to placing public safety at the heart of their licensing decisions.
- 5.4. However, from our meetings with relatives of those affected by fatal incidents involving certificate holders, and our discussions with two of Her Majesty's coroners, we found appreciable concern that the firearms licensing system does not adequately protect the public from possible harm.
- 5.5. We found that these concerns are based on the gaps in police procedures which have been identified during inquests and other enquiries following fatal shootings. Generally, these relate to issues regarding access to, and understanding by the police of, medical issues affecting a certificate holder; and the failure to remove a firearm, or inexplicably to return it, when a certificate holder has shown intemperate behaviour, such as making threats or being involved in some form of domestic abuse.

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<sup>87</sup> *Guide on Firearms Licensing Law*, Home Office, March 2015, chapter 10, paragraph 10.2.



### **Case study 3**

On 1 January 2012, firearm certificate holder Michael Atherton used a licensed firearm to kill his partner, her sister and her daughter, seriously injuring his partner's daughter, and take his own life.

There was a history of domestic incidents involving Mr Atherton and his partner. This included an incident in 2008 where Mr Atherton was found to be intoxicated, emotional and threatening to harm himself. Police seized his firearms but they were returned to Mr Atherton and he was issued with a warning letter.

The coroner and the Independent Police Complaints Commission criticised Durham Constabulary for its failure to consider all available information when making firearms licensing decisions.<sup>88</sup> In his report, extracts from which have appeared in the press, the coroner stated:

“...the four deceased would not have died when they did had there been robust, clear and accountable procedures in place which allowed the Constabulary to analyse and consider all relevant information in its possession...”<sup>89</sup>

5.6. Based on the public's concerns, we have considered the extent to which forces understand and manage the risks inherent in the possession of a firearm in four ways:

1. how effective are the arrangements to assess the medical suitability of the applicant or certificate holder;
2. how effective are the arrangements for the ongoing monitoring of risk following the grant of a certificate;
3. how effective are the arrangements for the assessment of risk during everyday policing activity; and
4. how effective is the decision making for firearms licensing.

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<sup>88</sup> *Mr Michael Atherton: IPCC investigation into the granting, management and review of his shotgun certificate and firearm licence by Durham Constabulary*, IPCC, May 2013. It is available at: [www.ipcc.gov.uk/sites/default/files/Documents/investigation\\_commissioner\\_reports/NATIONAL\\_LEARNING\\_REPORT\\_ATHERTON.pdf](http://www.ipcc.gov.uk/sites/default/files/Documents/investigation_commissioner_reports/NATIONAL_LEARNING_REPORT_ATHERTON.pdf)

<sup>89</sup> Her Majesty's Coroner for Durham has kindly allowed us to quote from his report which was published under Rule 43, Coroners Rules 1984, as amended by the Coroners (Amendment) Rules 2008. His report has not been made public.

## How effective are the arrangements to assess the medical suitability of the applicant or certificate holder?

5.7. The Home Office guidance sets out the requirements for both the applicant and the police in respect of the provision and assessment of medical information for the purpose of a firearm licence. It states that:

"[t]he application form for firearm [and shotgun] certificates require the applicant to give permission for the police to approach the applicant's General Practitioner (GP), who should be registered in the [United Kingdom], in order to obtain factual details of the applicant's medical history so far as it relates to the safe possession of firearms."<sup>90</sup>

5.8. The applicant must disclose whether he or she suffers from any medical condition or disability, including any alcohol and drug-related conditions. The applicant must state whether he or she has ever attended his or her present or previous GP for treatment of depression or any other kind of mental or nervous disorder.

5.9. The Home Office guidance states that:

"[w]here applicants have declared on the prescribed form that they have suffered from a mental or nervous disorder, including depression, and have given their consent to an approach being made to their GP or medical adviser, the GP should be asked in writing to provide factual details about the condition."<sup>91</sup>

5.10. However, GPs are not obliged to respond to the police request and therefore the guidance states that:

"[t]he failure of a GP to provide such information should not in itself result in the refusal of an application"<sup>92</sup>

5.11. We found that, as the police are not obliged to make contact with an applicant's GP unless prompted to do so by the disclosure of a medical condition, in practice, they will write to the GP after the certificate is issued. The purpose of this letter is to notify the GP that the applicant holds a certificate, and enquire whether he or she knows of any medical reason why this should not be the case. The GP is not obliged to respond. Nor is there any obligation on the GP to note the fact that his or her patient is a firearm

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<sup>90</sup> *Guide on Firearms Licensing Law*, Home Office, March 2015, chapter 10, paragraph 10.20.

<sup>91</sup> *Op cit*, chapter 12, paragraph 12.44.

<sup>92</sup> *Ibid.*

certificate holder which may prompt notification of any medical condition that subsequently arises.

- 5.12. As a result, forces are expected to make licensing decisions without confirmation that the applicant is medically fit to possess a firearm.
- 5.13. These unsatisfactory arrangements leave fundamental gaps in the establishment of a safe and effective firearms licensing system in England and Wales. If the lessons of the past are to be learnt and public safety properly placed at the heart of the licensing process, these gaps must be addressed.
- 5.14. By definition, firearms are potentially lethal, yet our inspection has found that the arrangements to assess the medical suitability of a certificate holder or applicant are substantially less structured and substantially less effective than for other types of licence.
- 5.15. For example, in the case of a public service vehicle licence (lorry or bus driving licence), the applicant must have a medical examination completed by a doctor, without which the licence cannot be issued. This examination includes both a vision and medical assessment covering a range of medical ailments, including any history of psychiatric illness. The medical standards to allow the licence to be issued are prescribed by law.<sup>93</sup>
- 5.16. We found that concern regarding the effectiveness of the arrangements to assess medical suitability with regard to firearms licensing is not new. Because of its importance and the fact that many cases which have resulted in tragedy have the medical state of the certificate holder at their root, we have set out below two case studies to highlight the issue.

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<sup>93</sup> Annex III of the Third European Driving Licence Directive (EU3D), Part III of the Road Traffic Act 1988 and the Motor Vehicle (Driving Licences) Regulations 1999, as amended, provide the legal framework for standards of physical and mental fitness to drive a vehicle. There are different rules for drivers of cars and for heavy goods and passenger carrying vehicles.

#### **Case study 4**

Harold Ambrose (82 years) had held a shotgun certificate since 1987. It was last renewed by Essex Police in 2011, and, at that time, he did not have any known mental health problems. He lived with his wife Wendy Ambrose (77 years) who had cancer and suffered from severe mobility problems.

In September 2012, Mr Ambrose was diagnosed with mixed dementia and this gradually worsened. He was referred to his local health trust and, during his initial assessment in November 2012, he made it aware that he was a shotgun certificate holder.

During 2013, he was prescribed medication for Alzheimer's disease and was advised not to drive by his GP because of his cognitive impairment. By January 2014, it was clear that there had been a further decline in his mental abilities which were worsening.

In May 2014, he shot and killed his wife, Mrs Ambrose, with a licensed shotgun, before taking his own life.

5.17. In the above case study, the mental health of the licence holder was clearly deteriorating. However, neither his GP nor the local health trust informed Essex police. They were not under any obligation to do so.

#### **Case study 5**

In 2008, a returning Iraq war veteran was suffering from post-traumatic stress disorder and anger management issues. He had held a shotgun certificate since 2004, and, in 2008, he applied for, and was issued with, a section 1 firearm certificate.

In 2009, his shotgun certificate was renewed; in 2013, his section 1 firearm certificate was renewed. In accordance with the current procedures, his GP was notified. The GP did not respond. The applicant did not disclose his medical conditions to the police. He was warned by the police about the late submission of his renewal application in 2013. All of this accorded with procedure.

In late 2014, his girlfriend reported to police her concerns that his behaviour was "jealous and controlling" and later that he had "mental issues" and that he had "threatened to harm himself". His weapons were immediately seized and eventually his certificate was revoked.

In an escalating crisis and shortly after her disclosures, he assaulted his girlfriend and caused damage to property. He was arrested. He breached his bail conditions and was subsequently detained under the Mental Health Act 2007. It transpired that he had been receiving treatment by his GP for depressive illnesses since 2013 (at least) and had left military service in 2008 due to this condition.

- 5.18. We set out this case study for three reasons: first, it demonstrates a good response from the police once the condition of the certificate holder was disclosed to them; secondly, it demonstrates the potential risk that he posed to the public for a substantial period of time when he was still in lawful possession of a firearm and a shotgun; and, thirdly, it highlights the disjointed nature of the system in place to assess his suitability to hold or retain firearms and shotgun licences.
- 5.19. Everyone acted in accordance with his or her duties in this case, but the appropriate action was taken only because a third party brought her concerns to the police's attention. A system which allows individual professionals to know key information about a certificate holder which may influence substantially the granting or revocation of a firearm licence but which they are not obliged to disclose does not seem to us to be one which supports the concept of public safety.
- 5.20. At the time of publication of this report, the Home Office is working at a national level to strengthen the arrangements by which GPs can share information with the police about those who may be medically unfit to have access to firearms.
- 5.21. Under current proposals being considered, the police would write to each applicant's GP on receipt of the application, to establish if the GP had any concerns about the applicant's medical suitability to possess firearms. On receipt of the police letter, the GP would put a marker on the patient's record to indicate that he or she is a firearm or shotgun certificate holder, or that he or she has applied for a firearm or shotgun certificate, as the case may be. This would be removed subsequently in the minority of cases where the application is refused or not renewed.
- 5.22. The GP would be expected to inform the police of any medical history or current medical conditions of which he or she is aware which may mean that the applicant or certificate holder is not fit to have access to firearms. Additionally, the marker on the patient's record would enable the GP to identify a need to contact the police if subsequently the certificate holder developed a medical condition which may mean his or her suitability to possess or access firearms needed to be re-assessed.
- 5.23. We are advised that the Home Office intends to update its guidance to make it clear that GPs need to alert the police to any concerns which they may have regarding their patient's suitability to be licensed, and that this is an ongoing obligation throughout the currency of the certificate.
- 5.24. This is progress; however, we are concerned to find that this requirement on GPs will not have any basis in law and that its effectiveness relies solely upon their cooperation.

- 5.25. We are further concerned to learn from Essex Police the results of a pilot of this scheme which was conducted with a number of GP surgeries in its area.
- 5.26. It was found that where the GP engaged with the process, there were positive results: information was supplied to the police which caused them to review the suitability of some certificate holders, and, in some cases, certificates had been revoked.
- 5.27. However, during May 2015 Essex Police provided us with an update on the pilot and we were told that:
1. letters had been sent to 140 GP surgeries as a result of applications for the grant or renewal of a firearm certificate;
  2. 12 surgeries had confirmed that they had taken up the scheme and had put markers on patients' records;
  3. 16 surgeries stated that, although they did not place a marker on the patient's record, the police letter had been added to the patient's paper or scanned medical record. While this is a positive step, it now relies on the GP or other health professional reading the whole file when the patient attends presenting with a condition of concern;
  4. seven surgeries were still considering whether to adopt the system or were awaiting a change to their patient record system to enable them to introduce it;
  5. nine surgeries had stated that they would not put any marker on the patient's record; and
  6. three surgeries declined to take part in the pilot, stating that they would not investigate the patient's medical record for anything of concern, nor make any note nor retain a copy of the police letter on the patient's records.
- 5.28. Essex Police advised us that it did not feel able to assess the overall level of engagement by GPs as the wording of the letter which had been sent, proposed as standard for all police forces, only required a response where the application caused the GP specific concerns, or where the applicant was being treated for any condition that may affect their ability safely to possess and use a section 1 firearm or shotgun.

5.29. The results of the pilot suggests to us that a more structured and mandatory approach is required. At the very least, a system akin to that used in respect of public service vehicle licence holders,<sup>94</sup> including arrangements for the applicant to pay for his or her medical report, needs to be considered so that GPs are under an obligation to contribute to public safety.

### **Recommendation 11**

Immediately, and with a view to implementation within 18 months, the Home Office should ensure that the current proposals for the sharing of medical information between medical professionals and the police for the purpose of firearms licensing, allow the police effectively to discharge their duty to assess the medical suitability of an applicant for a section 1 firearms or shotgun certificate. This should have due regard to ensuring the system:

- does not allow licensing to take place without a current medical report from the applicant's GP, obtained and paid for by the applicant in advance of an application for the granting or renewal of a certificate, and which meets requirements prescribed by law; and
- is supported by a process whereby GPs are required, during the currency of a certificate, to notify the police of any changes to the medical circumstances (including mental health) of the certificate holder which are relevant to the police assessment of suitability for such a certificate, and within which the certificate holder is statutorily required to notify the police of any such changes.

## **How effective are the arrangements for the ongoing monitoring of risk following the grant of a certificate?**

5.30. The Independent Police Complaints Commission report, which followed the tragic events in 2012 involving Michael Atherton, highlighted the need for continuing assessment of a certificate holder's suitability, recommending that:

"[t]he Home Office should amend the 2002 Home Office Firearms Law (Guidance to the Police) to provide specific guidance around the process of conducting reviews of licence holders, during the life of a licence. Where a licence holder's fitness or suitability to hold a licence is brought into question the review should include, further information/intelligence gathering and objective scrutiny of all previous evidence including prior decisions around the granting of an application. A further interview and home visit in relation to the licence holder should be a mandatory

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<sup>94</sup> See paragraph 5.15.

requirement prior to any decision around suitability being made. Where relevant, enquiries with General Practitioners should also be made."<sup>95</sup>

5.31. The Home Office guidance was updated in 2013 and currently states that:

"[f]orces must have appropriate measures in place to monitor any activity of a certificate holder or associates that has come to the notice of police. This is to ensure that all relevant information and intelligence is readily available for continuous assessment of the suitability of an individual to possess firearms or shotguns. It is crucial that chief officers act robustly, specifically around domestic incidents and violence, to avoid preventable harm by the potential misuse of firearms or shotguns. A review on the continued suitability of a firearm or shotgun certificate holder should take place following an incident of domestic violence or abuse."<sup>96</sup>

5.32. This is supported by a description of the factors which the police should take into account when considering the granting, renewal or revocation of a certificate. While the updated guidance does not make mention of the Independent Police Complaints Commission's recommendation that when considering such issues "objective scrutiny of....prior decisions" should take place, it is clearly implicit that police should do so.

5.33. The Authorised Professional Practice states that:

"[t]he requirement to monitor and assess risk is a continuous and ongoing process (that is, 24 hours a day, 365 days a year)."<sup>97</sup>

5.34. Each of the 11 forces which we inspected had systems and processes in place to assess information or intelligence which is received regarding a certificate holder, and, where appropriate, to undertake a review of his or her suitability and to conduct an investigation.

5.35. We also found that one force<sup>98</sup> had responded to the changes to the Home Office guidance by undertaking a review of existing certificate holders, looking specifically at any involvement in previous domestic abuse incidents. This resulted in an appeal by a certificate holder who, as a consequence of this review, had his certificate revoked. His appeal was not upheld.

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<sup>95</sup> *Mr Michael Atherton: IPCC investigation into the granting, management and review of his shotgun certificate and firearm licence by Durham Constabulary*, IPCC, May 2013. Available from [www.ipcc.gov.uk/sites/default/files/Documents/investigation\\_commissioner\\_reports/NATIONAL\\_LEARNING\\_REPORT\\_ATHERTON.pdf](http://www.ipcc.gov.uk/sites/default/files/Documents/investigation_commissioner_reports/NATIONAL_LEARNING_REPORT_ATHERTON.pdf)

<sup>96</sup> *Guide on Firearms Licensing Law*, Home Office, March 2015, chapter 12, paragraph 12.40.

<sup>97</sup> *Authorised Professional Practice, Firearms Licensing*, College of Policing, 2014, section 2.3.

<sup>98</sup> Essex Police.



5.36. In March 2014, the national policing lead for firearms licensing wrote to all police forces in England and Wales to prompt retrospective reviews of current certificate holders' suitability, based on the redrafted guidance, and in regard to certificate holders' involvement in domestic abuse incidents.

5.37. During May 2015, we asked the remaining 42 forces in England and Wales whether they had undertaken such a review, and, if so, what was the outcome.<sup>99</sup> Our findings from the responses provided by these 42 forces were that:

1. seven forces had not undertaken such a review;<sup>100</sup>
2. 35 forces had instigated a review,<sup>101</sup> 3 of which had extended the scope to include all concerns for safety, not just domestic abuse;<sup>102</sup>
3. 14 of these 35 forces had conducted their review as a direct result of the letter from the national policing lead;<sup>103</sup>
4. 21 of these 35 forces had conducted reviews as a result of incidents in their force area, or already had an ongoing continuous review process;<sup>104</sup>

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<sup>99</sup> Essex Police were excluded from this request as they were the subject of the stated case and had undertaken this exercise prior to the letter from the national policing lead.

<sup>100</sup> Cheshire Constabulary, Cumbria Constabulary, Gloucestershire Constabulary, Greater Manchester Police, Lancashire Constabulary, Merseyside Police and Metropolitan Police Service.

<sup>101</sup> Avon & Somerset Police, Bedfordshire Police, Cambridgeshire Constabulary, City of London Police, Cleveland Police, Derbyshire Constabulary, Devon and Cornwall Police, Dorset Police, Dyfed Powys Police, Durham Constabulary, Gwent Police, Hampshire Police, Hertfordshire Constabulary, Humberside Police, Kent Police, Leicestershire Police, Lincolnshire Police, Norfolk Constabulary, Northamptonshire Police, Northumbria Police, North Wales Police, North Yorkshire Police, Nottinghamshire Police, South Wales Police, South Yorkshire Police, Staffordshire Police, Suffolk Constabulary, Surrey Police, Sussex Police, Thames Valley Police, Warwickshire Police, West Mercia Police, West Midlands Police, West Yorkshire Police and Wiltshire Police.

<sup>102</sup> Humberside Police, Northumbria Police and North Wales Police.

<sup>103</sup> Avon & Somerset Police, Cambridgeshire Constabulary, City of London Police, Devon and Cornwall Police, Dorset Police, Hampshire Police, Humberside Police, Leicestershire Police, Norfolk Constabulary, Northamptonshire Police, North Wales Police, South Yorkshire Police, Suffolk Constabulary and Sussex Police,

<sup>104</sup> Bedfordshire Police, Cleveland Police, Derbyshire Constabulary, Durham Constabulary, Dyfed Powys Police, Gwent Police, Hertfordshire Constabulary, Kent Police, Lincolnshire Police, Northumbria Police, North Yorkshire Police, Nottinghamshire Police, South Wales Police, Staffordshire Police, Surrey Police, Thames Valley Police, Warwickshire Police, West Mercia Police, West Midlands Police, West Yorkshire Police and Wiltshire Police.

5. 7,021 cases had been reviewed in total, of which 205 resulted in the revocation of a firearm certificate; and
  6. five forces reported the voluntary surrender of certificates in a total of 55 cases.<sup>105</sup>
- 5.38. We are concerned that seven forces have not adopted the advice of their national policing lead for firearms licensing and conducted a review. While we recognise the independence that a chief constable has in running his or her force, the National Police Chiefs' Council's approach of appointing lead officers to help to guide the police service as a whole will not achieve the improvements that it seeks if its constituent members do not abide by the advice which their experts provide.
- 5.39. Certificates issued prior to the change to the Home Office guidance may not be subject to renewal until as late as October 2018. Without a retrospective review of the suitability of these certificate holders, and not just in respect of their involvement in incidents of domestic abuse, there is a continuing risk that a small but significant proportion of certificate holders are not in fact suitable to continue to have access to or to possess a firearm.
- 5.40. In the interest of public safety, all forces that have yet to complete a retrospective review of certificates issued prior to the changes made to the Home Office guidance should do so without further delay. Forces where such a review has been completed should now extend the scope of this review to consider other issues relevant to public safety in addition to domestic abuse incidents.

## **Recommendation 12**

Within six months, all chief constables should either satisfy him or herself that they have completed, or complete, a retrospective review of the certificate holders' continued suitability to have access to or possession of firearms in the case of section 1 firearms and shotgun certificates issued before the Home Office guidance was updated in relation to the on-going monitoring of the activity of a certificate holder or associates. This review should extend to all such activity which may give rise to concern for public safety.

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<sup>105</sup> Bedfordshire Police, Durham Constabulary, Hertfordshire Constabulary, Northumbria Police and North Wales Police.

## How effective are the arrangements for the assessment of risk during every day policing activity?

- 5.41. The ongoing monitoring of risk is not simply the preserve of those working within the firearms licensing department. It is also the responsibility of operational police officers and staff.
- 5.42. An effective way of monitoring certificate holders is by ensuring operational officers know when they are attending an incident if a certificate holder is involved or if the incident is reported to be at the certificate holder's address. This is for the officers' safety, and it allows them to consider, when dealing with the incident, whether for the safety of the certificate holder or others, the firearm and certificate should be removed. If, in appropriate circumstances, they fail to do so, and the firearm is subsequently misused before action is taken by firearms licensing staff, the police will have failed in their duty.
- 5.43. There are two interdependent factors if the police are to do this effectively:
1. the ability to identify incidents involving or possibly involving a firearm certificate holder, prior to the attendance of an officer or member of staff; and
  2. an understanding by attending officers and staff of when and how to exercise their powers to seize firearms and firearm certificates.<sup>106</sup>
- 5.44. In the 11 forces which we inspected, we found that 7 forces had introduced processes which meant that every incident which related to the name or address of a firearm certificate holder was automatically flagged.<sup>107</sup> This ensured that attending officers were informed of the possible involvement of a firearm, and further enquiries through the National Firearms Licensing Management System were prompted. This is good practice which should be considered by all forces.
- 5.45. However, in the other four forces which we inspected, the system in place was less effective and it was not being applied on every occasion.<sup>108</sup> For example, in one force, we reviewed five domestic abuse incidents and found that the relevant checks had only been completed on two occasions: both of these were undertaken after the officers had arrived at the scenes, potentially

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<sup>106</sup> It should be noted that the only power of seizure is a common law power available to police officers. A member of police staff, such as a police community support officer, who wished to seize a firearm or certificate, would need to request the attendance of a police officer.

<sup>107</sup> Dorset Police, Durham Constabulary, Lincolnshire Police, North Yorkshire Police, Sussex Police, Warwickshire Police and West Mercia Police.

<sup>108</sup> Cumbria Constabulary, Essex Police, Dyfed Powys Police, and Surrey Police.

denying them the opportunity to take action to seize any firearms and firearm certificates, if this should have been considered appropriate.<sup>109</sup>

- 5.46. In two forces, officers and staff in focus groups were unaware of the action which they should take to seize firearms and certificates in such circumstances.<sup>110</sup>

### **Recommendation 13**

Within three months, all chief constables should ensure that systems designed to identify, whether a reported incident involves or is at the address of a firearm certificate holder are in place prior to police attendance; that they are always applied by staff dispatching officers to incidents; and that officers understand the risk assessment which they should be undertaking in such circumstances, and their power, when appropriate, to seize firearms and firearm certificates.

## **How effective is the decision making for firearms licensing?**

- 5.47. The Home Office guidance sets out the approach to be taken by the police for the grant and refusal of an application for a firearm certificate, it also separately describes the procedures in respect of the revocation of a certificate.<sup>111</sup> However, it does not prescribe who in the force can take these decisions, save that the chief officer is responsible for the decisions taken.

- 5.48. The Authorised Professional Practice states that:

"[s]taff with delegated responsibilities should have the experience and capability to ensure they can audit and account for their decision making."<sup>112</sup>

- 5.49. It further states that:

"all decisions are...primarily based on reducing risk to public safety through preventing foreseeable or avoidable harm."<sup>113</sup>

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<sup>109</sup> Cumbria Constabulary.

<sup>110</sup> Dorset Police and Dyfed Powys Police.

<sup>111</sup> *Guide on Firearms Licensing Law*, Home Office, March 2015, chapter 10, paragraphs 10.26-10.30 and 10.63-10.70.

<sup>112</sup> *Authorised Professional Practice, Firearms Licensing*, College of Policing, 2014, section 2.1.

<sup>113</sup> *Op cit*, section 2.2.

- 5.50. We considered the arrangements in forces for making firearms licensing decisions; in particular, we examined the extent to which decisions in relation to the refusal to grant or renew or to revoke a certificate had been delegated by the chief officer.
- 5.51. We found that the 11 forces which we inspected all allowed decisions regarding the granting and renewal of certificates to be made by staff working within the firearms licensing department – usually the firearms licensing manager or a dedicated firearms licensing decision maker.
- 5.52. However, we found that the role and rank at which decisions were made in respect of refusals to grant or renew or to revoke a certificate were less consistent. In six forces, the firearms licensing manager took these decisions;<sup>114</sup> in the remaining forces, the decisions were taken by a senior police officer, from the rank of superintendent up to the rank of deputy chief constable.<sup>115</sup>
- 5.53. Given that neither the Home Office guidance nor the Authorised Professional Practice prescribes the level at which particular decisions should be taken, the absence of a consistent approach is unsurprising. However, past events tell us that such decisions can come under intense public scrutiny and much criticism, the implication of which can be significant for both the individual and the reputation of the force.
- 5.54. We consider that forces should look again at the level of decision-making in this area and ensure that they balance the potential risk associated with an incorrect decision with the seniority of officer or member of staff who is required to take it. In short, our approach is that the greater the risk, the more senior should be the officer who is required to assume it.

#### **Recommendation 14**

Within six months, the Home Office, in consultation with the national policing lead for firearms licensing, should amend the Home Office guidance to prescribe the level to which each type of firearms licensing decision may be delegated by the chief officer of police.

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<sup>114</sup> Dyfed Powys Police, Lincolnshire Police, Sussex Police, Surrey Police, Warwickshire Police and West Mercia Police.

<sup>115</sup> Cumbria Constabulary, Dorset Police, Durham Constabulary, Essex Police, North Yorkshire Police.

## **Decisions to refuse or revoke a certificate**

- 5.55. As we have set out in paragraph 2.13, approximately 1.5 percent of new applications for section 1 firearm certificates and 2.8 percent of new applications for shotgun certificates are refused. In addition, 402 section 1 firearm certificates and 1,377 shotgun certificates were revoked by police forces during the 12 months between April 2013 and March 2014.
- 5.56. Decisions to refuse or revoke a certificate, often following the seizure of the firearms from a certificate holder, can only be taken if one of a number of grounds specified in the Firearms Act 1968 is satisfied.<sup>116</sup>
- 5.57. One of the main reasons to refuse or revoke a certificate is that the applicant or certificate holder cannot be permitted to possess the firearm without danger to public safety or to the peace. However, there is no definition, either in the Firearms Act 1968 or in the Home Office guidance, to describe or explain how “danger to the peace” should be applied when the question of refusal to issue a certificate or to revoke a certificate arises.
- 5.58. We found that this has led forces to interpret and to apply its meaning in various ways. There is a risk, therefore, that decisions in one force regarding what amounts to “danger to the peace” will be substantively different in another, notwithstanding the same set of circumstances.

### **Case study 6**

A firearm certificate holder was in dispute with his local authority which had refused to prune trees which were on his property and which bordered a school field. The certificate holder used his shotgun to shoot leaves from the trees to prune them.

Although the school was unoccupied at the time of the incident, these actions caused concern and alarm to neighbours.

The force decided that the actions of the certificate holder did not meet the grounds for revocation of his certificate and the matter was dealt with by the issue of a warning letter from the police to the certificate holder regarding his conduct.

- 5.59. The above case study is indicative of concerns expressed to us by forces which, on occasion, considered that the current grounds for revocation restricted their decision making, particularly where the concern in respect of the certificate holder related to some form of irresponsible or anti-social activity, as opposed to a concern for public safety or to the peace.

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<sup>116</sup> Section 30A (2)-(5), Firearms Act 1968, for section 1 firearm certificates and section 30C (1)-(2), Firearms Act 1968 for shotgun certificates.

5.60. The case of the Chief Constable of Essex v Germain<sup>117</sup> provides an example where the phrase “danger to the peace” was considered. There, the court ruled that:

"[w]hen deciding whether to exercise his discretion to revoke a shotgun certificate, a chief constable is entitled to have regard to a variety of different types of irresponsible and uncontrolled behaviour on the part of the certificate's holder, including driving a motor vehicle with an excessive blood-alcohol level."<sup>118</sup>

5.61. This suggests that irresponsible behaviour is a fair and reasonable consideration to which the current legislation can be applied. If this had been applied to the above case study, the force may have chosen to revoke the licence holder's certificate on the basis of his behaviour and lack of self-control.

5.62. We are satisfied that this is an area where further guidance to help forces to interpret the phrase “danger to the peace” would be helpful, particularly where the evidence supports irresponsible or anti-social behaviour. We consider that our analysis of the case law set out above will help forces to adopt a more robust approach than might have been the case previously in order to err on the side of public safety, but greater guidance would be helpful.

### **Recommendation 15**

Within six months, the Home Office, in consultation with the national policing lead for firearms licensing, should amend the Home Office guidance to explain and to provide practical examples of how “danger to the peace” should be interpreted by the police for the purposes of revoking a section 1 firearms or shotgun certificate, particularly in regard to circumstances of irresponsible or anti-social behaviour by licence holders.

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<sup>117</sup> Chief Constable of Essex v Germain (1991) 156 JP109.

<sup>118</sup> *Ibid.* Headnote.

## 6. Are forces' licensing arrangements informed by effective engagement with stakeholders?

- 6.1. Our fourth term of reference was to examine how effectively forces engage with stakeholders (for example, medical professionals, firearm certificate holders, special interest groups, educational establishments and the public).
- 6.2. The Authorised Professional Practice states that firearms licensing arrangements:
- "must also deliver a quality service through public engagement."<sup>119</sup>
- 6.3. The expectation of effective public engagement is not limited to firearms licensing. To help the police to understand the importance of public engagement and how this supports the delivery of an efficient and effective service, the College of Policing has published Authorised Professional Practice specifically regarding engagement and communication to which the firearms licensing section of the Authorised Professional Practice is linked.<sup>120</sup>
- 6.4. That document sets out a number of principles which apply equally to firearms licensing arrangements as they do other areas of policing, and which we examined in our inspection. These principles explain that:
1. [public] engagement should be considered as a core element of police activity, informing and impacting on every area of policing. A genuine commitment from leadership plays an important role in ensuring that public engagement is effective;
  2. the level of engagement sets the dominant philosophy for policing. The public have the opportunity to question and better understand the legitimacy of police actions and hold the police to account for the effectiveness and quality of their services;
  3. fair decision making and positive public interaction and engagement can improve [public] perceptions and increase 'institutional trust', thereby enhancing police legitimacy; and
  4. an inadequate police response... may have a significant impact on the confidence of the community.

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<sup>119</sup> *Authorised Professional Practice, Firearms Licensing*, College of Policing, 2014, section 1.

<sup>120</sup> *Engagement*, College of Policing, 2013. It is available at: [www.app.college.police.uk/app-content/engagement-and-communication/engaging-with-communities/](http://www.app.college.police.uk/app-content/engagement-and-communication/engaging-with-communities/)



- 6.5. We found that all the forces which we visited recognised the importance of good public engagement and how this can contribute to the delivery of effective firearms licensing arrangements. However, we found that not all forces demonstrated this in their level of investment or commitment to undertaking public engagement.
- 6.6. Of the 11 forces which we inspected, 6 attended local game fairs where they had the opportunity to interact with certificate holders.<sup>121</sup> Five had engaged with the firearms community by attending local gun clubs<sup>122</sup> and, in five forces, open days had been undertaken which allowed the public to engage with firearms licensing staff.<sup>123</sup>
- 6.7. We found that only one force actively sought to engage with users of the licensing service through customer satisfaction surveys and innovative use of social media.<sup>124</sup> This force also provided the opportunity for broader consultation with a bi-annual consultative committee, chaired by a chief officer, which provides any interested party with the opportunity to discuss issues or concerns. Only one of the other forces which we inspected actively sought to consult with other interest groups, such as medical professionals or those heading educational establishments.<sup>125</sup>
- 6.8. We also found that the ability directly to speak to firearms licensing staff during normal working hours varied between forces, with three forces restricting the times that they would take calls from the public, often to just a few hours each day.<sup>126</sup>
- 6.9. Firearm certificate holders confirmed this mixed picture. We found that some had struggled to make contact with their firearms licensing departments and expressed concern about the department's availability and speed of response to enquiries.
- 6.10. Forces must make improvements if the efficiency and effectiveness of the service experienced by certificate holders is to be improved, as it should be, through public engagement.

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<sup>121</sup> Cumbria Constabulary, North Yorkshire Police, Surrey Police, Sussex Police, Warwickshire Police and West Mercia Police.

<sup>122</sup> Dorset Police, Dyfed Powys Police, Durham Constabulary, North Yorkshire Police and Sussex Police.

<sup>123</sup> Durham Constabulary, North Yorkshire Police, Warwickshire Police and West Mercia Police.

<sup>124</sup> North Yorkshire Police.

<sup>125</sup> Durham Constabulary.

<sup>126</sup> Durham Constabulary, Warwickshire Police and West Mercia Police.

**Recommendation 16**

Within three months, all chief constables should ensure that their current arrangements for public engagement with regard to firearms licensing are practical, proportionate and well known. They need to enable the force to understand the experience of service users and other interested groups. Thereafter, all chief constables should introduce effective systems to consider the results of public engagement to inform the efficiency and effectiveness of their licensing arrangements.

## 7. How can the licensing arrangements be improved?

- 7.1. Our recommendations address some of the shortcomings which we have identified during the course of our inspection. If those recommendations are implemented, we consider that the current licensing arrangements would be more clearly understood and more consistently applied, leading to greater levels of public safety and confidence.
- 7.2. We have identified three further areas, which, if addressed, would make the licensing arrangements more effective:
1. simplifying the licensing process through digitisation;
  2. introducing independent scrutiny of licensing decisions; and
  3. enhancing the status of firearms guidance.

### **Simplifying the licensing process through digitisation**

- 7.3. The firearms licensing process starts with an application form submitted to the firearms licensing department. While this form is available in both hard copy and electronic formats (although not all forces provide the applicant with the latter option), it cannot be submitted electronically. The form requires a so-called wet signature. This means that the form has to be printed, completed by hand and submitted as a paper application. Certificates are also issued in paper format and must be retained by the certificate holder for the currency of the certificate. Given the advancements in technology in recent years, this system is out of date and inefficient.
- 7.4. We found that certificate holders were frustrated with the current system, with many telling us that they would like a fully digitised process which is up-to-date, efficient, reliable, rigorous and transparent.
- 7.5. We were encouraged to find that the national policing lead for firearms licensing has been undertaking work in this field for some time. He has put forward proposals which would lead to a more efficient digitised process for the user and for the police, and a more consistent approach to licensing. They have the potential to improve public safety through automated links to other information technology systems which would enable the police to cross-refer new and renewal applications for a firearm licence with other police databases as part of the risk assessment process.

- 7.6. The proposed system would allow applicants to review their records and track progress of an application, as well as enable licensing staff to update applicants about progress. Forces would also have the opportunity to share information, thereby reducing duplication, sharing workload and streamlining management structures.
- 7.7. In HMIC's *State of Policing* report published on 27 November 2014, we said:
- "[i]t remains a matter of very serious concern that progress in ensuring interoperability of police systems of information and communications technology has been as slow, insular and isolationist as it has. Until the police have a fully-functional interoperable system of networks... public safety is imperilled and lives are at risk."<sup>127</sup>
- 7.8. We support the national policing lead's proposals. It is essential that a technology-based system which permits easy access for those who need the information is developed. It needs to be nationally adopted and up-to-date. We also support efforts to ensure that the Home Office prioritises this work.
- 7.9. However, we are concerned that, although the majority of forces are already committed to support the introduction of the system, not all are. Just as we expect the Home Office to support the digitalisation proposals, so we expect chief constables to do the same. Not a single force should want to preserve an antiquated system of licensing when a more efficient, more comprehensive, and, frankly, better system is available to them. We urge the leaders of those forces to reconsider their position and accept the collective benefit and efficiencies which supporting and adopting a more modern system will bring.

## **Introducing independent scrutiny of certain licensing decisions**

- 7.10. Decisions which have an impact on public safety are some of the most important which the police have to take. They are often complex, involving the consideration of a mass of information, some of which may point to opposite conclusions. Sometimes, there is what seems to be an unmanageable quantity of information to consider. Personal experience as well as professional knowledge informs the final decision.

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<sup>127</sup> *State of Policing: The Annual Assessment of Policing in England and Wales 2013/14*, HMIC, London, November 2014. It is available at: [www.justiceinspectors.gov.uk/hmic/wp-content/uploads/state-of-policing-13-14.pdf](http://www.justiceinspectors.gov.uk/hmic/wp-content/uploads/state-of-policing-13-14.pdf)

- 7.11. During the course of our inspection, we were concerned by the extent to which some who have been involved in the licensing arrangements have expressed concern about the impartiality of the decision takers. A recurring theme was the familiarity between licensing staff and certificate holders. Let us state what may be obvious: the decision-making process must be open, transparent and auditable and the decision to grant, renew, refuse or revoke a firearm certificate must be fair, impartial and rational.
- 7.12. But the police need to go further; public confidence will not be secured or maintained – even if these qualities in the decision-making process and the decision itself are present – if there is no independent means to verify the correctness of what has taken place. The decisions taken by the police must not only be fair; they must be seen to be fair.
- 7.13. We have concluded that the introduction of independent scrutiny of the decision-making process would be one way to provide the public with the means to hold the police accountable for the licensing decisions which they take and the way in which they take them.
- 7.14. We accept that it would not be practical to provide a means of scrutiny for every licensing decision that is taken by the police. We have focused on the issues surrounding the possible revocation of a firearm licence, following a police investigation into whether the licence holder should be allowed to continue to hold a certificate.
- 7.15. The certificate holder has the right to go to court to have the police's decision to revoke his or her licence reconsidered. However, a decision to continue to allow a certificate holder to possess a firearm following such an investigation is not open to review.
- 7.16. We recognise immediately the practical difficulties that exist: these matters are decided "behind closed doors" and the public generally do not come to learn of a decision not to revoke a firearm licence often until a later tragedy has occurred and an inquest is held. But it is in an effort to prevent even one such incident such as that occurring that we consider that independent scrutiny of such decisions is required.
- 7.17. We recommend that consideration should be given to how such a system of independent scrutiny of all decisions regarding non-revocation of a firearm licence might be established and made to work.

### **Recommendation 17**

Within six months, the Home Office should take the necessary steps to consult interested parties in relation to the viability and circumstances in which an element of independent oversight of police decisions not to revoke a section 1 firearm or shotgun certificate could be introduced.

## **Enhancing the status of firearms guidance**

- 7.18. There is a significant volume of Home Office guidance on firearms licensing, supported by the College of Policing's Authorised Professional Practice. Yet, in many respects, they provide too much opportunity for interpretation and discretion by forces.
- 7.19. Throughout this report, we have commented on the way in which the Home Office Guidance and the Authorised Professional Practice appear to fall short of placing requirements on the police with regard to licensing arrangements, for example, in respect of the use of home visits; unannounced home visits; contact made with referees; the seeking of professional medical advice when considering the medical suitability of an applicant; and the extent to which licensing decisions can be delegated.
- 7.20. We understand entirely the rationale for this: chief constables have considerable autonomy in the way in which they discharge their duties and provide policing to their communities. The imposition of mandatory ways of working may be seen as contrary to that general principle.
- 7.21. But there is a simple question to be addressed here: should chief officers be permitted to make local arrangements in this sensitive area of policing or should they be obliged to adopt processes and procedures that have been carefully considered to provide a uniform and consistent approach to dealing with the licensing of firearms.
- 7.22. When the consequence of poor decisions and poor decision-making processes may be the death of a member of the public, we consider that local autonomy should give way.
- 7.23. Accordingly, we consider that both the Home Office guidance and the Authorised Professional Practice can be improved. Their bases provide a solid set of building blocks to ensure an effective firearms licensing system, but that grounding is weakened if it is not made a requirement for chief constables to put in place the recommended approach.
- 7.24. Clearer, more authoritative guidance that is properly followed does not remove local responsibility and accountability for the decisions that are taken – those remain firmly with the chief constable of each force – but it renders those decisions more likely to be good ones.
- 7.25. We set out proposals in this regard at paragraphs 8.18-23.

7.26. We cannot leave the issues around the volume and quality of firearms guidance without making reference to the Law Commission's scoping consultation paper on firearms law published on 20 July 2015.<sup>128</sup> The introductory remarks of the Law Commissioner express clearly the difficulties:

“The present law on firearms is found in over 30 pieces of legislation. It contains numerous illogicalities and inconsistencies, and can be difficult to use. The Law Commission believes there is a strong case for bringing all firearms legislation under a single Act, to clarify the law, make it easier to use and future-proof it against technological change.”<sup>129</sup>

7.27. We entirely agree.

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<sup>128</sup> *Firearms Law A Scoping Consultation Paper*, Law Commission, Consultation Paper No 224, The Stationary Office, July 2015. It is available at: [www.lawcom.gov.uk/wp-content/uploads/2015/07/cp224\\_firearms.pdf](http://www.lawcom.gov.uk/wp-content/uploads/2015/07/cp224_firearms.pdf)

<sup>129</sup> Professor David Ormerod QC, Law Commissioner for criminal law. His remarks are available at: [www.lawcom.gov.uk/firearms-making-the-law-more-balanced-and-more-effective/](http://www.lawcom.gov.uk/firearms-making-the-law-more-balanced-and-more-effective/)

## 8. How well do forces implement changes following recommendations from national reports into fatal shootings?

- 8.1. We have deliberately left consideration of our final term of reference until this point in our report because we want to take the opportunity to make some broader observations about how well lessons are learnt from the past.
- 8.2. We observed throughout the inspection that lessons from the past have not always been learnt, or if changes have been made, that they still allow for interpretation and variation in their application by forces. Not learning the lessons of the past, in particular where they involve public safety, fails the victims of these events, their families and the public, and is unacceptable.
- 8.3. Our clear conclusion with regard to this term of reference is that forces have done little to implement changes independently. They have waited for a response to emerge at a national level, be that from the government or the overarching police group that has responsibility for firearms policy. A comprehensive response has not been forthcoming.
- 8.4. But we want to widen the debate beyond how forces have implemented change because we are certain that this area of policing is so important and so sensitive that a national approach is the right and only way forward.
- 8.5. We have conducted some limited research generally in the area of firearms regulation. We accept immediately that our research is not comprehensive. However, we are satisfied that it provides a flavour of what has happened with regard to the recommendations which have been made in the field of firearms regulation.
- 8.6. It is perhaps inevitable that the public's attention is drawn to firearms regulation following well-publicised tragedies in which firearms have been used. Such tragedies lead to inquests at the end of which the coroner often makes a series of recommendations in an attempt to prevent a similar tragedy from occurring again. Often, public inquiries and investigations by the Independent Police Complaints Commission are then held which, in turn, generate more recommendations.
- 8.7. Since 1987, more than 300 national recommendations have been made with regard to firearms licensing. Yet more recommendations have been made by bodies, such as HMIC. These have touched on the need for liaison between the police and medical practitioner; the role that referees should play in the licensing process; and the need for parity of approach between firearms and shotgun licences.



- 8.8. We are certain that some recommendations have been accepted and implemented: it would take a piece of work of some magnitude to identify every recommendation that has led to change. However, we are equally certain that many recommendations have not been implemented.
- 8.9. We have focused on one example which links with our earlier commentary regarding the status of guidance.<sup>130</sup> On three occasions, different inquiries have made recommendations with regard to the need to place guidance on a statutory footing:
1. In 2010 the Home Affairs Committee said that: "[t]he Government should facilitate a change in the status of the guidance to make it an Approved Code of Practice, to give police decisions greater weight with the courts".<sup>131</sup>
  2. Later in 2010, the police report which followed a fatal event in Cumbria involving certificate holder Derrick Bird said that: "[p]olice forces are expected by Parliament to have regard to the Home Office guidance in this area. The courts do not afford the same consideration to the guidance and, in some instances, a court has not permitted a jury to have access to the guidance. I suggest that a change in status to that of an "Approved Code of Practice" would be useful".<sup>132</sup>
  3. In 2013, following the events involving Michael Atherton on 1 January 2012, the Independent Police Complaints Commission noted that: "[w]ork is currently being undertaken by the Home Office to update the national guidance around firearms law. However the Independent Police Complaints Commission also supports the Home Affairs Committee's recommendation following its inquiry into controls on firearms in 2010, that the government should facilitate a change in the status of the guidance to make it an Approved Code of Practice, to give police decisions greater weight with the courts".<sup>133</sup>

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<sup>130</sup> See paragraph 2.4 et seq.

<sup>131</sup> *Firearms Control*. Home Affairs Select Committee, Third Report, December 2010. Available from [www.publications.parliament.uk/pa/cm201011/cmselect/cmhaff/447/44702.htm](http://www.publications.parliament.uk/pa/cm201011/cmselect/cmhaff/447/44702.htm)

<sup>132</sup> *A report (Part 1) concerning the grant of a firearm certificate and a shotgun certificate to Derrick Bird by Cumbria Constabulary and (Part 2) observations regarding potential changes to the system of granting such certificates and related provisions in law*, Association of Chief Police Officers' Firearms and Explosives Licensing Working Group, November 2010. It is available at: [www.dorset.police.uk/pdf/Cumbria\\_Report\\_Part1.pdf](http://www.dorset.police.uk/pdf/Cumbria_Report_Part1.pdf) and [www.dorset.police.uk/pdf/Cumbria\\_Report\\_Part2.pdf](http://www.dorset.police.uk/pdf/Cumbria_Report_Part2.pdf)

<sup>133</sup> *Mr Michael Atherton: IPCC investigation into the granting, management and review of his shotgun certificate and firearm licence by Durham Constabulary*, IPCC, May 2013. It is available at:

- 8.10. Action has not been taken to implement these recommendations.
- 8.11. We have one further important observation to make. As we have set out above, the guidance provided to the police with regard to firearms licensing arrangements does not have the force of law. Indeed, courts have on occasion suggested that the guidance is not relevant to their considerations. It is difficult to understand how a court cannot be permitted to consider the guidance on which the police base their licensing decisions, when the court is judging the appropriateness of those very decisions when they are appealed.
- 8.12. And so, we come to consider what may happen to the recommendations that we have set out in this report. History suggests that this volume will stand alongside others that have been written and form part of the backdrop of knowledge in the area of firearms licensing – until the next fatal tragedy involving a firearm, at which time, others following us will be asked to prepare a report, and the pattern of inaction will continue.
- 8.13. Our work and the work of many others count for nothing if there is a failure to implement our recommendations, all of which are designed to protect the public.
- 8.14. Exactly the same point can be made with regard to guidance and practice: they too count for nothing if they are seen as discretionary and incapable of enforcement.
- 8.15. We summarise the current position as follows:
- 1 the relevant firearms licensing arrangements are set out across a substantial number of statutes;
  - 2 the Home Office guidance is too discretionary in approach;
  - 3 in any event, it seems as though the courts may not be prepared to place weight on it when deciding cases; and
  - 4 previous recommendations designed to strengthen the current position have not been implemented.
- 8.16. This is not a satisfactory situation and it cannot be allowed to continue.
- 8.17. We are clear that the Home Office should review how the status of the guidance may be enhanced, in order to ensure that the police and, where necessary, the courts take into account the same considerations.

- 8.18. We consider that the current Home Office guidance should be distilled into clear rules that chief officers should be obliged to follow. Those rules should carry the weight of the law and we are encouraged by the fact that ministers in the Home Office have made rules under the Firearms Act in the past.<sup>134</sup>
- 8.19. We do not see any reason why that approach cannot be adopted in respect of the current guidance.
- 8.20. Such an approach also has the advantage that substantial volumes of guidance can be distilled into a far simpler set of requirements which, if drafted appropriately, need not be spread over hundreds of pages. This will ensure greater clarity, better accessibility, and considerably more consistency of approach.
- 8.21. The focus which such a set of rules will provide to the police will do much to ensure the better application of the firearms licensing arrangements.
- 8.22. Thereafter, the College of Policing should reconsider its Authorised Professional Practice to ensure that it follows the Home Office's lead and produces clear and crisp guidance which identifies the way that the police should give effect to the rules. There should not be any room for debate, inconsistency of approach or discretion.
- 8.23. In addition, rules made by the Home Office under the Firearms Act 1968 should enable the courts to have regard to them.

### **Recommendation 18**

Immediately, the Home Office should take the steps necessary to distil the key elements of its guidance into a set of rules which carry the weight of the law to facilitate their consistent application and enforcement.

- 8.24. We cannot make our position any clearer: it is now for others to accept the need for change. If they do, perhaps the life of the next victim of firearms misuse might be saved. What is highly likely is that, if change is not effected, there will be another tragedy.

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<sup>134</sup> See, for example, The Firearms (Amendment) Rules 2013, SI 2103 No 1945 made under sections 26A(1), 26B(1) and 53, Firearms Act 1968.

## 9. Conclusions

- 9.1. Notwithstanding our concerns and criticism of those who are responsible for establishing, maintaining and following the current licensing arrangements, it is only right that we state clearly and unequivocally that the vast majority of decisions concerning the grant, renewal, refusal and revocation of firearm licences are correct. Those decisions help to keep the public safe while allowing those who have a legitimate wish to hold a firearm or a shotgun to do so.
- 9.2. However, no-one should be satisfied with “the vast majority”: given the nature of the threat, the aim of all forces, those who oversee them and those who design the policy to regulate them must be that every decision taken is the right one. With the risks that are inherent in the possession of lethal weapons, nothing short of that goal is acceptable.
- 9.3. We have a number of concerns regarding the current arrangements and their implementation.
- 9.4. On too many occasions, the police are not following the Home Office guidance or the Authorised Professional Practice that are in place. And, the guidance and practice in many respects are inadequate, allowing room for interpretation and the creation of inconsistency in the way firearms licensing is undertaken within and between police forces. This creates an environment in which members of the public are let down and their safety compromised. This is not acceptable.
- 9.5. In many forces, basic scrutiny of the efficiency and effectiveness of their licensing arrangements is not in place. Only 4 of the 11 forces which we inspected had monitoring and audit arrangements; 3 had a limited form of audit; and the remainder did not have any. In such cases, forces can only learn about the effectiveness of their arrangements when things go wrong, by which time it is too late.
- 9.6. The time taken by forces to complete the process of firearms licensing tells its own story of inconsistency and inefficiency. Five forces took in excess of 100 days to grant a new section 1 firearm certificate, whereas 13 forces took an average of 40 days or less. For the granting of a new shotgun certificate, 18 forces took in excess of 60 days, whereas 5 took less than half this time. The delays that are evident in a number of forces are inexplicable and unacceptable.
- 9.7. Inconsistency was found to be a theme. Whether it is the approach to the contacting of referees, the use of home visits, the way in which forces respond to expired licences, the use of temporary permits or something as

fundamental as the level of decision making, we found inconsistency. Often, forces are working outside the Home Office guidance and the Authorised Professional Practice and they are sometimes inexcusably compromising public safety.

- 9.8. Not all forces are the same. We found examples of good practice, but these were the exception. In an environment in which the public place their trust in the police to keep them safe, good practice should be commonplace.
- 9.9. The primary purpose of firearms law in England and Wales is to control the possession and use of firearms and to keep people safe. To do this requires effort and an understanding of what must be done. This understanding is provided by the Home Office guidance and the Authorised Professional Practice, but we found that these allow for interpretation and discretion and place requirements on the police which do not fulfil their intended purpose.
- 9.10. For example, the police are expected to undertake unannounced home visits where they have intelligence to suggest the certificate holder may not be complying with the requirements of his or her certificate, particularly in respect of the security of his or her firearm. Yet, while this expectation is laid down in the Home Office guidance, the police require the cooperation of the certificate holder to gain access to the property where the firearm is held, as the law does not enable the police to fulfil their duty by inspecting the firearm, ammunition and the site where they are stored. In such circumstances, the police are in an invidious position; their duty is compromised; and the public are potentially put at risk.
- 9.11. We also found that the Home Office guidance and the systems in place to assess the medical suitability of a licensing applicant, and new proposals that aim to improve these (as welcome as they are), compromise the effectiveness of the police in fulfilling their licensing responsibilities. They allow licensing to proceed without a medical report, and they allow GPs to decide whether they will notify the police of any material change to a certificate holder's medical situation, including their mental well being. A system which fails properly to allow for an effective and ongoing assessment of the medical suitability of a person who is, or seeks permission to be, in possession of a firearm places the public at risk. Once again, this is not acceptable.
- 9.12. Despite enhancements in technology, the licensing system still relies on a paper-based application process. Digitisation of the system would reduce bureaucracy, increase transparency, allow applicants to track progress, reduce the variability in the way forces manage the application process and make it much more efficient and effective. We were pleased to find that progress is being made in this regard. Urgency in delivery across all 43 forces is now required.

- 9.13. For those responsible for the firearms licensing arrangements, both at a strategic and an operational level, the choice is stark. Accordingly, our advice is direct: continue to support existing processes which are often flawed, and accept the inevitable consequences of further tragedy, or design better processes, properly supported in law, that allow for uncompromising rigour and consistent application, and which enable the public to have confidence that the police are properly carrying out their licensing responsibilities by targeting the risk that the possession of any firearm carries.

## 10. List of recommendations

- 10.1 We have made 18 recommendations in this report. For ease of reference, we have drawn them together in a single chapter here and organised them by reference to those to whom they are addressed.
- 10.2 It should be noted that those recommendations addressed to the Home Office concerning the content of its guidance should be read subject to our recommendation 18 which sets out our view that formal rules should be introduced in this area.

### To chief constables

#### Recommendation 1

Within three months, all chief constables should assess how well the governance of firearms licensing in his or her force meets the standards set out in Authorised Professional Practice. Chief constables of forces where the governance standards are not being complied with should put in place immediately the correct arrangements and procedures in order to meet the standards in full.

[paragraph 3.9]

#### Recommendation 2

Within six months, all chief constables should establish arrangements for the effective monitoring and audit of their firearms licensing procedures, as required by the Authorised Professional Practice.

[paragraph 3.14]

#### Recommendation 4

Within three months, all chief constables should assess the demand placed on their firearms licensing department and ensure it has the capacity to meet this demand and provide an efficient and effective service at all times.

[paragraph 4.20]

#### Recommendation 8

Immediately, all chief constables should satisfy themselves that all appropriate action is being taken by their force with regard to 'total expired' licensing records.

[paragraph 4.86]

**Recommendation 9**

Within three months, all chief constables should ensure that their arrangements in respect of the use of temporary permits are in accordance with the Home Office guidance; that temporary permits are properly recorded without delay on the National Firearms Licensing Management System; and that effective systems exist to ensure certificate holders are not permitted, at any time, to remain in unlawful possession of a firearm.

[paragraph 4.96]

**Recommendation 10**

Immediately, all chief constables should ensure that effective arrangements are in place for the day-to-day management of Police National Computer error notifications on the National Firearms Licensing Management System, ensuring that the notification requirements are dealt with and that the National Firearms Licensing Management System record is successfully transferred to the Police National Computer.

[paragraph 4.103]

**Recommendation 12**

Within six months, all chief constables should either satisfy him or herself that they have completed, or complete, a retrospective review of the certificate holders' continued suitability to have access to or possession of firearms in the case of section 1 firearms and shotgun certificates issued before the Home Office guidance was updated in relation to the on-going monitoring of the activity of a certificate holder or associates. This review should extend to all such activity which may give rise to concern for public safety.

[paragraph 5.40]

**Recommendation 13**

Within three months, all chief constables should ensure that systems designed to identify, prior to police attendance, whether a reported incident involves or is at the address of a firearm certificate holder are in place and are always applied by staff dispatching officers to incidents; and that officers understand the risk assessment which they should be undertaking in such circumstances, and their power, when appropriate, to seize firearms and firearm certificates.

[paragraph 5.46]



### **Recommendation 16**

Within three months, all chief constables should ensure that their current arrangements for public engagement with regard to firearms licensing are practical, proportionate and well known. They need to enable the force to understand the experience of service users and other interested groups. Thereafter, all chief constables should introduce effective systems to consider the results of public engagement to inform the efficiency and effectiveness of their licensing arrangements.

[paragraph 6.10]

## **To the Home Office**

### **Recommendation 5**

Within six months, the Home Office should capture and publish the average time taken by each force for the grant and renewal of firearm certificate applications, as part of the annual publication of firearm and shotgun certificates in England and Wales.

[paragraph 4.30]

### **Recommendation 6**

Within six months, the Home Office should amend its firearms licensing guidance so that it explicitly requires the police to conduct home visits for all new grant applications, setting out the purpose of these visits and how they should be conducted. In the case of renewals, the guidance should also set out more clearly the way in which the risk assessment process should be used to establish whether a home visit is required.

[paragraph 4.56]

### **Recommendation 7**

Within 12 months, the Home Office should amend its firearms licensing guidance so that it explicitly requires the police to conduct unannounced home visits when it is judged necessary in the light of intelligence. The Home Office should ensure that, in such cases, the law enables the police to fulfil their duty by inspecting the firearm, ammunition and the site where they are stored.

[paragraph 4.72]

### **Recommendation 11**

Immediately, and with a view to implementation within 18 months, the Home Office should ensure that the current proposals for the sharing of medical information between medical professionals and the police for the purpose of firearms licensing, allow the police effectively to discharge their duty to assess the medical suitability of an applicant for a section 1 firearms or shotgun certificate. This should have due regard to ensuring the system:

1. does not allow licensing to take place without a current medical report from the applicant's GP, obtained and paid for by the applicant in advance of an application for the granting or renewal of a certificate, and which meets requirements prescribed by law; and
2. is supported by a process whereby GPs are required, during the currency of a certificate, to notify the police of any changes to the medical circumstances (including mental health) of the certificate holder which are relevant to the police assessment of suitability for such a certificate, and within which the certificate holder is statutorily required to notify the police of any such changes.

[paragraph 5.29]

### **Recommendation 17**

Within six months, the Home Office should take the necessary steps to consult interested parties in relation to the viability and circumstances in which an element of independent oversight of police decisions not to revoke a section 1 firearm or shotgun certificate could be introduced.

[paragraph 7.17]

### **Recommendation 18**

Immediately, the Home Office should take the steps necessary to distil the key elements of its guidance into a set of rules which carry the weight of the law to facilitate their consistent application and enforcement.

[paragraph 8.23]

## **To the Home Office, in consultation with the national policing lead for firearms licensing**

### **Recommendation 14**

Within six months, the Home Office, in consultation with the national policing lead for firearms licensing, should amend the Home Office guidance to prescribe the level to which each type of firearms licensing decision may be delegated by the chief officer of police.

[paragraph 5.54]

### **Recommendation 15**

Within six months, the Home Office, in consultation with the national policing lead for firearms licensing, should amend the Home Office guidance to explain and to provide practical examples of how “danger to the peace” should be interpreted by the police for the purposes of revoking a section 1 firearms or shotgun certificate, particularly in regard to circumstances of irresponsible or anti-social behaviour by licence holders.

[paragraph 5.62]

## **To the national policing lead for firearms licensing, in conjunction with the College of Policing**

### **Recommendation 3**

Within 12 months, the national policing lead for firearms licensing, in conjunction with the College of Policing, should identify the skills required by those staff involved in the firearms licensing process. Thereafter they should introduce professional development arrangements to ensure a consistent national approach to firearms licensing. Consideration should also be given to the accreditation of these arrangements.

[paragraph 4.15]

## Glossary

ammunition	includes grenades, bombs and other like missiles, whether capable of use with a firearm or not, and also includes prohibited ammunition
anti-social behaviour	behaviour by a person which causes or is likely to cause harassment, alarm or distress to one or more other persons not of the same household as the person (see section 101 of the Police Reform and Social Responsibility Act 2011)
Association of Chief Police Officers	now replaced by the National Police Chiefs' Council on 1 April 2015; was a disbanded professional association of police officers of assistant chief constable rank and above, and their police staff equivalents, in England, Wales and Northern Ireland; led and co-ordinated operational policing nationally; a company limited by guarantee and a statutory consultee; its president was a full-time post under the Police Reform Act 2002
audit	means of checking upon and monitoring the accuracy of recorded data in order to oversee the effectiveness and efficiency of the recording system and the accuracy of the records it contains
Authorised Professional Practice on firearms licensing	official source of professional practice on police firearms licensing, approved by the College of Policing, to which police officers and staff are expected to have regard in the discharge of their duties
backlog	an accumulation of uncompleted work or matters needing to be dealt with
capability	the extent to which the ability to carry out particular actions exists
capacity	the total number of resources available to carry out a particular function
certificate holder	for this report a person who has been granted a section 1 firearm or shotgun certificate
chief officer	in police forces outside London: assistant chief constable, deputy chief constable and chief constable; in the Metropolitan Police Service: commander, deputy

	assistant commissioner, assistant commissioner, deputy commissioner and commissioner; in the City of London Police: commander, assistant commissioner and commissioner; includes a member of police staff who holds equivalent status to a police officer of these ranks
College of Policing	professional body for policing in England and Wales, established to set standards of professional practice, accredit training providers, promote good practice based on evidence, provide support to police forces and others in connection with the protection of the public and the prevention of crime, and promote ethics, values and standards of integrity in policing; its powers to set standards have been conferred by the Police Act 1996 as amended by the Anti-social Behaviour, Crime and Policing Act 2014; under section 40C, Police Act 1996, the Home Secretary has power to direct the College, requiring it to exercise any statutory function vested in the College, and to carry out such other duties for the purpose of furthering the efficiency, effectiveness or integrity of the police as the Home Secretary specifies
digitisation	in this report the process of moving from a manual licensing process to one that is digital or computer-based
dip-sampling	a way of selecting a random number of case files and assessing them against a set of standards
domestic abuse	any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to: psychological; physical; sexual; financial or emotional abuse
expired certificate	a section 1 firearm or shotgun licence which has gone beyond its period of validity
firearm	a lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged

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firearm certificate	granted under section 1 of the Firearms Act 1968 allowing the holder to possess, purchase or acquire a firearm apart from a shotgun
firearms enquiry officer	designated individuals in a police force responsible for matters related to licensing firearms
Firearms and Explosive Licensing Working Group	meeting held periodically by the national policing lead for firearms licensing and attended by representatives of all 43 police forces of England and Wales, Police Scotland and the Home Office; used to discuss lessons learnt and national policy developments
fixed-term contract	contractual relationship between an employee and an employer that lasts for a specified period
first responders	those members of a police force who attend incidents when first reported to the police, are in everyday contact with the public and who directly intervene to keep people safe and enforce the law
General Practitioner	a medical doctor who treats acute and chronic illness and provides preventive care and health education to patients
governance	the method by which the efficiency and effectiveness of a service, including the outcomes of a service, are overseen
GP	General Practitioner
Guide on Firearms Licensing Law	detailed guidance setting out the standards required within forces for undertaking firearms licensing in accordance with firearms law; part of the Authorised Professional Practice on firearms licensing approved by the College of Policing
Her Majesty's Coroner	an independent judicial office holder, responsible for conducting or ordering an inquest to determine the cause of death of a deceased in cases where the death was sudden, unexpected, occurred abroad, was suspicious in any way, or happened while the person was under the control of central authority (e.g. in police custody)

Home Affairs Select Committee	one of the House of Commons Select Committees which scrutinises government departments; its terms of reference are to examine the expenditure, administration and policy of the Home Office and its associated public bodies
home visit	for this report, attendance by the police at the home of a licence applicant for the purpose of interviewing the applicant and checking the security arrangements of any firearm
incident	reports of events received by the police that require police attention
intelligence	information that is evaluated and risk-assessed to assist the police in their decision-making
Independent Police Complaints Commission	organisation established under the Police Reform Act 2002, responsible for overseeing the police complaints system in England and Wales, including monitoring the way complaints are handled by local police forces; it investigates the most serious complaints, incidents and allegations of misconduct; can call in the most serious cases from forces; can manage or supervise a police investigation into a complaint; and can deal with appeals from people who are not satisfied with the way their complaint has been dealt with by the police
IPCC	Independent Police Complaints Commission
National Decision Model	risk assessment framework, or decision-making process, adopted as a single national decision model for police in authorised professional practice, which has six elements to help police officers and staff make effective policing decisions
National Firearms Licensing Management System	holds information about the licensing status of any new applicant for a firearm licence and of current certificate holders; including details as to which weapons and the quantity and type of ammunition permitted to be possessed by a certificate holder
National Police Chiefs' Council	organisation which brings together 43 operationally independent and locally accountable chief constables and their chief officer teams to co-ordinate national operational policing; works closely with the College of

	<p>Policing, which is responsible for developing professional standards, to develop national approaches on issues such as finance, technology and human resources; replaced the Association of Chief Police Officers on 1 April 2015</p>
national policing lead	<p>senior police officer with responsibility in England and Wales for leading the development of a particular area of policing</p>
peer review	<p>evaluation of work by one or more people of similar competence to the producers of the work; it constitutes a form of self-regulation by qualified members of a profession within the relevant field. Peer review methods are employed to maintain standards of quality, improve performance, and provide credibility</p>
police and crime commissioner	<p>elected entity for a police area, established under section 1, Police Reform and Social Responsibility Act 2011, responsible for securing the maintenance of the police force for that area and securing that the police force is efficient and effective; holds the relevant chief constable to account for the policing of the area; establishes the budget and police and crime plan for the police force; appoints and may, after due process, remove the chief constable from office</p>
Police National Computer	<p>a system used extensively by law enforcement organisations across the United Kingdom that consists of several databases available 24 hours a day, giving access to information of national and local significance</p>
police officer	<p>individual with warranted powers of arrest, search and detention who, under the direction of his chief constable, is deployed to uphold the law, protect life and property, maintain and restore the Queen's peace, and pursue and bring offenders to justice</p>
police staff	<p>person employed by a police force and who is not a police officer</p>



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post-traumatic stress disorder	anxiety disorder that can develop after a person is exposed to one or more traumatic events, such as major stress, sexual assault, warfare, or other threats on a person's life
referee	person nominated by an applicant for a firearm licence and who may be asked to advise the police on the suitability of the applicant to possess firearms
registered firearms dealer	person registered under section 33 of the Firearms Act 1968 to sell, transfer, repair, test or prove firearms or ammunition by way of business
resourcing	arrangements to ensure the correct level of funding, officers and staff and any other requirements to provide a particular service
response or patrol officer	uniformed police patrol officer whose primary role is to attend incidents when first reported to the police, are in everyday contact with the public and who directly intervene to keep people safe and enforce the law
risk matrix	a system used by the police to consider relevant information which enables them to assess the ongoing level of risk associated with a firearm licence holder
section 1 firearm	all firearms except: i) a shotgun; ii) an air weapon (unless declared especially dangerous'); prohibited weapons such as centre fire self-loading rifles, handguns, machine guns etc. (unless specifically authorised)
short-term secondment	the temporary movement or 'loan' of an employee to another part of an organisation
shotgun	a smooth bore gun (not being an air weapon); having a barrel not less than 24" (60.96cm) and a bore less than 2" (5.08cm); either having no magazine, or a non-detachable magazine incapable of holding more than two cartridges and not a revolver gun
shotgun certificate	granted under section 2 of the Firearms Act 1968 allowing the holder to possess, purchase or acquire a shotgun

stakeholder	person, group or organisation who is or may be affected by a force's actions or who has an influence on a force's actions
statute	written law passed by government
temporary permit	issued by chief officers to cover a temporary circumstance such as where a certificate has not been re-issued or where a variation has been delayed and the applicant has made the application in good time; it may also be used for other temporary circumstances, such as upon the death of a certificate holder
unannounced home visit	for this report, the attendance by the police at the home of a licence holder for the purpose checking compliance with any conditions or requirements of their licence

## Annex A: Inspection methodology

HMIC worked with a number of parties to design its methodology for this inspection: the national policing lead for firearms licensing, Chief Constable Andy Marsh; the British Association for Shooting and Conservation; the British Shooting Sports Council; the National Gamekeepers' Organisation; the Gun Control Network; the British Medical Association and the Home Office.

In addition, HMIC consulted practitioners, including firearms licensing managers from several forces, the administrator of the National Firearms Licensing Management System, and two of Her Majesty's Coroners who had handled inquests into fatal events involving licensed firearms.

We were especially pleased and grateful that we met with a group of relatives of those involved in fatal events. This meeting greatly assisted our understanding of the lasting effect that such events have on the lives of family members. It brought into even clearer perspective how important it is that the licensing process is not only fair and efficient for those wanting to possess firearms, but also that it must be entirely effective at assessing risk, thereby protecting the public from harm at every stage of the process.

We inspected 11 forces and sought information from all forces in England and Wales.

The force inspection process was divided into three stages: visits, interviews and focus groups.

During the first stage, in January 2015, HMIC inspectors made one-day visits to each of the 11 forces to be inspected to gain an understanding of the organisational arrangements that were in place to support firearms licensing requirements. Most forces have a firearms licensing department which is independent of other areas of business, and the manager of which reports directly to the chief officer responsible for firearms licensing for the force as a whole; some departments are part of other areas of business and their managers report up through several tiers of line management to the chief officer.

Once HMIC inspectors had identified the various organisational arrangements – and the reporting mechanisms for each – we asked each force to provide a number of documents which would both support our understanding of the force's approach to firearms licensing, and also give an indication of the robustness of those arrangements.<sup>135</sup>

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<sup>135</sup> Forces were asked (if they had them in place) to provide each of the following documents: the force firearms licensing policy and/or standard operating procedure; organisational and governance

Informed by the findings of these one-day visits and a review of the available documentation, HMIC inspection teams visited each of the 11 forces selected for this inspection to interview senior managers and staff directly involved with firearms licensing. Members of the team visited control rooms and safeguarding teams. We also met three separate focus groups of practitioners.

Each field inspection visit involved up to six HMIC inspectors spending two days with each force looking specifically at the following:

Governance and leadership in firearms licensing, by establishing whether the force has arrangements at a senior level to ensure that there is confidence in the firearms licensing arrangements.

Systems and processes in firearms licensing, by establishing whether there are systems and processes in place to ensure that firearms licensing arrangements are undertaken in accordance with the Home Office guidance and the Authorised Professional Practice for firearms licensing.

Understanding and management of risk in firearms licensing, by establishing whether the risk factors associated with legitimate firearms ownership are understood, considered and applied when making licensing decisions.

People, training and skills in firearms licensing, by establishing whether the force has staff whose conduct, training and skills ensure effective firearms licensing.

The inspectors carried out unannounced visits to safeguarding teams to see how strategy and operational directions surrounding firearms licensing affect day-to-day practice. They also visited the control room to speak to staff who receive, and handle the police response to, calls from the public.

In this way, we were able to establish how well the firearms licensing arrangements were understood by the staff who are required to apply them, and how they worked in practice. Inspectors completed templates to record evidence gathered by each inspection team. The evidence was built up under the direction of an inspection leader who was responsible for co-ordinating the inspection, as well as taking part in interviews and facility visits. In all forces, interviews were conducted with the chief officer lead for firearms licensing, the firearms licensing manager, the head of public protection and the head of intelligence.

Inspectors carried out in-depth interviews with 20 or more officers and staff on each force visit.

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flowcharts for firearms licensing; the last three sets of minutes from the force strategic governance meeting; the risk matrix (or checklist) used for applications and renewals; copies of devolved authorities for taking licensing decisions; and their domestic abuse policy and intelligence standard operating procedure where they relate to firearms licensing.

In addition, inspectors ran focus groups with firearms administration officers, firearms enquiry officers and police incident response officers, each of whom has a role to play in the provision of effective firearms licensing arrangements.

We also held focus groups with members of the public who were firearm certificate holders. These helped us to understand what certificate holders expect from the licensing process, their experience of the process in different areas of England and Wales and how they felt it could be improved.

Focus groups are a form of facilitated group discussion that provide participants with the opportunity to consider an issue in depth, express personal views, challenge each others' opinions and also develop their views and arguments to develop more informed opinions. They allow us to gain a greater understanding of what may lie behind an opinion or how people's views change as they are given new information or deliberate on an issue.

A market research company, TNS-BMRB, was contracted by HMIC to carry out the focus group work. Each group was moderated by an experienced researcher who introduced each topic and led the discussion. The focus group sessions took place in the evening and lasted for about 90 minutes each.

Six groups of six to eight people each were drawn from Manchester (two groups), Birmingham (one group), Crawley (two groups) and London (one group). This design enabled us to achieve a geographical spread and to include respondents from urban, suburban, semi-rural and rural locations, and to ensure that we canvassed views from certificate holders interacting with a variety of police forces.

The participants were all current owners of shotguns or section 1 firearms, and all held a current firearm certificate. The majority of respondents had certificates for both shotguns and firearms. Fourteen respondents had renewed their certificate within the previous six months. A range of age groups took part.

The participants were led through a series of structured questions and scenarios covering:

1. their understanding of the firearms licensing process;
2. their experience of the firearms licensing process;
3. their views on unannounced visits;
4. their views on whether the risk management processes are appropriately applied and fit for purpose; and
5. how they considered the firearms licensing process might be improved.

## **Annex B: The law governing the acquisition, possession and use of firearms**

1. Firearms (Variation of Fees) Order 2015/611
2. Firearms Regulations 2015/860
3. Firearms (Amendment) Rules 2014/1239
4. Firearms (Amendment) Rules 2013/1945
5. Anti-social Behaviour, Crime and Policing Act 2014
6. Violent Crime Reduction Act 2006 (Specification for Imitation Firearms) Regulations 2011/1754
7. Crime and Security Act 2010
8. Violent Crime Reduction Act 2006 (Realistic Imitation Firearms) Regulations 2007/2606
9. Violent Crime Reduction Act 2006
10. Legal Aid, Sentencing and Punishment of Offenders Act 2012
11. Policing and Crime Act 2009
12. Anti-social Behaviour Act 2003
13. Criminal Justice Act 2003
14. Youth Justice and Criminal Evidence Act 1999
15. Firearms Rules 1998
16. Firearms (Museums) Order 1997/1692
17. Firearms (Amendment) (No. 2) Act 1997
18. Firearms (Amendment) Act 1997
19. Armed Forces Act 1996
20. Firearms (Amendment) Act 1994
21. Police and Magistrates' Courts Act 1994
22. Firearms (Amendment) Act 1992
23. Protection of Badgers Act 1992

24. Deer Act 1991
25. Aviation and Maritime Security Act 1990
26. Firearms (Amendment) Act 1988
27. Firearms Act 1982
28. Wildlife and Countryside Act 1981
29. Customs and Excise Management Act 1979
30. Gun Barrel Proof Act 1978
31. Conservation of Seals Act 1970
32. Firearms (Dangerous Weapons) Rules 1969
33. Firearms Act 1968
34. Gun Barrel Proof Act 1868

## Annex C: How the licensing process operates

The licensing process must not be seen as a simple administrative function. By licensing the possession of firearms and following the procedures that are established by the Home Office and the College of Policing, only suitable persons should have lawful access to firearms; the police duty to protect the wider public from firearms misuse is fulfilled and the police's duty under the law is satisfied.

**Those who wish to use firearms for work or leisure activities depend upon a fair, efficient and effective licensing process.** For example, a gamekeeper may rely on being able to use a number of firearms for the purpose of his or her work. It can have a seriously detrimental effect on their ability to earn a living and to fulfil their professional responsibilities, if the licensing process is inefficient or ineffective, or if he or she is incorrectly denied a firearm certificate, or if there is a delay in completing the licensing process.

**Public safety considerations are essential when making firearms licensing decisions.** The police have a duty to protect the public from harm and the public have a legitimate expectation that they will. Ensuring the licensing process is managed efficiently and effectively helps the police to fulfil this important duty, and the likelihood of fatal events is reduced. This requires the procedures that the police are expected to follow to be fit for purpose, and for all police forces to interpret and apply these procedures in a consistent and fair way.

**The police must work within the law.** The Firearms Act 1968 places legal duties upon the police in respect of the licensing of firearms. For example, in respect of section 1 firearms the 1968 Act states that:

"[a] firearm certificate shall be granted by the chief officer of police if he is satisfied that the applicant has a good reason for having the [firearm] in his possession, and .... can be permitted to have the firearm in their possession without danger to the public safety or to the peace."<sup>136</sup>

The legal framework is supported and developed by the Home Office guidance and the College of Policing's Authorised Professional Practice. Ensuring that the processes and procedures laid down therein are fully adopted and followed enable police forces properly to fulfil their legal duties with regard to the firearms licensing arrangements.

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<sup>136</sup> Section 27(1), Firearms Act 1968.



## **The stages involved**

There are a number of stages involved if the police are to ensure effective management of the firearms licensing arrangements in England and Wales. Each contributes to the establishment of a safe environment for the lawful public possession of firearms which meet the needs of those who wish to possess them, while seeking to reduce, if not remove, any potential risks to public safety.

These stages are the context for understanding the challenge which the police face in fulfilling their firearms licensing responsibilities in an efficient, effective and consistent way.

## **Licensing application and renewals**

The Firearms Act 1968 details restrictions on the possession of firearms and ammunition by those previously convicted of crime.<sup>137</sup> It also places restrictions on the possession of firearms by those under the age of 18.<sup>138</sup>

In licensing terms, the regulation and possession of section 1 firearms is different to that of shotguns. To acquire or possess firearms or ammunition under section 1, Firearms Act 1968, you have to provide evidence that you have good reason to do so. This applies to the grant, renewal or variation of a firearm certificate. This evidence can take several forms, such as permission to shoot over land or to take part in target shooting as a member of a target shooting club. There is no requirement to provide such evidence for the licensing of shotguns. However, in all circumstances, the police have to be satisfied that the applicant can be permitted to have the firearm and ammunition in his or her possession, without danger to the public safety or to the peace.

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<sup>137</sup> Section 21, Firearms Act 1968.

<sup>138</sup> Section 22, Firearms Act 1968 states that a young person:

- Under 14 years – may not be granted a firearm certificate.
- Between 14 and 18 years – may be granted a firearm certificate but may not purchase or hire a firearm or ammunition until they are 18. He or she may borrow or be gifted a firearm and ammunition if he or she possesses the appropriate certificate.
- Under 15 years - may be granted a shotgun certificate and may borrow a shotgun under supervision of a person who is over 21. The young person may not acquire a shotgun unless supervised. The young person will require a shotgun certificate unless the gun which they are borrowing belongs to an occupier of the land on which they are shooting and that occupier is the supervisor.
- Over 15 years – may be given or borrow a shotgun and be granted a shotgun certificate.
- Over 18 years – may purchase a shotgun and shotgun cartridges with a shotgun certificate.

When applying for a section 1 firearm certificate, the applicant must not only be of the required age and be able to give good reason for their application for a certificate, but they must also have secured the agreement of two people to act as referees. Only one referee is required for a shotgun certificate.<sup>139</sup>

The Home Office guidance states that:

"[a] referee may be of any background or occupation..., of good character, and someone whom the police may trust to give honest replies to any queries which the police may make of them regarding the applicant."<sup>140</sup>

It further states that:

"[t]he police should be satisfied that the referee is honest and reliable, and can be trusted to offer a fair and sensible view of the applicant personally for at least two years."<sup>141</sup>

And:

"[a] referee should be open to an assessment of their good character by the police. The ability of the referee to offer a reliable view of the applicant is more important than their profession or status."<sup>142</sup>

The applicant must also pay a fee, the level of which is set by the Home Office. Fees were last reviewed and updated in April 2015.

The Authorised Professional Practice on firearms licensing states that:

"[e]very application received should be vetted. The vetting enquiries must be sufficiently rigorous to enable forces to accurately assess the suitability of an applicant."<sup>143</sup>

The Home Office guidance sets out how this assessment of suitability should be undertaken.

This vetting process is an essential element of the police's duty to identify any risks which may be associated with the possession of a firearm by the applicant, and to protect the general public from possible harm. It includes verification of an applicant's details and checks of criminal records systems, as well as police

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<sup>139</sup> Rules 4 and 5, Firearms Rules 1998.

<sup>140</sup> *Guide on Firearms Licensing Law*, Home Office, March 2015, chapter 10, paragraph 10.11 and chapter 11, paragraph 11.10.

<sup>141</sup> *Op cit*, chapter 10, paragraph 10.15 and chapter 11, paragraph 11.11

<sup>142</sup> *Op cit*, chapter 10, paragraph 10.16 and chapter 11, paragraph 11.12.

<sup>143</sup> *Authorised Professional Practice, Firearms Licensing*, College of Policing, 2014, section 2.4.

intelligence and other systems which may hold relevant information about the applicant. It may also include the police making contact with the applicant's referee(s).

At the discretion of the police, firearms enquiry officers may also visit applicants at home. During these visits, they will interview the applicant and check that the security measures which ensure the appropriate storage of licensed firearms are in place, such as a Home Office approved cabinet.

As part of the application form for the grant or renewal of a firearm certificate, the applicant is also required to disclose any physical or mental health condition that may affect his or her ability safely to possess and use a firearm. Details of their current general practitioner (GP) must also be provided. The police are not presently obliged to make contact with the GP, unless the applicant discloses a medical condition which gives the police cause to do so.

Instead, the police will write to the GP after the certificate is issued. This is to notify the GP that the applicant holds a certificate, and ask whether he or she knows of any medical reason why this should not be the case. The GP is not obliged to respond to this letter and, unless he or she does so, the police do not make any further enquiry with the GP.

Records of all applications and certificates which are granted are retained on the National Firearms Licensing Management System. On receipt of an application for the grant or renewal of a firearm certificate, the police should create a record of the application on the National Firearms Licensing Management System. Police forces can only see their force's records. However, the National Firearms Licensing Management System automatically links to the Police National Computer. The creation of a record of an application for a firearm certificate on the National Firearms Licensing Management System should ensure that a Police National Computer record is created or updated showing the status of the application. This record can be accessed by all 43 police forces in England and Wales and the information considered as part of the risk assessment process undertaken during the deployment of officers to incidents involving the applicant.

All firearm certificates last for five years from the date of issue and require renewal every five years thereafter.

It is the responsibility of the firearm certificate holder to make an application for the renewal of a certificate in sufficient time to enable the police to complete their enquiries and to approve or not the renewal of a certificate before the current certificate expires.

The Home Office guidance states that:

"[t]he onus for applying to renew a firearm certificate rests with the holder. All forces, however, should issue reminders to their certificate holders well in advance to allow the renewal process to be completed before the original certificate expires. The amount of time depends on how long it takes for a force to process renewal applications and should be tailored accordingly."<sup>144</sup>

If a reply to the reminder is not received, the Home Office guidance states that:

"enquiries should be made to confirm that the holder no longer has possession of the firearms or ammunition to which the certificate relates, or if the certificate has not yet expired, that arrangements have been made to dispose of the firearms and ammunition before expiry."<sup>145</sup>

This approach is intended to prevent the unlawful possession of firearms and to ensure that records showing the certificate holders possession correctly reflect the current position.

## **Expired certificates**

As it is an offence for anyone to be in possession of a firearm without appropriate authority and it is the certificate holder's responsibility to renew their certificate on time, the management of the firearms licensing process by the police must be sufficiently efficient to ensure that firearm certificates do not expire without scrutiny.

Where it becomes apparent that a certificate will not be issued before expiry of the previous certificate, the Home Office guidance states that:

"[i]f a certificate expires before a renewed certificate has been issued and the certificate holder has behaved in a reasonable manner returning the forms in good time, a temporary permit should be issued."<sup>146</sup>

In relation to the issuing of a temporary permit, the guidance further states that:

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<sup>144</sup> *Guide on Firearms Licensing Law*, Home Office, March 2015, chapter 10, paragraph 10.50 and chapter 11, paragraph 11.28.

<sup>145</sup> *Op cit*, chapter 10, paragraph 10.50.

<sup>146</sup> *Op cit*, chapter 10, paragraph 10.51.

"[t]his may be appropriate where the renewal of a certificate is so delayed that the applicant may otherwise be left without permission to continue possessing and using their firearm and ammunition. This may not be the case where the applicant or his referees had been uncooperative and, is, or are, substantially responsible for the delay. In these circumstances, the applicant should be advised to arrange for the firearms and ammunition to be placed in storage with a registered firearms dealer or another suitably authorised certificate holder."<sup>147</sup>

## **Revocation of a firearm certificate**

Entrusting an individual with a firearm is a serious matter. The vetting procedures at the time of an application for the grant or renewal of a firearm certificate occur only every five years. As the certificate holder's circumstances can change in many ways during this five-year period, it is incumbent upon the police to ensure that they have effective mechanisms in place continually to assess the suitability of a certificate holder to be in possessions of a firearm.

Typically, a firearms licensing department ensures measures are in place for it to be alerted to any incident or intelligence involving a firearm certificate holder or an address associated with him or her. The effectiveness of these measures is dependent on links between information technology systems as well as human intervention, particularly by those who manage reports of incidents, handle intelligence reports or deal with referrals from third parties (such as social services) in respect of a vulnerable adult or child.

This process of alert can take any form, but it must be sufficiently robust to ensure that the relevant information is made available to the firearms licensing department without undue delay.

These measures are intended to prevent a certificate holder from continuing to have access to a firearm when his or her circumstances suggest that this may no longer be appropriate, and could potentially pose a risk to the his or her safety or the safety of others. It is critical, therefore, for the protection of the public that these arrangements are efficient and effective.

The Authorised Professional Practice sets out the requirement for an investigation to be undertaken where relevant, and states that:

"[w]hen information or intelligence of note is received regarding certificate holders, it must be assessed and prioritised (in accordance with the force risk matrix). This process may trigger a review and subsequent investigation."<sup>148</sup>

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<sup>147</sup> *Op cit*, chapter 15, paragraph 15.4.

<sup>148</sup> *Authorised Professional Practice, Firearms Licensing*, College of Policing, 2014, section 2.5.

It further states that:

"[w]here it is assessed that there is a risk to public safety, immediate consideration must be given to seizing the firearms (including shotguns), certificates and ammunition."<sup>149</sup>

Where it is judged that a certificate holder may no longer be permitted to hold a firearm, the chief officer of police may revoke this or her firearm certificate.

In the case of a section 1 firearm, the Firearms Act 1968 states that:

"[t]he certificate may be revoked if the chief officer of police has reason to believe:

(a) that the holder is of intemperate habits or unsound mind or is otherwise unfitted to be entrusted with such a firearm; or

(b) that the holder can no longer be permitted to have a firearm or ammunition to which the certificate relates in his possession without danger to the public safety or to the peace."<sup>150</sup>

In the case of a shotgun certificate, the Firearms Act 1968 states that:

"[t]he shotgun certificate may be revoked on the grounds that the chief officer of police is satisfied that that the holder is prohibited from possessing a shotgun; or that they can't be permitted to possess a shot gun without danger to the public safety or to the peace."<sup>151</sup>

1. In either case, the firearm certificate holder has a right of appeal against the decision of the chief officer of police. This places a requirement upon the police to be able to justify their decision in a court of law.

## **Rights of appeal**

A certificate holder's right to appeal against the decision of the police not to grant or renew or to revoke a license is set out in the Firearms Act 1968.

"An appellant must give notice of their appeal to the administrator of the Crown Court and to the chief officer of police concerned within 21 days after the date on which they received notice of the decision of the chief officer against which they wish to appeal."

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<sup>149</sup> *Op cit*, section 2.3.

<sup>150</sup> Section 30A(2), Firearms Act 1968.

<sup>151</sup> Section 30C(1), Firearms Act 1968.

Where an appeal is heard, the Home Office guidance states that:

"the courts will consider the case afresh, including any matters that may have come to light since the chief officer of police's decision was made. The chief officer should therefore consider any such matters which have arisen which might have a bearing on the case prior to the appeal."<sup>152</sup>

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<sup>152</sup> *Guide on Firearms Licensing Law*, Home Office, March 2015, chapter 21, paragraph 21.8.