

HMIC

Firearms Licensing Review

(Safe Hands = Secure Arms)

1. Introduction.

- 1.1 During 2001 HMIC became aware of a level of dissatisfaction on the part of members of the public and shooting associations about the quality of service they were receiving from some forces firearms licensing departments. One of the main concerns was the length of time taken to process applications for certificates and the inconsistency of approach by forces in how these matters were progressed.
- 1.2 In June 2001, HMIC, in partnership with the then ACPO Administration of Firearms and Explosives Licensing Sub Committee Secretariat, and in consultation with the Home Office and the British Shooting Sports Council, conducted a survey of the licensing departments of all forces in England and Wales.
- 1.3 The survey provided HMIC with a snap shot of the position of the service and the reality behind the public dissatisfaction at the quality of service being provided by some forces.
- 1.4 The survey also identified those areas where the forces were not complying with the recommendations of Lord Cullen's report (following his public inquiry into the shootings at Dunblane in 1996). Additionally it identified where forces did not accord with ACPO policy for firearms licensing procedures agreed at Chief Constables' Council in April 2001.
- 1.5 The results of this survey were circulated to all forces in September 2001, with a letter from Mr Hart, Chair of the ACPO Administration of Firearms and

Explosives Licensing Sub Committee. This letter informed forces of HMIC's intention to conduct follow up work in 2002.

- 1.6 Consequently, during the spring and summer of 2002, Her Majesty's Inspectorate of Constabulary (HMIC) conducted an inspection programme of four forces in England and Wales. The selection of these forces was based upon the June 2001 survey, with the aim of looking both at forces that performed well and those where weaknesses were identified. Subsequent to inspection each of the four pilot forces received a detailed inspection report.
- 1.7 A further three forces were identified for 'reality checks'. Again this represented a cross section of forces, this time in terms of force size, and the number of shotgun and firearms certificates administered. These forces were visited on a one-day 'reality check' basis. The firearms licensing managers, or their representatives, were interviewed to confirm or otherwise the emerging issues which were identified from the four pilot force inspections. This was achieved by way of twelve lead questions. (Contained at Appendix A to this report.)
- 1.8 It is important to say at the outset of this report, how impressed the Inspection Team were with the openness, honesty, professionalism and commitment of all the staff seen during the course of these inspections. During the inspections it also became apparent that Firearms Licensing Departments are invariably comprised of a number of knowledgeable and enthusiastic individuals who seek to provide a high level of service to the public with finite resources. In each of the four forces inspected HMIC found good practice.
- 1.9 For example in Humberside there was an aide memoire based enquiry form and the use of epicentre for technical information. Within Nottinghamshire there was good liaison with dealers and club secretaries and contentious issues being addressed by a member of ACPO. Within Dyfed Powys some excellent work in respect of management information which had assisted in addressing the lengthy backlogs had been undertaken. Within Thames Valley there was a

user group and the current entries of weaponry on to the Firearms Information System exactly accorded with the ACPO guidance.

2. Methodology.

2.1 The Inspection Team conducting this work was made up of HMIC's Staff Officer with responsibility for firearms licensing and an experienced member of staff from a force firearms licensing department, seconded to HMIC specifically for this review.

2.2 The on site work within each of the pilot forces was carried out over 3-4 days. During this inspection an average of 14 members of staff from each force were interviewed. These ranged from deputy chief constable, assistant chief constable, chief superintendent operations, firearms licensing manager, deputy firearms licensing manager, administrative staff and firearms enquiry officers. (FEOs)

2.3 The findings of the survey conducted in June 2001 and the following documents were used as points of reference during this inspection:

HMIC thematic on Firearms licensing conducted (1993)

Lord Cullen's recommendations (1996)

HMIC Inspection Protocol for Firearms Licensing. (2000)

Home Office publication, 'Firearms Law – Guidance To The Police'
(2001)

2.4 The principles that were adopted during the course of this inspection were those contained within HMIC Inspection Protocols, circulated to all forces in May 2000. These being: -

2.5 **Public Safety.** The main objective of the licensing system is to prevent unsuitable persons from having access to firearms. 'Public Safety' remains at

the forefront of the Governments thinking. The police also have a 'duty of care', under the Human Rights Act, to protect the wider community against firearms misuse by not licensing unsuitable characters to possess firearms.

- 2.6 **Efficiency.** The Home Office expect the licensing system to operate with due regard to efficiency and Best Value, as with any other area of police or Government activity. Efficiency and value for money were the main areas on which previous HMIC reports have concentrated. This is also reflected in the levels of fees set by the Home Secretary that the police charge for certain services provided under the 1968 Act. For this reason, the shooting community may complain fairly and regularly that they should not be, 'subsidising police inefficiency'.
- 2.7 **Fairness.** Most shooters feel, not unreasonably, that they have a right to be treated fairly and with consistency with in the law. As with any other section of the community the police are expected to maintain reasonably good relations with the respectable members of that community and avoid actions that are arbitrary, unfair or oppressive. On a practical level, shooters might successfully appeal to the Crown Court against certain decisions made by the police that are deemed erroneous or unfair.
- 2.8 **The Law.** While it may be obvious that the police are expected to adhere to the law, it is worth flagging up that the Firearms Acts 1968 to 1997 and the Firearms Rules 1968 which accompany the Acts, require the police to carry out licensing activities in a particular manner. For example, forms of application are specified by the Firearms Rules, ensuring a corporate approach by the service. The Acts also place responsibilities on chief officers for the police areas concerned, for example, sections 26 and 57 of the 1968 Firearms Act, thus reducing the scope for the work to be carried out at a regional level.
- 2.9 The findings of this inspection are presented under the six headings utilised within the HMIC Inspection protocol. These being:-
Leadership
Policy and Strategy

People

Partnership and resources

Processes

Results

3. Leadership.

- 3.1 HMIC found there to be a generally clear understanding by those staff interviewed that the chief constable was ultimately responsible for firearms licensing issues, with responsibility devolved to another member of the forces ACPO team and the firearms licensing manager.
- 3.2 Ten recommendations have been arrived at as a result of this review. They are intended to address those areas where ‘themes’ emerged. In light of the serious implications of these recommendations, HMIC recognises that if they are to be progressed within individual forces it will require strong leadership. This will require an individual at a senior level within each force to ‘champion’ firearms licensing in addition to being available as a point of reference for contentious issues as was identified by Lord Cullen.
- 3.3 Those issues identified in this HMIC review are not unique to individual forces but potentially have benefits for all forces and consequently those members of the public making application for firearms.
- 3.4 At a national level these issues may best be co-ordinated by the ACPO Administration of Firearms and Explosives Licensing Sub- Committee. Such an approach would greatly assist the police service in adopting a corporate approach to these issues. This would also provide the Sub Committee with data to assist forces in identifying good practice, a potentially valuable asset for those forces conducting Best Value Reviews of firearms licensing departments. (Which none of those forces visited during the course of this review had yet conducted.)

Recommendation 1.

Her Majesty's Inspector of Constabulary recommends that the ACPO Administration of Firearms Committee consider how it may best assist forces to address the recommendations contained within this review in a corporate manner.

4. Policy and Strategy.

- 4.1 HMIC were impressed by the response of staff to the question, "Why does the department exist?" There was good recognition that their function was more than merely licensing and a strong appreciation that there was a service to deliver to both applicants and to the community. These included such comments as, "The need to provide a service to the public, both licence holders and non licence holders". "To ensure safety of the public and those suitable to possess firearms". "To ensure that those with lawful reason for the possession of firearms act within the law and receive advice to ensure the safest way of doing so".
- 4.2 There was a range of evidence relating to policy and strategy documentation within forces. The review found one example of where this was almost completely absent or out of date (where no account was taken of ECHR or the Current Home Office Guidance to the Police on Firearms Licensing) and the implementation of such policy was open to the personal interpretation of whoever was processing that application. It also found examples of clear, well written policy document that was made readily available to all staff.
- 4.3 The need for adequately documented policy and strategy for firearms licensing departments is an issue that HMIC considers worthy of scrutiny at any future inspection. The policy upon which decisions in respect of the granting, conditions or refusal of Firearms and shotguns applications should be transparent

Recommendation 2.

Her Majesty's Inspector of Constabulary recommends that force policy and procedure in respect of firearms licensing should mirror Lord Cullens Recommendations and ACPO Policy, Home Office Guidance and ACPO, 'Procedural Good Practice Guide'.

5. People.

5.1 As has been commented upon earlier within this report, HMIC were impressed by the knowledge, enthusiasm and the hard work of all the licensing staff during the course of this review where seven forces were visited. This level of knowledge has the potential for further positive impact upon the quality of service delivered if properly harnessed.

5.2 Evidence was found however, that the training of those officers involved in firearms enquiries was inconsistent and in some cases wholly inadequate. This was particularly evident in cases where non-dedicated staff were used to carry out such enquiries. The use of untrained staff in such circumstance is not in accordance with Lord Cullens recommendation nor ACPO Policy, agreed at Chief Constables' Council in April 2001. This is of concern to HMIC.

Recommendation 3.

Her Majesty's Inspector of Constabulary recommends that forces ensure that staff conducting firearms enquiries are trained, conversant with current ACPO /Home Office guidance and competent to fulfil their role.

5.3 This will ensure that staff are empowered to complete their work in a consistent and corporate manner. HMIC considers the Home Office Guidance and recently published ACPO 'Procedural Good Practice Guide' as good practice.

6. Partnership and Resources.

Staffing levels.

- 6.1 During the course of this work HMIC found that forces' approach to the issue of staffing varied considerably. In one force they were unable to find any evidence of a strategy addressing the numbers of staff, or full time equivalent posts, required for the unit to meet projected demand over the 5 year licensing cycle. By contrast in Dyfed Powys Police staffing levels within the Firearms Licensing Department were established as a consequence of a well-structured, 'Costed Plan'.
- 6.2 HMIC noted during the course of this review that Dyfed Powys Police and Thames Valley Police had conducted preparatory work to identify aspects of firearms licensing work that should to be addressed in the years 2003 and 2004. This is the period when the projected demand of firearms and shotgun renewals will be lower than the previous 3 years. This is a national phenomenon, which has occurred as a result of changing the length of certificates from 3 to 5 years. The work conducted towards this HMIC review would indicate that the retention of staff within forces would make good long term business sense with benefits both to the forces and to members of the public who will be making applications.
- 6.3 HMIC are of the view that the renewal of certificates, whilst a significant part of firearms licensing work, is not its entire 'raison d'être'. There are other important areas of work that must be addressed if the police are to ensure public safety. Some of these functions have, historically, been afforded a lower priority, given the volume of renewal applications, and in consequence have been somewhat neglected.
- 6.4 The period 2003 and 2004, if current staffing are to be retained, would provide a timely opportunity to address those issues which have been afforded a lower priority. HMIC are of the view that such a policy would generate long-term

benefits. Additionally, when the volume of renewals increases in 2005 the police will have well trained staff able to process applications efficiently.

- 6.5 It should not be forgotten that this was not the case at the time of HMIC's last survey into firearms licensing when the police appeared to take too long to process applications and were inconsistent in their approach. As a consequence there was a large backlog in many forces in England and Wales.

Preparing for the future

- 6.6 During the course of the review, anecdotal evidence was given to the inspection team about the helpfulness of registered firearms dealers. It became apparent however that these dealers have not been subject to detailed and thorough inspections including extensive stock checks against the dealer's registers. Similarly, Home Office Approved Clubs have not been subject to thorough inspection. As was identified in Paragraph 6.3 above HMIC considers that this is an aspect of Firearms licensing that could be addressed when the opportunity presents itself in years 2003 and 2004.
- 6.7 During the course of the review HMIC identified that some forces had failed to maintain an up to date register of land over which shooting of firearms takes place. The value of such a register, which identifies rifle calibres which may be reasonably used over that land, will certainly vary from force to force. However the time taken to conduct land survey checks is not insignificant when processing applications and can be greatly reduced by the maintenance of an up to date register in those forces with an extensive rural area.

Recommendation 4

Her Majesty's Inspector of Constabulary recommends that forces utilise the period 2003 –2004 to identify and address those areas of firearms licensing that have been afforded a lower priority during the preceding 3 year period.

Budgets.

- 6.8 In January 2001 the fees for the licensing of firearms were amended by a Fees Order. The charge levied for the grant of a shotgun certificate was increased from £43 to £50. The cost of a renewal for a shotgun certificate was increased from £18 to £40. Whilst there has been some decrease in the fees levied for the process of firearms certificates the net effect has been to increase the revenue generated by firearm licensing departments for forces.
- 6.9 Prior to the amendment to fees, forces were asked to indicate a fee structure that would enable them to process applications in a manner that would take into account the recommendation from Lord Cullen, supported by ACPO, that all grant and renewal applications should include a home visit by the Police.
- 6.10 A Parliamentary Question in December 2000 was asked as to why the cost of shotgun grant and renewal applications were being increased. The Home Secretary's reply was:-
- “The increase in fees which the police can charge for the issue and renewing firearms and shotgun certificates will enable forces to allocate additional resources to this task when this is necessary to reduce delays”
- 6.10 In all the forces visited in this review the system is that all revenue generated by firearm grants and renewals is paid into a centralised income account within forces finance department.
- 6.11 During the course of this inspection it was identified that Dyfed Powys Police and Thames Valley Police had carried out analyses to ascertain the cost of the activities undertaken by the firearms licensing department. This enabled them to calculate the costs associated with the processing of applications including those for which no fees are levied. In so doing these forces are able to evidence projected costs and come over the 5 year licensing cycle and the actual costs to forces. HMIC consider such costing activities to be good practice.

Recommendation 5.

Her Majesty's Inspector of Constabulary recommends that forces should be able to evidence projected costs and income over the 5 year licensing cycle and in so doing establish the actual costs of firearms licensing activities to forces.

Data Storage and Retrieval.

- 6.12 HMIC found that the majority of forces visited had completed all the work required in preparation for the implementation of the Section 39 database of all shotgun and firearm certificate holders, originally due to go live on PNC in late 2002. It is now understood that the implementation of the Section 39 database has been considerably delayed. HMIC are conscious of the fact that Firearms Licensing Departments have expended resources in preparation for implementation at a time when they could ill afford to do so.
- 6.13 During the course of the review it was identified that data input protocols adopted by forces for their Firearms Information Systems (FIS) were inconsistent and frequently inadequate. For example, descriptions of weapons and calibres did not conform to ACPO 'Guidance on the Categorisation of Firearms'. As a consequence, system searches may result in false negatives with potentially dire consequences. For example, in one force, the calibre 7.62mm x 51/.308 was found in the Firearms Information System with at least 6 variations.
- 6.14 This was exacerbated by similarly inconsistent terminology used by administrative staff and FEO's in their reports. In addition to incorrectly described calibre's and weapons, reports contained poor phraseology such as "controlling vermin" instead of "shooting vermin" and "slots on ticket" instead of "authorities to acquire on a firearm certificate". In another the phrase "Up and Under" shotgun appeared on a number of occasions.

Recommendation 6

Her Majesty's Inspector of Constabulary recommends that firearms licensing departments establish protocols for report writing and data input that take full cognisance of ACPO guidance on the categorisation of firearms, Home Office Guidance and the ACPO Procedural Good Practice Guide.

Partnerships.

- 6.15 Only one force visited during the course of the review holds liaison meetings with a 'User Group' made up of cross section of certificate holders, Registered Firearms Dealers, or Home Office Approved Clubs, other forces had no such meetings. The potential benefits of such liaison may include user testing of refinements to 'renewal packs', procedures, and non-statutory forms. HMIC endorse the establishment of such user groups and would see this as good practice.
- 6.16 Similarly, while Home Office Approved Clubs have nominated liaison officers, of the forces visited only one held regular liaison meetings with representatives of such clubs. Such meetings would support Lord Cullen's recommendation that there should be adequate communication between Approved Clubs and the police. HMIC also recognise the advantages of holding such meetings with registered firearms dealers.

Recommendation 7.

Her Majesty's Inspector of Constabulary recommends that forces establish a user group, and hold regular liaison meetings with representatives of Home Office approved clubs and registered firearms dealers.

7. Processes.

- 7.1 HMIC perceived that there was some confusion within forces with regard to 'Fittedness' and 'Good Reason' in relation to firearm applications and 'No Good Reason' in relation to shotgun applications.
- 7.2 HMIC found evidence that forces were taking cognisance of these important issues in accordance with Lord Cullen's recommendations and the recent Home Office document, 'Firearms Law - Guidance To The Police'. (Published in December 2001). However, in some forces, it is unclear who holds responsibility for ensuring their corporate interpretation. In a number of forces evidence was found that FEO's have been making their own interpretation and HMIC considers that this has the potential for inconsistencies and poor decision making.
- 7.3 During the inspections HMIC found several instances where licenses had been granted where the calibre of firearms or amount of ammunition authorised did not accord with Home Office Guidance. HMIC is not in a position to comment on the appropriateness of these applications. However, in the event of an incident that resulted in any investigation or enquiry, the force may find it difficult to justify its decision making in circumstance that did not accord with the Home Office Guidance unless evidence to support that decision is recorded.

Recommendation 8.

Her Majesty's Inspector of Constabulary recommends that forces ensure a consistent interpretation of Home Office guidance and ACPO Procedural Good Practice Guide, amongst firearm licensing staff.

(This recommendation complements recommendation 3)

Home Visits.

- 7.4 HMIC found that a number of forces were not adhering to ACPO Policy on home visits.
- 7.5 In one force visited at the time of the survey there were no FEOs. Local uniformed officers were used to conduct the home visits. Quite apart from the issue of their not being trained, firearms enquiries were not their sole duty and the demands of responsive policing often resulted in firearms enquiries receiving a low priority. In another force, in this case due to inadequate staffing, renewal enquiries were, more often than not, conducted over the telephone. From a dip sample of over 1000 shotgun and firearms renewals and firearms variation applications 56% were conducted over the telephone and only 44% by way of personal visit.

Recommendation 9.

Her Majesty's Inspector of Constabulary recommends that forces ensure that they accord with Lord Cullens recommendations and ACPO Policy on home visits for weapon grant and renewal applications.

Certificate Renewal Process

- 7.6 Forces visited send out applications for renewals for Shotgun and Firearm applications 8 weeks before expiry. HMIC were pleased to note that if no response had been received, a reminder was sent 6 weeks later, 2 weeks in advance of expiry.
- 7.7 During the course of this work it was identified that the average time taken to process renewal applications at the time of the visits to the forces was 8 - 9 weeks. This being the case, certificates will frequently not be renewed on time.
- 7.8 HMIC recognise that this problem is exacerbated by the submission of applications by licence holders close to the expiry of their current certificates, and that this may be an issue for discussion within user groups and shooters

organisations. (referred to within paragraph 6.15 –6.16 and recommendation 7 above)

8. Results.

Measurement of performance.

- 8.1 During the course of this review HMIC were presented with evidence that suggested that the measurement of performance has been partly addressed through the use of management information derived from firearms information systems.
- 8.2 Within Dyfed Powys Police management information derived from the Firearms Information System had been utilised to illustrate that the turn around time for applications had been reduced significantly. For example, in 2000 the average turn around time for firearm and shotgun renewals was 183 days. In the first quarter of 2002 this had been reduced to 76 days and this was continue to improve.
- 8.3 In addition the deputy FLM had devised a matrix which illustrated the time taken at the different stages of enquiries. This provided a starting point from which Dyfed-Powys Police aimed further to reduce turn around time and improve the level of service provided by the firearms licensing department. However, neither the statistical information nor enquiry time matrix suggested target levels of performance in order to achieve this.
- 8.4 Those forces visited informed HMIC that they had a good working relationship with external bodies such as the British Association for Shooting and Conservation. (BASC). Similarly, HMIC were informed of letters and phone calls of appreciation received from some applicants for the way in which their applications were dealt with. Unfortunately, due to the way these letters were filed, these were not easily identifiable or easy to locate. In consequence HMIC concluded that the recording of qualitative measures of

performance, in particular letters or phone calls of appreciation or complaint, appeared inadequate.

- 8.5 HMIC concluded that there was potential for improved quantitative measures from the Firearms Information Systems within forces. However, the knowledge of the systems and level of expertise within those forces visited varied widely and consequently there was inconsistency of what and how performance was recorded.
- 8.6 The monitoring and evaluation of performance was the subject of recommendation within HMIC's 1993 report on the Administration of Firearms Licensing. It was 'recommended that' the monitoring and evaluation of the effectiveness of the service be carried out as a matter of routine and that targets are set to provide clear priorities for administrative and enquiry staff and for management information purposes'.

During the course of this review HMIC identified some good work in respect of quantitative measures of process/performance within firearms licensing departments. Similarly some quantitative information on performance from applicants was also kept although difficult to access. HMIC would consider the development of a simple matrix of data from the Firearms Information Systems and letters/phone calls received from applicants, which comment upon the performance of the firearms licensing department, to be good practice. Consideration should be given to the inclusion of the ratio of staff to the number of certificates processed by a department.

It should be stressed that this matrix should not be overly burdensome or bureaucratic. It should however be recognised as an indicator by which forces could consider their performance.

Recommendation 10.

Her Majesty's Inspector of Constabulary recommends that the ACPO Administration of Firearms Committee leads in the development of a

simple matrix of qualitative and quantitative indicators for firearms licensing departments.

9. Conclusion.

- 9.1 The enthusiasm, expertise and commitment of all staff seen impressed those involved in this inspection. Their openness and honesty has greatly assisted in identifying those issues that will have implications for most, if not all, forces in England and Wales.
- 9.2 HMIC were pleased to note that the majority of forces visited had made good use of the information contained within the 2001 survey and HMIC Inspection Protocols in respect of Firearms Licensing. In one force in particular this had undoubtedly given impetus to their marked improvement.
- 9.3 The December 2001 publication, Home Office – ‘Firearms Law: Guidance to the Police’ has been very well received by firearms licensing departments and found to be very much more user friendly than its predecessor. This document has certainly improved consistency of practice across forces. The ACPO Procedural Good Practice Guide will further assist firearms licensing departments in identify good practice and a corporate approach by the service.
- 9.4 The police service is the exclusive licensing authority for firearms, shotguns and firearms dealers. It is therefore imperative that chief officers ensure that the public receive the best possible quality of service by embracing Home Office Guidance. In addition chief officers would be well advised to take cognisance of Lord Cullens recommendations and ACPO Policy relating to firearms licensing.
- 9.5 It should be noted that HMIC will be updating its inspection protocols for Firearms Licensing to reflect those issues identified in this thematic review and the subsequent recommendations. However, in terms of progressing the

issues identified at a national level HMIC that they may be best co-ordinated by the ACPO Firearms and Explosives Licensing Committee.

10. Summary of Recommendations.

Recommendation 1.

Her Majesty's Inspector of Constabulary recommends that the ACPO Administration of Firearms and Explosives Licensing Sub Committee co-ordinates the police services approach to addressing the 10 recommendations contained within this report

Recommendation 2.

Her Majesty's Inspector of Constabulary recommends that forces ensure that the procedures adopted in respect of firearms licensing mirror that contained within force policy. The Policy should reflect and make reference to Lord Cullens Report and the December 2001 Home Office document, 'Firearms Law – Guidance to the Police'

Recommendation 3.

Her Majesty's Inspector of Constabulary recommends that forces ensure that those staff conducting firearm enquiries and home visits are trained, conversant with up to date guidance and competent to fulfil this role.

Recommendation 4.

Her Majesty's Inspector of Constabulary recommends that forces utilise the period 2003 –2004 to address those areas of firearms licensing that have afforded a lower priority during the preceding 3year period.

Recommendation 5.

Her Majesty's Inspector of Constabulary recommends that forces identify means of establishing the actual costs of firearms licensing activities

Recommendation 6.

Her Majesty's Inspector of Constabulary recommends that firearms licensing departments establish protocols for report writing and data input that take full cognisance of ACPO guidance on the categorisation of firearms and Home Office Firearms Law, Guidance to the police.

Recommendation 7.

Her Majesty's Inspector of Constabulary recommends that forces establish a 'User Group', and hold regular liaison meetings with representatives of Home Office Approved Clubs and Registered Firearms Dealers.

Recommendation 8.

Her Majesty's Inspector of Constabulary recommends that forces take steps to ensure consistent interpretation of Home Office Firearms Law-Guidance to the Police, amongst firearm licensing staff.

Recommendation 9.

Her Majesty's Inspector of Constabulary recommends that force's that are not according with Lord Cullens recommendations and ACPO Policy in respect of Home visits take urgent steps to do so conduct home visits for Firearms grant applications and renewals and Shotgun grant applications and renewals in accordance with Lord Cullens recommendations and ACPO Policy.

Recommendation 10.

Her Majesty's Inspector of Constabulary recommends that the ACPO working group on the Administration of Firearms and Explosive Licensing leads in the development a corporate model for the monitoring and evaluation firearms licensing performance for the service.