

Authorised Professional Practice (APP) for Firearms Licensing

1. Introduction and Vision

A Chief Officer (Chief Constable/Commissioner of Metropolitan Police) shall grant and authorise firearm and/or shotgun certificates (also including registration of firearms dealers and explosives certificates) to persons who have applied with a good reason, and are assessed to pose no threat to public safety (as per the Firearms Act 1968 as amended). These certificates allow the holder to acquire, possess and lawfully use the firearm/shotgun to which they refer. An applicant who deals in firearms/shotguns by way of business (manufacture, sale, repair, testing, etc) may be registered as a firearms dealer. It is therefore imperative, that the governance, processes and systems associated with firearms licensing are robust and rigorous, whilst being cost effective, efficient and fair.

Firearms licensing departments must provide a service which is nationally consistent. This will be achieved by:

- Forces to align their licensing activities inline with this APP and the Home Office Guide on Firearms Licensing Law.
- Working together via the regional leads and stakeholder engagement to meet the priorities.
- Implementing guidance issued by the National Policing Lead.

The following sections provide guidance which supports effective and consistent firearms licensing:

- Priorities
- Home Office guide on firearms licensing law
- Governance
 - Delegated authorities
 - Decision making
 - Monitoring and assessing risk
 - Vetting
 - Investigation and review
 - Integrity
 - Accredited staff training.

2. Priorities

The following priorities underpin all aspects of firearms licensing:

- Protecting public safety by preventing foreseeable or avoidable harm
- Delivering an efficient licensing process that is proportionate, and rigorous whilst also cost effective, fair and timely
- Provide an excellent and inclusive service to the public.

The vast majority of certificate holders and registered firearms dealers are law abiding and fully supportive of the requirements for firearms licensing. As such forces are able to consider adopting a risk based approach to aspects of the licensing process to maximise efficiency and effectiveness. Also forces must ensure the delivery of a quality service through effective public engagement.

Note: The service must comply with the provisions of the Human Rights Act 1998.

3. Home Office Guide on Firearms Licensing Law

The Home Office Guide on Firearms Licensing Law 2013, replaces the earlier version issued in 2002. It provides guidance and a single recommended interpretation of the often complex legal issues associated with firearms licensing. The guide has been developed in consultation with ACPO and other key stakeholders.

Forces that chose not to align their activity with the Home Office Guide are required to notify the national policing lead of the Firearms and Explosives Licensing Working Group and provide an explanation and rationale for their decisions.

4. Governance:

Effective and appropriate governance is a critical element of firearms licensing.

A Chief Officer is ultimately responsible and accountable to the public for decisions made concerning firearms licensing. They must audit and justify decision making concerning refusals, revocations and grants. They must also ensure that the highest level of scrutiny and investigation has been applied following the identification of any risks to public safety and/or any breaches of Firearms Act, regulations or rules, especially those that are avoidable or foreseeable.

In order to fulfil their responsibilities, a Chief Officer should consider appointing a senior officer/**member of staff** to oversee the management of a firearms licensing department. The appointment of a senior officer should be based on seniority, experience, capacity and capability. The appointment of a senior officer does not remove or reduce the Chief Officer's ultimate responsibilities and accountability. However the appointment should assist forces to adopt and correctly implement the APP, Home Office Guidance and nationally agreed policies and procedures. The senior officer's role may also include assigning and managing appropriate resources for the department, monitoring performance, financial responsibility, and public engagement.

The Chief Officer **responsible or with delegated authority** should hold regular governance meetings to discuss and/or assess the overall

performance of their licensing departments and consider including the following topic areas (non exhaustive):

- Performance monitoring around grants, renewals, refusals and revocations
- The outcome of appeals and any relevant learning
- Timeliness of the department's processes, eg, applications for grant and renewals,
- Finance and resourcing
- Cases of note which may require further investigation and/or review
- Implications of new developments/national learning associated with firearms licensing.
- Dip sampling of granted/renewed certificates
- Monitoring of the force risk matrix
- Public engagement strategies/stakeholder meetings
- Complaints, their investigation, resolution and learning.

4.1 Delegated Authorities

A Chief Officer may delegate some or all of their powers under the Firearms Act 1968 (as amended) to staff in accordance with their role and responsibilities. Staff should be carefully selected and powers delegated only where it is necessary for the efficient and effective administration of the Firearms Act. They should, therefore, only be granted to staff whose role requires the delegated authority.

Where a Chief Officer delegates all or some authorities to selected staff members they **should be mindful** that they retain full accountability and retain overall oversight and governance.

Staff with delegated authorities should possess the experience and capability to ensure that they can audit and account for their decision making.

In addition to the Chief Officer, it is recommended that full authorities should only be delegated to a senior officer and the firearms licensing manager. Other selected staff members may possess restricted authorities such as the power to grant, renew or vary a certificate.

Chief Officers retain oversight, governance and accountability for all firearms licensing decisions made on their behalf. Therefore whilst they may assign some of their responsibilities to another individual (for example a firearms licensing manager), they retain sole accountability.

4.2 Decision making:

All staff involved in firearms licensing must be trained, understand and apply the National Decision Model. The NDM can be applied to all aspects of firearms licensing, eg, granting, refusing and revoking a certificate.

All decisions will be underpinned by the priorities and are, therefore, primarily based on reducing the risk to public safety through preventing foreseeable or avoidable harm.

Decisions on refusals or revocations should not be influenced by the potential cost of a possible appeal. Decision makers must always put public safety first.

Note:

- Legal advice may provide helpful guidance for decision making but should not dictate any decision made other than to define legality (for example when considering refusals, revocations and possible appeals). However when dealing with criminal offences the Director of Public Prosecution's guidance for charging should be followed and the advice of the Crown Prosecution Service sought and followed when appropriate.
- Forces should currently have training packages on the use of the NDM which can be delivered to firearms licensing staff.

4.3 Risk Monitoring and Assessing

The requirement to monitor and assess risk is a continuous and ongoing process (ie, 24 hours, 365 days a year).

Where it is assessed there is a risk to public safety consideration should be given to seizing the firearms (including shotguns), certificates and ammunition. Whilst there is no specific legal power to seize firearms prior to revocation, if there is an immediate risk to public safety, appropriate action must be taken. The response must be proportionate to the risk identified. Certificate holders should be provided with the opportunity to surrender their firearm, ammunition and certificate unless impracticable. When Firearms are seized or surrendered from certificate holders, receipts must be issued as Home Guidance directs. Chief Officers should be aware they are liable for any loss or damage resulting from any such action. (10.69 of the Home Office Guidance).

Forces **should** have **to ensure they have the** ability to monitor certificate holders (including applicants) and how they are notified of any event of note involving a certificate holder **which may have an impact on the judgement of their fitness to hold a firearm or shotgun**. This is to ensure that all relevant information and intelligence is readily available for continuous assessment of a person's suitability.

Forces should **where possible** use automated IT systems to identify and flag any incident, information or intelligence involving a certificate holder which may trigger a requirement to review their suitability to possess firearms.

Where time and resources permit, forces should also consider dip sampling current certificate holders. Dip sampling should cover:

- Decisions made to grant/renew certificates

- Checking a certificate holder against the Police National Database (PND)
- Checking local systems, eg, intelligence and incidents.

Currently certificate holders are marked on the Police National Computer (PNC) which will notify all forces of changes to a certificate holder's personal record on PNC. This includes arrests and convictions. ACPO is currently working with the Home Office to develop a solution to mark certificate holders on PND, ie, to automate notices to forces if a certificate holder should come to attention regarding any relevant incident or intelligence anywhere in the country.

When 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 work loads according to the level of risk. There is no standardised risk matrix but the following factors should be considered:

- accessibility to firearms
- information/intelligence assessment
- domestic incident
- violence
- medical/mental health
- individual/associates or address
- previous history (eg, information, intelligence, medical)
- requirement for immediate action.

Note: attached in the relevant material is an example of a risk matrix currently in use.

4.4 Vetting

For every application received, forces should conduct vetting processes. The vetting enquiries must be sufficiently rigorous to enable forces to accurately assess the suitability of an applicant.

Vetting checks should be made against the following systems:

- PNC
- Special Branch
- Local intelligence
- Incident recording (including crime and custody systems).

Consideration should be given to checking applicants on PND, and applications from foreign nationals with ACPO's Criminal Records Office (ACRO)

4.5 Investigations and Reviews

When information or intelligence of note has been received regarding certificate holders, it must be assessed and prioritised (in accordance with

the force risk matrix) and may trigger a review and subsequent investigation.

Forces need to consider the most appropriate resource(s), based on, for example, training, experience and capability to support and/or undertake the investigation. The progress, quality and outcome of any investigation should be monitored by processes agreed at the governance meetings.

Every investigation should be able to withstand the scrutiny of an independent review if required, with clear lines of auditable enquiries completed to the point of outcome. There is no exhaustive list of enquiries that should be undertaken. Each investigation should be treated individually on its merits according to proportionality and necessity.

Note: The Home Office Guide on Firearms Licensing Law provides potential lines of enquiry and includes new content specific to domestic violence and abuse.

The police have a responsibility to safeguard the public, especially those persons closest to certificate holders and applicants after a refusal or revocation. Licensing departments should, therefore, liaise with relevant departments in their force to provide protection, support and reassurance to anyone where a risk has been identified, eg, a partner or friend providing evidence against a certificate holder or an applicant's suitability.

4.6 Integrity

Public engagement is an important component of firearms licensing. Staff are required to act with honesty, integrity and professionalism and remain impartial in conducting their role and responsibilities. This will assist with building appropriate relationships.

Any breach of integrity should be addressed and resolved as soon as practicable and consideration given to developing measures to prevent any further incidents or developments that may escalate.

Forces should consider internal inspections and audits which will enhance integrity. These should incorporate:

- Staff impartiality
- Monitoring of seized and surrendered items
- Use of IT systems
- Checking audit trails for paperwork.

4.7 Accredited Staff Training

ACPO is seeking to develop appropriate accredited training for firearms licensing staff.

Whilst this work is being undertaken, forces should consider what training courses are currently available (accredited or local) that are suitable for Firearms Licensing staff and their role and begin a delivery programme.

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Examples of courses that may assist staff include: Domestic Abuse (good practices and guides), safeguarding and risk identification, National Decision Making Model, Professionalising the Investigation Programme (PIP Level 1 – for investigators), etc.

5. Further Information

The following reference material is currently being developed to support firearms licensing:

- Risk Based Home Visits on Renewal
- Information Sharing Agreement with Medical Profession
- National Performance Framework
- eCommerce
- An example risk matrix
- Use of conditions on Firearms Certificates