

Performance and Resources Scrutiny Programme 2023

Report to: the Office of the Police, Fire and Crime Commissioner for Essex

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1.0 **Purpose of Report**

To provide an annual update on the performance of the Firearms, Shotguns and Explosives Licensing (FSEL) Department. This includes commentary on the investigation conducted by the IOPC in Devon & Cornwall FSEL, and their recommendations (Op Begna) and the coroner's report from the Keyham mass shooting in Plymouth June 2021. This report outlines Essex FSEL responses to both IOPC and coroners' recommendations.

2.0 **Recommendations**

This is a briefing paper only and there are no recommendations.

3.0 Executive Summary

Following the introduction of the Home Office Statutory Guidance for the Chief Officer of Police in Nov 2021, the Statutory Guidance has been revised (Feb 2023) to take account of some, but not all the recommendations from the IOPC report (Op Begna). The Statutory Guidance is under a further review with a further revision expected in Autumn 2023.

The coroner for the Keyham shootings issued a Regulation 28 notice to all 43 Chief Constable which Essex responded to on the 3rd May 2023.

An updated version of the Authorised Professional Practice (APP) for Firearms Licensing introduces a new feature in the form of a Strategic Demand Assessment (SDA) for the Chief Constable and a new role of a Senior Review Officer (SRO) providing governance of the Firearms licensing department.

4.0 Introduction/Background

Essex FSEL manages all aspects of the licensing process of firearms and explosives for the (approx.) 24,000 firearms and shotgun certificate holders in Essex. The team are responsible for:

- Managing applications for firearms, shotguns, and explosives certificates.
- Issuing and maintaining records relating to certificates and permits in the Essex Police area.
- Assessing risk in relation to current certificate holders and if required revocation.
- Managing registered firearms dealers and Home Office approved gun clubs.

The team provide a source of income generation for Essex Police. However, at present the costs recovered by the NPCC fixed license do not cover the running costs of the department, a pattern which is replicated nationally.

5.0 Current Work and Performance

Essex FSEL experienced a peak demand in the renewal process in 2022. As previously reported, the demand outstripped the resource available to process the volume of renewal applications. However, two contingency measures were put in place in 2021. Firstly, a request to renew early was sent to all certificate holder renewing in 2022. This measure was successful where circa 1200 early application were received. The utilisation of lesson learnt from Covid 19 working practices were adopted as BAU. This meant that low risk renewals were conduct either on a risk based renewal process i.e., certificate holder had not come to police attention in the last 5 years and GP raised no medical concerns (no FEO home visit) or the renewal was conducted virtually, either via MS Teams or telephone.

Both measures enabled FSEL to maintain the published 90-day SLA on the SOH webpage for most renewal applicants. However, several renewal applicants were issued with short term temporary permits. This was due to two FEO vacancies which

took several months to fill, however the temporary permits accumulated during that period has now been completely cleared and the FEO posts have been filled.

WORKLOAD DESCRIPTION	TURN AROUND TIME (Days)	NUMBER OF OUTSTANDING ENQUIRIES (CURRENT WORKLOAD)
VARIATION OF FIREARMS CERTIFICATE	8.5	0
GRANT OF A FIREARMS CERT	34.4	37
RENEWAL OF A FIREARMS CERT	31.0	69
GRANT OF AN SGC	28.5	70
RENEWAL OF SGC	26.3	122
TOTAL		298 = INCLUDING THOSE UNDER REVIEW

TEMPORARY PERMITS	NUMBER	REASON FOR ISSUE
FAC	3	3 PERSONS (4 CERTIFICATES) UNDER SUITABILITY REVIEW AND CERTS EXPIRED. 2 PERSONS (3 CERTIFICATES) WITH FEOS FOR ENQUIRY 1 PERSON (1 CERTIFICATE) WITH FAS FOR DECISION
SGC	5	
PEOPLE	6	COTERMINOUS FAC/SGC

In Dec 2022, the RT Hon Chris Philip, Minister for Policing and Fire asked the PFCCs nationally to undertake a review, every six months, starting in January 2023, of their force's firearms licensing performance, to be satisfied that caseload are being well managed, minimising the possible risk to public safety. Forces were asked to submit performance data across several areas. The purpose of the report was to provide Chief Officers with an overview of the current FSEL performance.

6.0 Implications (Issues)

Following the Keyham mass shooting the IOPC conduct a review of Devon and Cornwall force and made 6 organisational recommendations. Three of the recommendations have been adopted by the Home Office policy unit and are included in a the revised (Feb 2023) Statutory Guidance implications for FSEL and include;

- The IOPC recommended further checks (beyond the minimum) as part of the new application process, where an applicant has had prior police involvement due to alleged violent behaviour.
- The IOPC recommended that open-source social media checks are completed for all applications. This has been introduced into the revised Statutory Guidance.

- IOPC recommends that where a current certificate holder is involved in a violent offence's other adults at the home address should be questioned privately about their relationship with the certificate holder and any domestic issues or other concerns they may have, including any recent changes in the certificate holder's mental health or life circumstances.

In addition to the above, the Senior Coroner for the Keyham mass shooting, Mr Ian Arrow, produced 5 Prevent Future Death (PFD) reports. The coroner raised concern that in the light of the Keyham inquest, he recommended that a review of all certificates seized, refused, revoked, or surrendered and then subsequently returned over the last 5 years be conducted, and tested against the current home office Statutory Guidance.

A further PFD report was directed to; Rt Hon. Suella Braverman MP, Rt Hon Chris Philp MP, NPCC lead for policing, All Chief Constables in England and Wales and The College of Policing (CoP). The coroner's concern was that despite numerous recommendations arising from previous inquiries and reviews regarding the training of police officers and police staff involved in firearms licensing decisions had not been put into effect.

The lack of effective national training for some 20+ years within Firearms Licensing was a core theme and featured through much of the Plymouth Inquest.

6.1 Links to Police and Crime Plan Priorities

Anti-social behaviour

The government has made tackling anti-social behaviour a key focus, with both the Prime Minister and the Home Secretary singling out ASB as a particular priority. Statutory Guidance for Chief Officers now makes it clearer that where there is evidence of anti-social behaviour, this may be suggestive of the existence of a danger to the public safety or the peace.

Organised Crime

Statutory Guidance informs that there are some factors where the chief officer reasonably believes to be present in an application, pose such a serious risk that the possession of firearms should only be allowed in exceptional circumstances. Evidence (on balance of probabilities) of behaviour or offences in any of the following categories, will usually mean that the certificate is refused or revoked unless exceptional circumstances can be demonstrated:

- affiliation or involvement in terrorism or proscribed groups or organisations; or aggressive, abusive, or anti-social behaviour or incitement to hatred against particular groups categorised by, for example, race, gender, disability, sexual orientation, age or religion;
- affiliation with a serious organised crime group, or other involvement in serious organised crime

Domestic Abuse

Evidence of domestic abuse is one of the most serious factors that should be taken into consideration in assessing an application. Where there is information indicating the possibility of domestic abuse, an interview with the applicant's current partner or

family member of the applicant or their partner should be completed. Behaviour that has not resulted in a conviction will still be a key part of any consideration about suitability. This may be particularly important in offence types such as domestic abuse where reporting rates are low.

Protecting vulnerable people from harm

Essex FSEL have for the last 18 months conducted suicide prevention workshops with GPs and Adult safeguarding hubs. Almost all GP surgeries in the South of the county have attended the workshop as a CPD (time to learn) day. The North of the county including South Suffolk Primary Care Safeguarding forum are planned to attend the next CPD day on the 13th of Sept. Additionally, Essex FSEL will be delivering the same workshop as part of the Adult Social Care Managers 'All In' training event on the 31st of Aug 2023.

6.2 Demand

The IOPC and Coroners recommendations both create additional demand for FSEL.

The requirement to conduct additional checks (beyond the minimum) as part of the new application process, where an applicant has had prior police involvement due to alleged violent behaviour. FSEL already conduct checks in the following areas:

- checks with other agencies, such as health professionals other than the GP, social services, probation services or multi-agency groups;
- checks with other licensing or regulatory bodies or Government enforcement agencies;
- a drug or alcohol test;
- credit or other financial checks;
- information obtained from open-source social media;
- interviews with individuals other than the applicant or their referees, for example, partners or representatives of shooting clubs attended by the applicant;
- background checks on partners or other individuals living at, or with unsupervised access to, the applicant's address; and checks where there is an indication of domestic abuse.

Social Media checks are currently targeted where there is information to suggest that further intelligence could be gained from an open- source check. These checks are conducted across Facebook, Twitter, and Instagram only. FSEL colleagues have recently conducted a short 2 week trial utilising a system called NetWatch.

The results of the trial (43 social media checks) demonstrated that it takes between 2 minutes and 60 minutes to conduct a search with the average check being 11 minutes. If the average of 11 minutes was multiplied across the numbers of renewals and new grant average for 2024, circa 4075 applications, this would equate to 747 hours of checks. It should be noted that the 11 minutes per search is a high level crude indicative calculation.

Additionally, there is a financial cost to purchase the software that is sold in bundles of searches. NetWatch have indicated that they would be prepared to negotiate the

cost per search if Essex and Kent took their product. £1 per search as a joint venture, £1.20 Essex alone.

Note- The Home Office are currently engaged with 3 private companies who provide open source checking with the aspiration of obtaining a national solution, Netwatch is not one of the three companies.

Where a current certificate holder is involved in a violent offence, FSEL already conduct suitability reviews. The new Statutory Guidance gives clear direction for incidents involving violence and directs that where there is evidence (on balance of probabilities) of violent offences or credible threats of violence this will usually mean that the certificate is revoked unless exceptional circumstances can be demonstrated. This is the approach adopted by FSEL in all case involving violence.

The Coroner's recommendation that a review of all certificates seized, refused, revoked, or surrendered and then subsequently returned over the last 5 years be conducted, and tested against the current home office Statutory Guidance. Essex Police responded to the Coroner's recommendation accepting the recommendation. Work is currently underway within FSEL identifying and reviewing all return of certificates /guns decision made prior to DCC Prophet direction that all high risk decisions are made by the OPC delegated authority (Superintendent) in Sept 2021.

Essex FSEL have been approached by two external training providers who have created an online FEO training course. One provider (Vimes) has had its online training product for FEOs accredited by VTCT for the UK and iTec for Europe both recognised accreditation bodies. FSEL have negotiated with Vimes to pilot their accredited product. Vimes are offering FSEL 4 free training places to assist them evaluate the online training content. This would then allow Essex FSEL to provide an informed decision as to whether as a force we go forward with Vimes training offer or wait a further 18 months for the CoP to produce their own product. Vimes will be offering their course to other Forces at rate of £1k + vat per FEO.

The cost of the Vimes product is lower than both the 1 week residential FEO course offer by South Yorkshire force (£1350 per FEO) or the second external provider and by Mowbray Partners (£1500 per FEO) in conjunction with Durham force, neither of which are currently accredited.

Both the Firearms Licensing Document Management System (Cyclops), and the National Firearms Licensing Management System (NFLMS) are assessed as at the end of life and will be replace at some point in the next 12-18 months. In addition to this, it is expected that the new version of PND (for firearms licensing) currently being trailed in Northants will also be launched.

The revised Statutory Guidance introduces a new requirement that the use of Temporary Permits is used only in exceptional circumstances. Temporary Permits are no longer to be used as a method of managing workloads.

An updated version of the Authorised Professional Practice (APP) for Firearms Licensing, introduces a new Strategic Demand Assessment (SDA) for the Chief Constable and the role of a Senior Review Officer (SRO) providing governance of the Firearms licensing department.

6.3 Risks/Mitigation

It should be noted that the IOPC and Coroners recommendations, if adopted, have financial cost attached to them. Social Media checks requires the purchasing of access to the software circa £1 per check if both Essex and Kent take the product or £7.5k +vat for 18 months if Essex take the product alone. The additional labour cost of factoring in the physical time taken to undertake these checks circa 747 hours per year, will additionally need to be finance.

Currently there are two external agencies offering FEO online training, as previously mentioned only one of them is currently accredited. NPCC lead Debbie Tedds, has advised through the National Firearms Licensing Working Group (FELWG), that adoption of accredited training and the management of associated risk is a matter for individual Chief Constables.

A proposed restructuring of the FSEL team may require a change in staffing responsibilities, which is currently being scoped. This is required to ensure that FSEL resource is positioned and has the resilience built in to make the additional checks that are required as part of the Statutory Guidance. This is a repositioning of roles, and it is envisaged can be achieved self-sufficiently within the current head count with no additional finance required.

6.4 Equality and/or Human Rights Implications

There have been no new equality, diversity or human rights implications identified.

6.5 Health and Safety Implications

Now that accredited training is available, any Force that does not take up the training leaves the Chief Constable exposed should there be a future adverse incident of this nature.

7.0 Consultation/Engagement

Relevant command team members within OPC have been consulted and contributed to this paper.

8.0 Actions for Improvement

None identified at this time.

9.0 Future Work/Development and Expected Outcome

The Home Office announced on the 30th June 2023, an 8 week public consultation covering several recommendations on suggested changes to firearms licensing. The consultation seeks views on recommendations made to the government by:

- The Senior Coroner for Plymouth mass shooting in Keyham on 12 August 2021

- The IOPC following its investigation into Devon and Cornwall Police's decision-making in relation to the shooter in Keyham
- The Scottish Affairs Select Committee following its review of firearms licensing regulations in Scotland, following a fatal shooting on the Isle of Skye on 10 August 2022

Of note, the Home office have rejected the IOPC recommendation to seek views in respect of removing the distinction between section 1 firearms and section 2 shotgun legislation with a view to alignment, particularly around the ability to condition a shotgun certificate, referees and 'good reason' however, FELEG will continue to discuss this as part of the Firearms Licensing Enforcement Board.

The main areas where the consultation seeks a response are:

- **Statutory power** - for police to enter a home and seize firearms for the purpose of suitability review. Also, an additional power to temporarily suspend a certificate.
- **Prohibitions** – Review of whether prohibition (certificate holder who have received a prison sentence) set out in Sec 21 of the act are still appropriate?
- **Length of certificate** – Is 5 years still appropriate?
- **Referees** – should further information be given to referees to make the police expectation clear and should referees be required to have some knowledge of shooting or be of a particular standing in the community?
- **Statutory Guidance** – Is current guidance sufficiently clear?
- **Other disorders on medical form** – Should other neurodevelopmental disorders be added to the list of relevant medical conditions?
- **GP involvement** – Should GP involvement with firearms licensing be made mandatory? Should interim (mid certificate) reviews take place between GP and Police?
- **Mental Health Support** – Should additional MH services be made available for SGC and FAC holders?
- **Phoneline** – should a specific phoneline be made available for individuals to report concerns about a certificate holder?

FSEL will respond both individually and additionally feed into a national response via FELWG. The responses from the consultation will be used to inform a revised update to the Statutory Guidance in the Autumn of 2023.