

Written evidence submitted by the British Association for Shooting and Conservation (POP0029)

Introduction

1. With some 150,000 members, the British Association for Shooting and Conservation (BASC) is the largest shooting organisation in the UK. Amongst other things, BASC stands for high standards of behaviour by the shooting community and advocates a fair and effective firearms licensing system. BASC is the only organisation to have monitored and produced statistics on the administration of firearms licensing by the UK's police service. Such monitoring has been conducted since 1997 and provides a snapshot of police performance in this area. It is instructive to note that neither the Home Office nor the National Police Chief's Council (NPCC) undertake similar monitoring and as such are wholly unsighted on police performance in this field. To that end, BASC has just completed a review of firearms licensing departments in England and Wales; this can be found on the BASC website, www.basc.org.uk

2. BASC is regarded as being expert in the field of firearms licensing. It is unique in that its Firearms Team is composed of individuals with experience of firearms licensing, the gun trade, the criminal use of firearms and forensic ballistics. BASC has sat on many Home Office Working Groups examining a range of firearms issues since the early 1990s. Currently, it sits on the Home Office Fees Working Group and is routinely consulted by the Home Office, the NPCC and the NCA. Equally, BASC is no stranger to this committee, having made written submissions and given live evidence to many of its inquiries since 1990.

3. BASC accepts that this submission to the Home Affairs Committee (HAC) is narrow and focuses on a single area of police activity, i.e., firearms licensing. It might be argued that this focus is solely concerned with the leisure activities of firearms users which should not be afforded a high level of priority within policing. BASC disagrees with this stance and avers that a fair and effective firearms licensing process is fundamental to public confidence in the police and the preservation of public safety.

4. BASC is pleased to draw upon its long experience of firearms licensing practice to make remarks and observations which it hopes will assist the HAC in this call for evidence.

Specific Questions

NB. As BASC's response has a narrow focus, it will only answer those questions which fall within its competence.

What a modern police service, fit for the 2020s and beyond looks like?

5. In terms of firearms licensing, a modern police service should:

- Provide adequate fiscal and human resources for its Firearms Licensing Units (FLUs).
- Employ properly trained, expert staff within those units.
- Abolish non-standard administrative practices which fall outside the Home Office Statutory Guidance, 2021.

- Achieve consistency of administrative practice which conforms to the Home Office document; “Firearms Licensing: Statutory Guidance for Chief Officers of Police.” (2021)
- Adopt a risk-assessed and managed licensing regime as opposed to a risk-averse one.
- FLUs should be subject to Service Level Agreements.
- Incorporate proper mechanisms for stakeholder involvement and feedback.
- FLUs must be answerable to a central policy unit (akin to the Forensic Science Regulator). This unit must have statutory powers to compel compliance.
- Firearms Licensing Units must be inspected as part of a force’s PEEL inspection.
- Regional co-operation and eventual amalgamation between FLUs should be strongly promoted.

Commentary

NB This commentary provides detail and background for the bullet points above. It does so in the order in which they appear.

6. In BASC’s experience, many FLUs are woefully under financed and resourced. There is no set location for an FLU in a force’s business model with them appearing within a variety of other units and directorates. The Covid19 Pandemic has brought an already shambolic firearms licensing regime to breaking point. E.g., during the pandemic, Staffs & West Midlands Police could deploy only 2 Firearms Enquiry Officers to cover these two force areas. Several Firearms Licensing Managers (FLMs) have welcomed BASC’s complaints about resourcing made to Chief Officers and PCCs on the grounds that they strengthened their business cases for more staff.

7. Certificate fees are not ring-fenced for FLUs and may be diverted into other units. There has been talk in the press about certificate fee revenue failing to cover the cost of running an FLU. It is often alleged that this is the public purse subsidising certificate holders. BASC does not subscribe to this notion. Rather, it asserts that this discrepancy should be regarded as society investing in effective FLUs to preserve public safety. The long descriptor before Part 1 of the Firearms Act, 1968 describes two of its major functions as “The prevention of crime and measures to protect public safety”. As firearms licensing is primarily conducted for the public good, it flows from this that the public purse should finance a significant proportion of this. In any case, Treasury Rules do not allow for the costs of any enforcement to be included in any fee structure.

8. BASC has observed over many years that many FLUs operate with staff who are not properly trained. To alleviate this, BASC routinely delivers pro bono, specialist training sessions to FLU personnel, believing that this provides benefits to certificate holders, police, and society alike. The College of Policing has produced a set of learning outcomes for Firearms Enquiry Officers (FEOs) but in BASC’s experience this has a low take up rate, probably caused by the cost charged by its sole Firearms and Explosives Licensing Working Group (FELWG) approved commercial provider. No similar College of Police standards exists for firearms Licensing Managers (FLMs) or other licensing staff. Some specialist training is provided by South Yorkshire Police, but again this is sporadic in its uptake.

9. On the back of this BASC recommends that every interview between an FEO and a certificate holder is recorded. This is a best practice measure that not only provides an audit trail, but which can also be used for quality control of licensing personnel to ensure that they do not deviate from the principles in the Statutory Guidance. It also allows for any strange or un-cooperative behaviour on the part of an applicant or certificate holder to be recorded.

10. Firearms licensing across Great Britain is characterised by a lack of both administrative and interpretive inconsistency. This is a function of the devolution of licensing to individual Chief Officers. The situation has not changed since the 1980s. In an attempt to remedy this, the Home Office issued the document; "Firearms Licensing: Statutory Guidance for Chief Officers of Police." (2021). (Contrary to widely held belief, this was not precipitated by the Keyham murders in 2021; the Home Office had been consulting on this document for at least 2 years prior to this.) In any case the title is something of a misnomer as the document does not compel Chief Officers to undertake an action, it merely requires them to "have regard to" it. In BASC's experience take up of the Statutory Guidance is patchy.

11. Recently, BASC was invited by the Home Office to feed in its comments to a review of the Statutory Guidance. The submission included these remarks.

"BASC's overarching concern about the Statutory Guidance is that it was implemented to achieve consistency of practice between police licensing departments. That is a laudable aim, but 10 months from its introduction there is no evidence to suggest that there has been any improvement in consistency of approach. In fact, anecdotal evidence gathered from BASC's Firearms Officers who are in routine contact with licensing departments, is the existing situation of inconsistency of application has not altered, let alone improved."

12. Effective firearms licensing is intelligence-led and predicated upon risk management rather than risk aversion. (The overall concept of Intelligence-Led policing was introduced in 2000). The outgoing NPCC lead on Firearms Licensing (DCC Dave Orford, Durham Police) told BASC that only 2% of all certificate holders gave the police cause for concern. That being so, the main efforts of FLUs should be focussed on the problematic 2%. This is best achieved by the use of risk-assessed certificate renewals. Those certificate holders whose circumstances remain largely unchanged since the last renewal do not need a home visit from an FEO on renewal. (An FEO visit is the largest cost component in the renewal process). The process can be conducted either by phone or video media such as Zoom or Teams. BASC notes that this means of renewal worked well during the Pandemic where face-to-face contact had to be minimised. It has the advantage of providing an audit trail by means of a recording.

13. Very few licensing authorities have any mechanism for collecting and evaluating the views of their certificate-holder customers. Less than 5 firearms licensing Independent Advisory Groups are in operation and customer surveys are almost unheard of. In any case, certificate holders are wary of such things, fearing to level any criticism at the police in case their certificates become adversely affected. The 1993 HMIC Thematic report into the Administration of Firearms Licensing observed at 6.1 that:

“Firearms licensing is a customer orientated activity and, as such, benefits from the evaluation of service provision and performance measurement.” It went on to say at 9.7 that:

“The inspection showed that the service provided to the shooting public varied between excellent and very inefficient and, most surprisingly in the light of the current thrust towards service provision, few forces had any mechanisms in place for taking the views of their customers.”

14. 29 years on, this situation has not changed. There is a prevailing culture of “Take It or Leave It” amongst many FLUs with only a handful dedicated to providing a good service. Similarly, there is a climate of fear amongst those who shoot which militates against them making any criticism or complaint of or about the police for fear of some perceived action against their certificates. Such phenomena must be wholly unacceptable to a modern police service particularly in light of the Peelian principle of “policing by consent.”

15. It is instructive to note that the current incoming NPCC Lead on Firearms Licensing (CC Tedds, Warwks Police) has yet to have any meaningful interaction with stakeholder representatives from the shooting community despite having been in post for over a year.

16. In past decades, there have only been two significant Thematic inspections of firearms licensing (1993 & 2015) by HM Inspectorate of Constabulary and Fire and Rescue. BASC recommends that detailed scrutiny of should be of a force’s FLU during any PEEL inspection and that a full Thematic inspection should take place every 5 years.

17. BASC’s analysis of firearms licensing performance shows that when the FLUs of a number of forces are brigaded together, they become more efficient. The best example of this is the Herts/Beds/Cambs triumvirate which provides the most efficient service to their certificate holder customers.

What balance police forces in England and Wales should strike between a focus on preventing and solving crime and carrying out their other functions?

18. It is self-evident that any police force should devote the majority of its efforts to the prevention and solution of crime. However, that being so, where Parliament has conferred some other function on the police service, then that should be discharged to the best of the service’s ability. That is particularly so for the firearms licensing function; if that is not properly and efficiently administered then there are potentially serious consequences both for the preservation of public safety and the prevention of crime.

19. BASC’s experience is that firearms licensing is not properly resourced either fiscally or in terms of human resources by many Chief Officers. It has been described as a “Cinderella” service. This state of affairs benefits nobody: neither the general public nor those who depend on a police monopoly for their Firearm or Shotgun certificates. The police service may not regard firearms licensing as an operational priority, but that indifference can never justify allowing it to degenerate into the chaos that characterises it today.

What can be done to improve community policing and increase trust in police officers and forces, including on funding and on disciplinary powers when police officer behaviour falls below required standards?

NB. BASC only considers itself competent to address part of this question, viz; “....increase trust in police officers and forces, including on funding and on disciplinary powers when police officer behaviour falls below required standards.

20. For reasons outlined earlier in this paper, the shooting community is mistrustful of police FLUs. Equally many staff in FLUs see certificate holders as trying to pull the wool over their eyes when they make application for the grant, renewal, or variation of a certificate. (This latter is aggravated by the general lack of knowledge about firearms, their legitimate use and sporting shooting within FLUs).

This tension and mutual lack of trust serves nobody.

21. Trust will only be established between police licensing personnel and the shooting community when the former is properly trained, competent and not allowed to pursue its own agendas. The police service also needs to regard the shooting community as an important part of the solution to reducing gun crime rather than seeing it as a potential problem to be regulated into submission. BASC asserts that there is no real desire for partnership working between the police service and the shooting community. If there were, the police service would have a variety of mechanisms in place to allow the voice of the shooting community to be heard. (For a more in depth analysis, please see paras 13 - 16 of this paper).

22. The shooting community has no representatives on the NPCC Firearms and Explosives Licensing Working Group despite the fact that this body regularly takes decisions that affect its certificate holder stakeholders. In contradistinction, the National Crime Agency has several members of the shooting community on its Criminal Use of Firearms (Prevent) Board as well as a joint Chair – currently being the Director of the Gun Trade Association. That is a proper example of partnership working.

23. In BASC's experience when complaints are made about the conduct of firearms licensing staff, these are rarely taken seriously and do not receive any independent investigation, often being referred back to the same department whose conduct generated them in the first instance.

Conclusion

24. Firearms licensing is in crisis. The forty-three licensing authorities in England and Wales are unable to manage their workload, with some refusing to process grants and many taking more than a year to process renewals. A largely unprofessional, overburdened and poorly resourced police licensing service puts public safety at risk.

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