



NOTTINGHAMSHIRE  
**POLICE**  
PROUD TO SERVE

**PS 157** FIREARMS LICENSING POLICY

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**Registered Owner:** Head of Crime and Operational Support Command

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**Signed:** \_\_\_\_\_ **Date:** September 2018

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**Signed:** \_\_\_\_\_ **Date:** September 2018

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**1. SECTION - VERSION CONTROL**

Version No.	Date	Post Holder/Author	Post	Reason for Issue
1.0	September 2018	David White	Firearms & Explosive Licensing Manager	Replace previous out of date procedures

**2. SECTION - BACKGROUND****Authorised Professional Practice (APP)**

APP is developed and owned by the College of Policing (the professional body for policing) and can be accessed online. It is authorised by the College of Policing as the official and most up-to-date source of policing practice. The range of subjects covered by APP is growing all the time.

It has the same legal status as previous guidance; it is not the law and so, while Police Officers and Staff are expected to have regard to APP in discharging their responsibilities, the status of APP is advisory. There may be circumstances when it is legitimate to deviate from APP, providing there is a clear rationale for doing so.

This Policy has been checked against APP. Nottinghamshire Police has adopted the APP provisions, with supplementary information contained herein, which reflects local practice and the needs of the communities served by Nottinghamshire Police.

Those provisions are shown in the links below and can be accessed via the home page of the APP website: <https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/firearms-licensing/>

### **3. SECTION - AIMS / OBJECTIVES**

#### **AIMS:**

- 3.1 The purpose of this policy is to ensure that the control of firearms, shotguns and explosives are administered in accordance with the Firearms Act 1968 and its amendments. The aim will be in the interest of public safety, the reduction of crime, disorder and anti-social behaviour and the protection of the rights and freedom of others. It will provide reassurance by ensuring that unsuitable persons do not possess legally held firearms, shotguns or explosives.
- 3.2 Nottinghamshire Police is committed to ensuring that comprehensive and robust enquiries are undertaken to ensure that certificates allowing possession of firearms, ammunition and explosives are held by persons whom the Chief Officer of Police for the Nottingham and Nottinghamshire police area believes are suitable.
- To be entrusted with a firearm or permitted to possess a shotgun without danger to the public safety or peace.
  - Firearms and ammunition must be stored securely and in accordance with the Home Office security requirements.
  - Firearms can only be possessed by those who can show good reason.

#### **OBJECTIVES:**

- 3.3 Nottinghamshire Police is committed to protecting the people of Nottingham and Nottinghamshire by maintaining an appropriate level of protective services, ensuring quality local policing, and to achieve best value for money, productivity and efficiency. This is reflected in the statement of common purpose for Nottinghamshire Police Firearms and Explosive Licensing department.
- 3.4 To protect the public by ensuring firearms, shotguns and explosives are only possessed by those who are safe to possess them.
- 3.5 To ensure all applications are dealt with in a robust, fair and efficient manner so that the best possible service is given to the public and the applicant.
- 3.6 This policy seeks to achieve an appropriate balance of:
- Protecting public safety by preventing foreseeable or avoidable harm
  - Delivering an efficient licensing process that is proportionate, rigorous, cost effective, fair and timely
  - Providing a fair and transparent service to the public.

- 3.7 However, all decision to grant, renew or revoke a certificate is made on the grounds of public safety and not the potential cost of any appeal to the Crown Court.
- 3.8 The safety of our communities is of paramount importance when considering the issue of firearms to members of the public. The principle of this policy is to ensure that all firearms, shotguns and explosives are held lawfully and that appropriate systems are in place to monitor their use both in a verification and qualitative approach.
- 3.9 All applications are reviewed subjectively on an individual bases, assessing each application against Home Office guide on Firearms Licensing Law.
- 3.10 The policy provides a strategic direction for the Firearms & Explosive Licensing department procedural guide that describes how Nottinghamshire Police will undertake the administration of firearm, shotgun and explosive licensing, in accordance with current legislation and guidance.

## **STATEMENT OF COMMON PURPOSE**

Nottinghamshire Police Firearms and Explosives Licensing will enhance community safety through professional risk management decisions, efficient customer service, and engaging with all stakeholders to ensure that firearms and explosives are used responsibly and within the law.

This will allow for improved public safety by preventing foreseeable harm, and to ensure that all applications are dealt with in a robust, fair and efficient manner so the best possible service is given to the public and the applicant.

The administration of Firearms Licensing will be managed through the National Firearms Licensing Management System.

## **4. SECTION - DETAILS**

### **PROCESS AND DECISION MAKING**

- 4.1 The Firearms Licensing and Explosive Manager will be authorised under section 55(2) of the Firearms Act 1968 to exercise those functions of the Chief Officer of Police for the Nottinghamshire Police area.
- 4.2 Unless the Chief Constable delegates further, no persons other than the Chief Constable, or those other delegated individuals may take such action.
- 4.3 The Firearms and Explosive Licensing Manager including all other decision makers will use the National Decision Making Model and the risk matrix when making a decision to utilise their delegated authority in granting, reviewing or revoking a certificate holder or applicant.

- 4.4 The Firearms and Explosives Licensing Manager may refuse applications where it is considered there is no 'Good Reason' to support the grant of a firearm certificate.
- 4.5 Risk assessment activity should be considered at all times in supporting the principle of ensuring public safety and the peace.
- 4.6 National Decision Model will be applied to all decisions which will underpin the priorities of the Firearms Act which is based on reducing the risk to public safety through preventing foreseeable or avoidable harm.
- 4.7 Under no circumstances must enquiries concerning licensing applications be undertaken at Police Stations by local officers unless told to do so by the Firearms and Explosive Licensing Manager.
- 4.8 Under the provisions of Section 44 of the Firearms Act 1968, an applicant may appeal against a decision by the Chief Officer for Police to revoke or refuse a certificate.
- 4.9 It is essential in the case of revocations for the Firearm and Shotgun certificates that such decision making lucid is held on the revocation file.
- 4.10 The Firearms Licensing administration staff are responsible for the vetting of all applications. The following checks will be made on each and every application which will allow for an accurate assessment of the individuals suitability to possess firearms:
- PNC
  - counter terrorism
  - local intelligence/NICHE checks
  - Incident recording (including crime and custody systems).
  - PND
  - ACPO's Criminal Records Office (ACRO). Foreign national checks.
- 4.11 It is also essential that all seized guns and ammunition are held in secure Property Stores, at Registered Firearms Dealers or other appropriate certificate holders, and where appropriate are disposed of in a timely manner.
- 4.12 Consideration will be given in relation to all applicants for the granting or renewal of firearms, shotgun or explosives certificates to be the subject of a home visits in accordance with the following protocol in the below chart, unless a visit has already occurred during the period that the department has been in possession of their application.

If three months or more has elapsed then a visit should take place regardless. All renewal applications will be visited every five years.

**HOME VISIT RISK MATRIX**

Process	Visit Mandatory	Criteria for None Mandatory Visits
Cancellation of a Certificate	No	A visit will only be required if the following applies:-  There is a discrepancy in relation to a gun which following enquiries by way of letter/phone calls etc., cannot be cleared up.
CHANGE OF ADDRESS	YES	Unless there are no Security Provisions at the Address.
EUROPEAN FIREARMS PASS	No	
EXEMPTION PERMIT	YES	Unless there are no Security Provisions at the Address.
FIREARM GRANT	YES	
FIREARM RENEWAL	YES	
FIREARM VARIATION	YES	Visit will only need to be made if the application:- If there is a security issue raised by the increase in firearms. If any incidents have occurred since the last renewal etc. If the application creates any other discrepancy.
GRANT OF EXPLOSIVES LICENSE – ACQUIRE AND KEEP	YES	
GRANT OF EXPLOSIVES LICENSE – ACQUIRE ONLY	NO	
GRANT OF REGISTERED FIREARM DEALER	YES	Follow Best Practice Guide to Registered Firearms Dealer inspections
RENEWAL OF REGISTERED FIREARM DEALER	YES	
HOME OFFICE APPROVAL OF Shooting CLUBS	YES	Follow Best Practice Guide to Home Office Approval and Criteria reporting
HOME OFFICE MUSEUM LICENSE	YES	Follow Best Practice Guide to Registered Firearms Dealer inspections
HOME OFFICE SECTION 5 AUTHORITIES	YES	Except when it is clear from the outset that the suitability will not be at issue.
INCIDENTS INVOLVING CERTIFICATE HOLDERS	YES	Except when it is clear from the outset that the suitability will not be at issue.
NOTICE OF SALE	NO	A visit will only be required if the following applies:-  There is a discrepancy in relation to a gun which following enquiries by way of letter/phone calls etc., cannot be cleared up.
REFEREES AND COUNTERSIGNATURES	No	A visit will only be required if the following applies:  There are issues with the application in respect of the applicant's character, which cannot be cleared up via written communications, or via the telephone.
RENEWAL OF EXPLOSIVES LICENSE: ACQUIRE AND KEEP EXPLOSIVES AT ADDRESS.	YES	
RENEWAL OF EXPLOSIVES LICENCE: ACQUIRE EXPLOSIVES ONLY.	NO	
SHOTGUN GRANT	YES	
SHOTGUN RENEWAL	YES	
TRANSFER IN	YES	

## **SECTION 5 LEGISLATIVE COMPLIANCE**

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; Data Protection Act; Freedom of Information Act; European Convention of Human Rights; Employment Act 2002; Employment Relations Act 1999, and other legislation relevant to policing.

## **APPENDIX A – MEDICAL INFORMATION VERIFICATION FOR FIREARMS LICENSING**

### **1. INTRODUCTION**

- i. The current Home Office Guide to Firearms Licensing Law recommends that police forces make the best decision possible on the information available. It is clear that medical information is becoming increasingly important to the Firearms Licensing process and considered essential for effective decision making in order to keep the public safe. The National Decision Making Model highlights the importance of information and intelligence, and medical files often contain vital information.
- ii. Nottinghamshire Police believe that the confirmation of the medical information supplied by applicants should form a compulsory part of the information required to make a balanced and reasonable assessment of an application. This has taken into account the public safety principle of the residents of the city of Nottingham and the wider Nottinghamshire Police area, as well as the safety of certificate holders.
- iii. Failing to verify a person's medical history would be a failing for Nottinghamshire Police in exercising due diligence in its duty to protect the public if it did not take into account the risk factors of mental health and other debilitating conditions relating to the access to firearms.
- iv. All applicants are required to declare if they have ever suffered from any of the relevant medical conditions as shown on note 5 of the application form, form 201/201v. The Firearms and Explosive Licensing department continue to encounter instances where applicants have made dishonest declarations about their health. Communication between Nottinghamshire Police and General Practitioners is exposing the dishonest applicants.

### **2. PROCEDURE**

- i. An applicant will submit an application for a grant or renewal of a firearm or shotgun certificate, and at that point they will be able to submit medical information they have already obtained from their GP. This will identify if they suffer from any of the relevant conditions or not.

- ii. If an applicant is unable to have their medical declaration verified with their GP, Nottinghamshire Police will not proceed with the application until this information is supplied.
- iii. It has been identified that many GP's charge a fee for the release of this information, and the fee level is inconsistently applied across the Nottinghamshire Police area. The cost of the fee can be a barrier to an applicant. Nottinghamshire Police has asked that GP's across the police area that they provide a fair and consistent approach to fees, for supplying the medical information.
- iv. Nottinghamshire Police and GP's have worked together to get the best advice where a medical issue provides a concern. There may be the option to get a further medical report from a medical professional with additional specialist experience, to identify whether or not an applicant is suitable for a certificate. It is anticipated that this may incur a further cost.
- v. All firearm and shotgun renewals, or grant applications, will be assessed in conjunction with verified medical information.
- vi. Any application for the grant or renewal of a firearm or shotgun where the applicants medical information has not been verified with the information provided by the applicants GP will be refused.
- vii. The wider public of Nottingham and Nottinghamshire, including members of the shooting community and their families, will be better protected by Nottinghamshire Police implementing this measure.
- viii. Nottinghamshire Police will incorporate the compulsory verification of medical information within the firearms licensing process in the belief that this will also result in efficiencies.
- ix. Nottinghamshire Police will introduce a simple solution to an on-going problem that is undermining public safety and obstructing the firearms licensing process.

### **3. KEY FACTS**

- x. The changes to the Home Office medical process implemented in April 2016 showed that medical information and its verification is an essential part of the firearms licensing process.
- xi. The April 2016 process failed over fee payments and many GP's are refusing to provide medical information for free. Shooting groups are opposed to paying for their medical information to be released.

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- xii. The increased use and availability of medical information has unequivocally proved that a minority of shooters are being dishonest by not revealing the existence of medical diagnosis on Firearms Licensing applications.

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