

Minutes

NPCC FELWG, MEETING HELD AT DYFED POWYS POLICE HQ, WEDNESDAY 6TH SEPTEMBER, 2016.

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Attachments @ paragraphs: None

1. ATTENDANCE

1.1 Present

ACC Dave Orford, Durham Constabulary Chair
Chief Inspector Neal Bickford, Durham Constabulary
Helen Rees Dyfed Powys Police (Wales Rep)
Graham Widdecombe, Home Office, Head of Firearms
Dave Coutts, North Yorkshire Police
Bridget Hodgson, Northamptonshire Police (East Midlands Rep)
Nicola Murphy, PSNI (Telephone Conference)
Mark Groothuis, (South East Region)
Mike Cox, Avon and Somerset Constabulary (South West Rep)
Darren Miller, Hampshire Police
Fraser Lamb, Police Scotland
Steve White, Police Scotland
Richard Kennett, Suffolk Constabulary (Eastern Rep)
Sharon Deighton Cheshire Constabulary
Martin Parker, NABIS
Christopher Lynn, NCA
Keith Main, Scottish Government
Joe Cooke, Devon and Cornwall Police
Fiona Smith, West Yorkshire, (North East Rep)
Tim Sanders Essex Police
Chris Lynn, National Crime Agency



1.2 **Welcome**

ACC Orford welcomed everyone to Dyfed Powys Police and thanked Helen Rees for hosting the meeting.

1.3 **Apologies**

Roger Arditti, Metropolitan Police
Elizabeth Brown, Devon and Cornwall Police
Janet Jones, Merseyside Police
Emma Brookes, Essex Police

2. **Minutes of the last meeting**

Minutes of the last meeting held on the 20th of April, 2016 were agreed as a true record.

Matters arising

Two minor matters to amend. Helen Rees is from Dyfed Powys Police not Heddlu Drylliau. And the previous meeting was held on 10th September 2015, and not 5th February as documented.

3. **Action Log**

Strategy & Performance – Dealt with as part of main agenda

RESTRICTED; The first part of this meeting has been restricted, and minutes are not shared outside of policing.

Statutory Guidance - Action has been circulated

Wet Signatures – The matter of wet signatures remain ongoing. DM outlined that SA had taken this request to the NFLMS transformation project, however it was agreed that this was not the correct arena to take this forward. DM is meeting with SA in the next 2 weeks to progress this issue. The Home Office lawyers have been tasked to look at the change to electronic signatures, in particular how and what would be required to confirm an applicant's identity. The Home Office looking at a co-ordinated and consistent way forward. DM indicates so long as the industry standard for electronic signatures is applied then there should be no issue in taking this matter forward. **Ongoing**

New Medical Arrangements – Dealt with as main agenda item.

4 **Future Strategy and Performance Management**

As a result of a workshop held in Durham in August a Strategic Vision statement for Firearms had been circulated to the group. This is to provide a strategic overview of the function which should then impact on key areas which should impact on forces performance. The document has not been circulated for endorsement, but for comment.

This document in time would be “rag rated” and colour coded, in order to give us a strategic view of licensing.

This is a first draft of the document and it was for all to take this away and see how it fits within their areas

Action - All members to review Strategy Document and provide feedback to NB, so that he can consider any amendments.

Action – NB to provide a performance framework for the next meeting.

5. Medical Arrangements

Since the last meeting the Chair had had constructive meetings with Mike Penning the Policing Minister at the time, who understood the challenges and was happy to meet with the Medical Minister if required. Since this meeting, there has been a complete change in government and ministers, and total upheaval in the Home Office which has hampered getting a steer from ministers therefore negotiations had faltered.

The Chair was sympathetic to the fact that the new process was unsustainable and untenable and had meetings with the Chair of the GMC Legal Counsel and written to the Home Office in those terms.

The matters were compounded by the change in stance from the BMA, albeit the GMC remain supportive, and appreciated the link to public safety fully and remain fully signed up to the principle. They were fully committed to re-drafting their guidance to fall in line with that of DVLA to be more specific of the expectation of their doctors in relation to Firearms. No timescales were agreed.

The issue of fees remain completely separate, as this is a matter between the Home Office, Police and Doctors and not the BMA as you can't just negotiate with the BMA because the doctors do not follow what they say.

The Chair indicated that he is in support of a legislative change to provide this information. And meetings are scheduled to try and drive a more pragmatic process forward.

It was the view of the group that it was the responsibility of the Home Office to take this matter forward; however they were not in a position to take this to ministers before October. In light of the recommendations made by the HMIC, it was not for this group to withdraw from the set process based on significant public safety issues, and based on Police actions to support Public safety if we were to withdraw from the process then it would be difficult to recover this in the future. However it was noted that the Home Office may not be in possession of sufficient information to provide clear direction to Ministers, with discussions ongoing the Chair was keen to go to Ministers with as much information as possible to try and progress matters in the best possible way. It was also noted that the medical defence unions had not been engaged in this process.

The matter of fees for the pre-grant letter was discussed and it was agreed that the police service should not pay for these letters.

It was agreed that the Police Service as a whole was doing its best to comply with Recommendation 11 as set out by HMIC, and work is ongoing with the Home Office to achieve it. This is the Home Office's position to be accountable to the HMIC and therefore the Chair had no authority to withdraw or change the process, only the Home Office can do that.

It was noted that all parties had signed up to the pre-grant letter. And if we step away it could have significant public safety implications.

In order to achieve this quickly then the only option to get compliance was to incorporate this into statute.

Police Scotland incorporates a process of sending the letters to the applicant, to direct the letter to their GP's. Scotland are now struggling with numbers of letters not returning from the GP's, and were now asking individuals to store guns because certificates were coming up for renewal, which was not going down well, FL outlined the process implemented by Police Scotland.

In essence this matter requires the implementation of NDM to gather information and intelligence to come to a considered decision. Forces are at risk of being overwhelmed by information as more and more databases feed into the licensing arena. Forces should ask for information that is relevant to an application at the earliest possible point, including medical information, and consequently there is a process decision as to how long each force waits for this information, this is down to a local decision, and reliant on the resources available in each force to manage the process.

The GP's process is evolving and clearly not working at present, however we are currently in a building process, and have to understand the position for the short term, but not accept it.

FL asked whether it was worth creating a public communication strategy in regards to this matter, & HR asked whether it was worth sending a letter to each GP surgery, DCC Orford suggested that he would draft a letter to send however due to the sensitivity around the process it would be carefully worded.

Action – NB to draft a letter on behalf of DCC Orford to send to GP's nationally. All to send examples of their best and worst fee examples to NB so that this could be incorporated in the letter.

6 Home Office Update

British Visitors Permits

A paper has been circulated in respect of the post implementation review into visitor's permits and the change into providing copy documents instead of originals, which was mainly aimed at the Metropolitan Police; the Home Office are currently asking for feedback post implementation in particular questions 1 & 2 and 6 & 7 of the consultation.

Action – NB to contact R Arditti for feedback

Automatic Extension of Certificates

The Home Office amend the Police and Crime Bill to introduce a system of automatic renewal, which would assist forces by removing the need to do away with the Section 7 permits, by extending the validity dates of certificates for 8 weeks automatically if the renewal process had not been finalised, where an application had been

submitted 8 weeks before expiry, it would continue in force or a further 8 weeks. This would in effect give forces 16 weeks to deal with applications. This had come from a recommendation from the Law Commission report. And whilst in general received positive feedback from the group it did raise certain questions in respect of Explosives applications which run co-terminously with firearm & shotgun certificates and the purchase of ammunition.

This process should save work on the preparation of Section 7 Permits, however it was noted that there would be no support to the draft bill if it added further work to Firearms Licensing Departments.

ACTION - GW to send on a copy the draft provision to the Chair of the Group and KM for consideration

- **DC to draft response from a risk perspective for consideration as part of the consultation process.**

Changes to Expanding Ammunition

The Home Office are looking to take expanding ammunition out of the provision of Section 5, reversing the provisions of the Firearms Act 1997 to save work on having to condition certificates, and easing the burden of having to move expanding ammunition by Section 5 Carrier.

One exemption would however be pistol calibre rounds, however there will remain issues surrounding ammunition suitable for dual use, and how will pistol calibre ammunition be defined within the EU Weapon directive.

Authorised Persons

The BSSC had tabled an amendment at Commons Committee stage to the Police and crime bill in relation to the inclusion of authorised persons to the exemptions offered at Section 11(5) of the Firearms Act 1968 and 16(1) of the Firearms Amendment Act 1988.

This amendment had been tabled with a suggestion that its implementation would reduce the number of certificates for police to deal with; however it was the view of the group that this would not be the case.

This did raise some debate, and concerns were raised as to who or what would be the definition of an authorised person.

The current definition occupier was that which was used in the Wildlife and Countryside Act, and it was suggested that it would assist licensing managers to reduce the numbers of certificates; however how this would happen is unclear.

GW noted that the provisions of 16(1) had moved on extensively, and whilst it was looking to extend the definition of occupier, then this would not abdicate the certificate holder from responsibility should things go wrong.

BH raised the question whether the Home Office proposed to develop a training condition; however this was a different matter which required further exploration.

EU Weapons Directive

EU directive moved on – and discussions concluded in June. EU parliament now reduced the directive to a number of compromise amendments which go to a plenary vote shortly, the directive then goes to a trialog where Ministers Commission and Parliament to agree the wording. The extension of .22 R/f Semi-automatic Rifles has been agreed. There may be implications in recording of deactivations, some of the new proposals deal with magazines and whether they may need to be recorded as component parts. Whilst the UK has voted to leave the EU these provisions have been negotiated within Article 114 (Free market provision) – and due to that even with Brexit we may have to comply with this directive.

7 Application Forms

RK raised two issues in respect of the forms. The first related to the wording relating to medical declarations. The form asks whether the applicant suffers from any relevant medical condition, it was agreed that this was an issue for departments and that a suggested wording of “do you now or have you ever suffered from” should be considered. This was agreed. The Chair asked GW to take this back to the Home Office – the next opportunity this could occur would be when the matter of electronic signatures were being considered. The Chair Challenged why this could not be amended sooner, as it has a public safety implication.

The second issue related to the requirement to return copies of certificates with variations, RK Raised concerns that this could pose a danger of the holder being in possession of two live certificates, it was agreed that this process could be easily managed by contacting the holder. And that further consideration could be given to amending the variation form in the future.

As a result a query arose as to whether FELWG had membership on the Forms Committee, it did not appear that was the case, and RK was nominated to be a FELWG point of contact for the forms committee.

RK raised the issue of online payment and fee details on forms, as there was no place for the applicant to place payment reference details on the form in dealing with online or telephone payment details. It was requested that this request be held in abeyance for the time being.

GW raised an issue of non-statutory forms which had been raised by BASC. It was agreed that BASC had been provided a response to this query in the past, and that the issues were no different now to when this matter was raised previously. GW noted that Dyfed Powys mark all ancillary forms as being non statutory and asked that other forces consider adopting this practice where non statutory forms were being utilised.

8. Lodging of Firearms

BH outlined a case where an individual had been taken to court for being in possession of a firearm without a certificate, having made an application to renew his certificate which had not been processed prior to the expiry date. This was withdrawn in court as it was not in the public interest and a costs award was made, as no clear definition of “in good time” could be agreed.

It was suggested that the case papers be requested for further clarification on the circumstances of the case, which would give a clearer understanding of the issues to hand.

9. **RESTRICTED. This part of the agenda is restricted, and minutes are not shared outside of policing**

10. NFLMS

The Chair gave an update on Programme Board meetings, and the transformation bid. The system has now fully transferred to the Police ICT Company. Bluelightworks commenced the scoping work to document their recommendations on a way forward. In order to transfer the project successfully, technical and business process input will be required from the Home Office ICT side; this is causing some challenges as NFLMS has been deemed a legacy system.

A lot of work has been undertaken on the business processes, and key to this will be what Bluelightworks produce and their recommendations in going forward, as this will form the discussions with the Police Technology Council as to where Firearms will fit into all other Operational priorities for the police service.

Timescales would be dependent on the recommendations provided. If the recommendation is to go with a fully bespoke new system it is unlikely that anything will be in place before 2018, if the system is off the shelf then that could paint a differing picture.

DM thanked those who attended a meeting in London at short notice to assist with business process workshops, there were still more scheduled, and it is hoped that all the work will be completed by November December to start building the transformation fund bid.

11. Any Other Business

Training

JC gave an update on training issues. The aspect of training had gone through a commission process with the college and despite assurances those discussions had failed, and it was outlined that the assistance from the college would now be minimal. A suggestion had been made that FELWG should accredit the training with the authority of the College of Policing, by inclusion of criteria into the APP. This matter is now for FELWG to take forward, as the college did not have the capacity to accredit all training.

The suggestion therefore is that FELWG endorse a list of essential and desirable competencies that they consider a requirement for an individual in an FEO role. It is a matter for forces then whether they deliver training internally, or utilise the national course, it will be for forces to satisfy themselves that the training delivered meets the core competencies.

From there the CPD element for managers and decision makers can be developed. The Chair has agreed to underpin a Scottish style, 1 day CPD event with keynote speakers and workshops for some where central in 2017.

FS suggested that Wakefield was a good venue with good transport links, and could look at possible facilities.

Action – JC to draft a core list of competencies for an FEO role, for the next FELWG Meeting

Regional Reps to canvass managers on suggested numbers for a CPD event, and volunteers to run a workshop.

Explosives

SW has now agreed to take the lead on Explosives for FELWG.

A brief update was provided, In April, and addition to the 2014 Regulations to the CE markings came into force. The HSE complicated Structure of Fees had changed as well and was available on the HSE website.

The HSE are currently undertaking a fundamental review of their licensing process to see if this is fit for purpose. SW is on that governance group and the first meeting was held 3 weeks ago incorporating all practitioners, and SW will contact all regional explosives reps to keep them updated of these changes, and if they have any information or concerns then SW can feed that back into the group.

HR raised a query on the ownership of explosives forms, as an issue had arisen with the Welsh Language commissioner over the translation of forms. The explosives forms are owned by the HSE, and therefore there is no responsibility on the Police Service to facilitate their translation.

SW Raised that fact that the ELO list was out of date and asked for an updated list of ELO's from all.

Action – Regional Reps to contact forces to provide and updated list of ELO's and their contact details to SW for collation.

Deputy Chair

HR raised a query as to whether it would be appropriate to consider the appointment of a deputy chair for FELWG as support for the chair, and continuity when the chair moves on or retires. There has been a struggle to appoint NPCC leads to the Firearms Portfolio in the past, and the suggestion of a deputy would offer resilience and continuity.

The Chair outlined that no other NPCC/ACPO Portfolio sit with deputy chairs at this time. He was keen to bring external links to offer other resilience and understanding of issues of Firearms, which should reduce the problem to appoint a lead for the future, albeit he had no plans to move on for the foreseeable future.

The Chair was keen to deputise matters in his absence to those who were knowledgeable in those areas.

Air Weapon Update

KM gave an update on the position on Air Weapon Legislation in Scotland. July 2016 saw the beginning of advanced applications.

The new legislation comes into effect from the 31st December 2016 and from this date owners of air weapons will need to hold an air weapon certificate, unless they are otherwise exempt. Transitional measures are in place, and a provision has been made to be able to align air weapon certificates with shotgun and firearm certificates. Visitor permits will be required by those taking air weapons into Scotland, or using air weapons while in the country.

Scottish government have worked with a number of agencies to publicise this including the tourist boards and shooting organisations, as they do not want to criminalise individuals inadvertently. A lot of information has been placed on www.airweapon.scot and the Police Scotland web pages, and should any queries be received from forces they could direct them to those web pages, HR Suggested that it may be worth placing this information on every force web page, KM was thankful for this support, and would provide a script that forces could incorporate onto their force web paged.

Police Scotland has recently held a surrender campaign for air weapons, and FL gave a brief update on what had been surrendered. Police Scotland is currently reporting numbers in excess of 15,000 air weapons being surrendered to the police.

Action – KM to draft a Script in respect of the new Air Weapon legislation for circulation to all forces to add to their force web sites.

Risk

DC outlined that they had had a couple of suicides where the risk assessment had fallen short; they had therefore written a new risk document for police officers in respect of the seizure of firearms.

Action – DC to circulate the risk document electronically to all.

Scottish Practitioner Group

FL noted that a Practitioners Group was now in place in Scotland, which will identify items which need to feed into the National Practitioners group, which creates a clear governance structure to feed into FELWG. FL will circulate the minutes, and see how certain matters are resolved which is a medium to share best practice.

FL informed the group that that he would be retiring in December, and thanked everyone for their support and assistance.

Fees

GW raised the fact that the Home Office were consulting on fees for Section 5, Museums and Clubs. Aim to introduce these fees in April.

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NFLMS

MC raised an issue that the recent software release of NFLMS has created a problem with the links to GUCCI, which links into STORM Command and Control. The problem is that no new addresses being added into NFLMS does not link automatically to STORM through this interface and will now need to be added manually, this is creating a significant amount of additional work for those with the GUCCI Interface. Discussion with the Home Office and Simon Dicketts note that there is no plan to patch this not at least for the next 12 months. An email has been sent in respect of the latest update however it is unclear whether all forces that use GUCCI are aware of this. This raises an issue of ownership of the interface.

Action - MC to Email NB an outline of the issues for NB to follow up.

Telephone Directory

FS raised the question whether it would be possible to have a list of direct line numbers for force to force transactions. A number of forces are running with restricted telephone lines on when they receive calls. It was agreed that there had been one in being some time ago, and that is was now out of date, everyone agreed that this was a good idea.

Action - Regional Reps to send direct force to force contact numbers to NB for collation and circulation.

12. Date & Place of Next Meeting

The next meeting is scheduled to be held in London 7th December, 2016 location to be confirmed.

Mr Orford asked for volunteers to host future meetings, and to contact NB so that dates could be scheduled well in advance for everyone's diaries.