

Minutes

NPCC FELWG, MEETING HOSTED BY MET POLICE, LONDON WEDNESDAY 7TH DECEMBER, 2016.

Security classification: Not Protectively Marked
Disclosable under FOIA 2000: Partial
Author: DURHAM CONSTABULARY
Force/organisation: NPCC
Date created: 16/12/2016
Business Area: FIREARMS
Portfolio: FIREARMS AND EXPLOSIVES LICENSING WORKING GROUP
Attachments @ paragraphs: None

1. ATTENDANCE

1.1 Present

ACC Dave Orford, Durham Constabulary, Chair
Chief Inspector Neal Bickford, Durham Constabulary
Roger Arditti, Met Police.
Helen Rees Dyfed Powys Police
Graham Widdecombe, Home Office
Dave Coutts, North Yorkshire Police
Bridget Hodgson, Northamptonshire Police
Nicola Murphy, PSNI
Denise Chapman, Essex Police
Mark Groothuis, NaBIS
Martin Parker, NaBIS
Mike Cox, Avon and Somerset Constabulary
Peter Steinhouse
Paul Gregory
Jonathon Cumberbatch
Keith Main, Scottish Government
Aileen Beerhop, Scottish Government
Fraser Lamb, Police Scotland
Steve White, Police Scotland
Audrey Marsh, Police Scotland
Richard Kennett, Suffolk Constabulary
Sharon Deighton Cheshire Constabulary
Joe Cooke, Devon and Cornwall Police
Fiona Smith, West Yorkshire Police



1.2 **Welcome**

ACC Orford welcomed everyone to the Met Police and thanked Roger Arditti for hosting the meeting.

1.3 **Apologies**

Darren Miller, Hampshire Constabulary
Chris Lynn, NCA

2. **Action Log**

Strategy & Performance – Dealt with as part of main agenda

PND – DC has circulated user guides as per previous action. DC gave the group a further update on the scoping work in relation to PND, and the ability to do bulk uploads. RK commented on concerns regarding resourcing, which was shared by the group. North Yorkshire police are selective on who they upload on to PND which is predicated on risk. MG wished to see an automated system.

DC gave further update on facial recognition capabilities and connections web, though this element is in its infancy. MC endorsed facial recognition capabilities, though DO acknowledged concerns existed around privacy, and parameters had to be clear.

FELWG position – The Chair acknowledged the resourcing position, and concluded it is not robust enough to mandate, as such it is a matter for forces to consider their utilisation of PND against their own internal systems.

Cover note from Chair re. medical arrangements to be written and circulated to all forces – Completed – action discharged. Medical issues dealt with as main agenda item.

Chair to write to Home Office outlining position that current medical arrangements are unworkable. Completed – action discharged. Medical issues covered in main agenda.

201 amendments; GW to expedite change to 201 to include ‘have ever’ in relation to relevant medical questions. – In progress

CPD – Covered in main agenda

4. **Medical Arrangements**

DO gave an update in relation to the most recent position on medical information sharing. DO has met with new policing minister, senior coroners, and latterly the GMC. Since these meetings, the BMA guidance has changed, and explains that

engagement should take place at the earliest opportunity. DO is now meeting the department of health, BMA, and Home Office officials on 22nd December to discuss arrangements. DO invited feedback from the regions – DC has noticed a significant change in response from GP's, albeit it was still early days. JJ concurs, though costs still remain an issue. Others around the table were of the opinion that there was no discernible difference. The Scottish position continues to be strong in relation to GP engagement, which AB and FL attribute to good comms and support from the Scottish government and Chief Medical Officer. The issue of fees remains contentious, with the majority of practices doing the work on a fee-free basis, though for surgeries that do charge, there is a polarisation of fees. RS / DC questioned the issue of 'satisfied' and if there should be a change in the guidance to put onus on applicant / GP, and further if FELWG should dig our heels in and work to a principle of no letter, no certificate.

GW – Strong ministerial engagement to come to a workable solution, and guidance could be tweaked if necessary, depending on outcome.

FELWG position – Position remains that forces should continue to request the information from GP's, whilst work continues with HO to come to a sustainable solution. DO is reluctant to impose bullish conditions before any discussions on 22nd December.

5 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. NaBIS, Op. Endeavour & Dragonroot

RESTRICTED

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, in 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.

RFD Risk and Perception of Risk

CL outlined that issues surrounding RFD Risk and the perception of risk will be outlined in depth at the meeting on the 16th September in Birmingham. This encompasses the business structures, activities of dealers, aggravating factors around business practices; some work emanating from Op Gold Dust could impact on FEO follow up enquiries or training packages for Firearms Enquiry Officers.

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.