



## **Wales Safer Communities Network response to: Home Office Consultation on Firearms licensing: recommendations for changes**

Closed 23 August 2023

Response submitted via email

**Response on behalf of the Wales Safer Communities Network.** The Network includes members from Local Authorities, Policing in Wales, Probation, Fire and Rescue Services and the Third Sector.

Questions:

**Q1. Do you consider that the police should be granted a specific power of entry (without a warrant issued by a magistrate or sheriff) to be able to seize shotguns, firearms and ammunition where there is a risk to public safety or the peace and the certificate holder does not cooperate with the police and agree to voluntary surrender. (In association with this proposal, the police should be given the power to suspend a certificate temporarily).**

We think if this were to be allowed that it should be carefully controlled and processes in place to ensure senior officer sign off. The ability to obtain a warrant and where delays in this process may fall should be a priority, as an improved process may mean there is little to no need for a new specific power.

**Q2. Do you consider that the prohibition on possessing firearms should be changed from one that is based solely on length of a custodial sentence following conviction, to one based more on the nature of the offence? This would ensure that the prohibition becomes more clearly related to risk rather than, more arbitrarily, to length of sentence.**

Yes, in principle as there can be multiple mitigating issues that may impact on the length of a custodial sentence following conviction.

**Q3. Do you consider that the renewal period (currently every five years) for a certificate should be kept under review? If so, is renewal every five years the right period of time or should it be changed to a shorter or longer period of time?**

We feel that it is right to keep the renewal period under review and that perhaps five years is too long and that it may be more appropriate to reduce it to three years, more in line with safeguarding practices.

**Q4. Do you consider that people applying for shotgun certificates should provide two referees? (This is relevant to the recommendations to bring shotgun certificate requirements in line with those for firearms.)**

Yes, we think having one consistent approach across all forms of firearms would seem reasonable and prevent ambiguity around the type of firearm and therefore which process is followed to acquire a certificate.

**Q5. Do you consider that at least one of the referees should be a person of certain standing in the community (e.g of a professional background)? This could include public officials (both elected and Civil Servants or Local Government officers), members of a regulated profession (including doctors, nurses, solicitors, barristers, accountants and FCA regulated finance professionals), officers of registered shooting clubs, National Farmers' Union representatives, landlords, land managers, vets or surveyors.**

Possibly, the Network would support the move to ensure one of the referees was a person of a certain standing in the community. Whilst we do appreciate that this may cause some difficulties for some, it could be an additional safeguard that would be easy to roll out. However, our hesitancy comes from the fact that these people may hardly know the applicant as a result it could be a tick box exercise which does not provide the level of detail that should suffice and enable an informed decision to be made.

**Q6. Do you consider that referees should be able to demonstrate a good knowledge of the applicant's circumstances, relevant to their suitability to possess a firearm or shotgun?**

Yes, character reference is vitally important and is part of the reason for our hesitancy to question five. It is also important to note that the reference will only be a snapshot in time and that any number of circumstances may change behaviour and possible suitability to possess a firearm or shotgun.

**Q7. Do you consider that the application form should include a checklist for referees on the information that they should provide to the police, and require referees to provide a written declaration that they have disclosed all relevant facts to the police?**

Yes, possession of a shotgun or firearm comes with great potential of harm if used inappropriately. However, there should be the opportunity to provide any additional information as there may be something potentially relevant not covered in the checklist items that are unique to the individual or circumstances in which they are operating. The person supporting the application (the referee) should understand the need for additional information and that they take responsibility for what they include and can be held to account if they withhold information at a later time.

**Q8. Do you consider that the Statutory Guidance should include more detailed guidance for the police on the information they should be looking to elicit from referees?**

As a network we think clarity and the removal of ambiguity which leads to differences in application between areas is important for transparency, consistency and assurance. It would therefore appear appropriate for the guidance to include more detail to limit the possibility of confusion or misapplication.

**Q9. Do you consider that the police should look at the circumstances when individuals change referees between application and renewal, and between subsequent renewals?**

It may depend on the type of reference as relationships and circumstances change, for example it maybe a different doctor from the same practice who the individual sees and therefore is a more appropriate professional to provide the reference. As long as the referees meet the criteria then it shouldn't have to be the same person(s) as last time however a constant change of referees may be a sign that they are trying to hide something or cover up some form of narcissism or other behaviour traits.

**Q10. Do you consider that the sharing of the unique application reference number by the applicant with their referees, would make it easier for referees:**

**(i) to report concerns they have about applicants to the police;**

Whilst this may be easier for the police to find the applicant, we feel this is unlikely to have much impact on the individual reporting who may not retain records, especially if they are called to be a referee for multiple individuals.

**(ii) to decline to give references; or**

We are not able to comment as we do not fully understand how and why there is a perception that the unique application reference may enable this, given that a direct request is to be made. There is still a risk of coercion, bribery and threats to support, whilst we appreciate that this aims to reduce this it is unclear in the consultation as to how this will be achieved.

**(iii) for those who give references but subsequently become concerned that the applicant may no longer be suitable to have access to a firearm or shotgun, to report this later to the police?**

Yes, it should make it easier for the referee to raise any later concerns if they have access to the unique application number instead of going through a potentially long reporting process. However, once again limited information is available in the consultation to explain how this would happen in practice and any security required around the storage of such numbers should it be implemented included in the guidance for referees. The applicants would need to be aware that a reference can be amended or rescinded during the lifespan of the certificate.

**Q11. Do you consider that the content in the Statutory Guidance should be expanded and made more prescriptive in relation to the suitability checks**

**carried out by the police for firearm and shotgun applicants and certificate holders?**

Yes, we agree that more detail should enable transparency and reduce any variations in application of the guidance. The guidance should enable for any variations that add to the application process that may link to environmental or work related practices.

**Q12. Do you consider that the balance of probabilities test is the correct test to apply in the Statutory Guidance to information about a person's suitability to hold a certificate? This is the test that the police have been using for many years and is applied in weighing the evidence and information in any individual case.**

No system will be perfect, and this would appear to be the most reasonable and balanced requiring proper process but not pulling on additional resources. However, it may need some updating to consider better understanding around mental health and other practices to safeguard the individual themselves as well as others in their family and community.

One option for consideration would be for a "fit and proper" test in relation to public safety is applied similar to those used by Licensing authorities. They have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee ([Statutory & Best Practice Guidance for taxi and PHV licensing authorities \(publishing.service.gov.uk\)](#)). The Guidance includes questions that should be thought about in regard to the applicant as well as the following information that may be appropriate for consideration or adopted within the firearm and shotgun guidance.

*"Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount.*

*All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence.*

*The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction."*

**Q13. Do you consider that neurodevelopmental disorders should be added to the list of relevant medical conditions in the Statutory Guidance (and application form)?**

Neurodevelopmental disorders covers a wide range of conditions including autism, ADHD, dyslexia and dyspraxia. Therefore, including this as a broad term risks discriminating and limiting the roles and activities that most neurodivergent people would otherwise be competent to be involved in.

**Q14. Do you consider that GPs' engagement with the firearms licensing process should be made mandatory?**

Yes, we agree in principle that GPs engagement should be mandatory due to the levels of involvement where mental health issues are involved. However, we would also like to raise that they are unlikely to know the full extent of an individual's life and any changes in their environment unless it changes their health. There is a risk that without needing a doctors report then information that is known could be missed. It would also provide assurance that any mental health conditions would be difficult to hide. A different GP should be involved in providing this information in comparison to the character reference to ensure independence and that the same number of professionals are involved in each certificate.

**Q15. Do you consider that interim medical checks should be made on licensed firearms holders between the grant of the certificate and any application to renew?**

The opinion of the Network will be different depending on other recommendations or responses to questions already provided. If the period between the granting of a certificate and renewal is reduced to three years as we suggested then it may result in additional workload for GPs who are already under pressure, but if it were to remain five years then a check at three years may be appropriate.

If the unique application reference number is held within the health system then this may be able to act as a reminder for if there is a change in behaviour or mental health. This could however prevent individuals from seeking the help and treatment that they need, where medication or other interventions could reduce or illuminate any new or additional risk and non-engagement increases the risk to the individual or others. Mental health can deteriorate quickly and for a range of reasons therefore timely interventions could prevent incidents involving firearms or shotguns and therefore this could have an unexpected consequence which could lead to more deaths and injuries by inappropriate use.

It may be more appropriate and worth considering developing a more dynamic element to the process so that risks are picked up as they emerge rather than only at renewal. These risks could be identified through a number of means including health but should not make it easily possible to identify who are the legal owners of firearms or shotguns and the properties in which they are stored outside of those involved in the licencing process.

**Q16. Do you consider that the digital marker for use by GPs on the medical records of licensed firearms holders should be visible to other health professionals?**

The Network has a split opinion in this matter. On the one hand the inclusion of the digital marker would allow for other medical professionals to know and be able to report if there is a change of health in a more timely manner, especially in secondary health care settings such as hospitals and emergency departments. The other side of the discussion is that the more people who can access information on who holds licensed firearms or shotguns may make them more of a target for criminals and organised crime groups and result in more legally owned items ending up on the wrong side of the law.

We understand that the digital marker is not yet live on the GP systems in Wales and therefore it may be more appropriate to see how it works and if it delivers the required benefits before consideration is given on rolling it out wider beyond GPs.

Weapons of all forms pose a threat to those visiting houses and homes we therefore think it is important that good processes are in place to safeguard staff and volunteers who are carrying out support and other activities.

**Q17. Do you consider there should be more mental health advice and support for licensed firearms holders through, for example, advice leaflets and other such support?**

Yes. Mental health provision is stretched in all areas however with the additional risk access to firearms poses the Network feels that any access to supportive materials will help to mitigate risk of harm to self or/ and others.

**Q18. Do you consider a specific phonenumber should be introduced in addition to the services already available to report concerns about a licensed firearms holder?**

For any imminent threat then 999 should continue to be used but otherwise reporting concerns to the police through other routes should continue. We are not sure of the benefit of a new phonenumber which would need resourcing not just for the short term but for longer term.

**Q19. How in principle should any specific phonenumber be funded: public funding or other source of funding?**

This could be funded through the cost of licences but if the cost increases the risk of people not applying for licences could also increase, leaving the purposes for licences potentially obsolete.

**Q20. Do you consider that it would be better to raise awareness of existing avenues open to raise concerns about a licensed firearms holder (999, 101, Crimestoppers, force firearms licensing contacts) than create a new phonenumber service?**

Yes, we agree that it would be better to continue to use the existing safe routes for reporting than create a new phonenumber which potentially pulls resources from other areas. Raising awareness of the routes for reporting would remove the difficulty of someone not knowing if a firearm is owned legally or illegally or if there has been a change in this status.

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