



## Firearms and Explosives Licensing Procedure

This procedure is part of North Yorkshire Police policy to which all Chief Constable personnel and the functions provided by the Deputy Mayor for Policing as part of the York & North Yorkshire Combined Authority are required to adhere.

### Procedure Statement

North Yorkshire Police (NYP) Firearms and Explosives Licensing Department (FELD) are responsible for discharging the responsibilities of the Chief Constable who has overall responsibility for Firearms Licensing in North Yorkshire.

The following points underpin all aspects of firearms licensing (College of Policing APP).

- Prevent foreseeable or avoidable harm.
- Manage risk and act decisively if risk is identified.
- Be proportionate and timely.
- Provide a fair, rigorous, transparent and consistent service to the public.

This document sets out how North Yorkshire Police will exercise this responsibility through processes detailed in this policy.

### Linkages

#### **Procedures:**

Firearms and explosive licensing risk management

#### **Other Documents:**

Statutory guidance for police on firearms licensing

Officer briefing for the Seizure of Firearms and Certificates

Firearms security handbook 2020

Consolidated guidance on firearms legislation

### Process

#### **Governance**

Monthly Governance meetings are held chaired by the Head of Department for Criminal Justice who has the senior responsibility for managing the Firearms Licensing Department and attended by the

Firearms Licensing Manager, the Chief Inspector for Criminal Justice and any other internal representative as required.

These meetings include the following topics –

- Performance monitoring
- Outcome of appeals and any relevant good practice
- Timeliness of processes
- Finance and resourcing
- Cases of note which may require further investigation or review
- Outcome of dip sampling of cases (completed by Criminal Justice Chief inspector).
- Monitoring of Risk
- Public engagement meetings
- Complaints and any subsequent learning

The Chief Constable has designated powers to police officers and staff in accordance with their role and responsibilities with clear parameters around decision making as set out below.

Role	Delegated decision making.
Chief Superintendent	All revocations and refusals not including those detailed below for FLM. Grant and renewal of certificates.
Firearms Licensing Manager (FLM)	Automatic refusal and revocation (prohibited persons), refusal of a firearm grant or variation where good reason is not evident. Grant and renewal of certificates.
Firearms Licensing Team Leader (FEO & Office).	Grant and renewal of certificates.
Firearms Licensing Administrator	Renewal of certificates (in certain circumstances, see assessing suitability).

### Decision Making

All members of staff involved in decision making are trained to understand and apply the National Decision Model. Following initial training this will be incorporated as part of annual Continued Professional Development (CPD) and recorded in staff PDR's. Members of staff who fall into this category are limited to the FLM, FEO Team Leader and Office Team Leader.

Decisions will be taken with reference to the Statutory Guidance for Chief Officers of Police and the North Yorkshire Police Risk Management Procedure.

In certain complex cases legal advice should be sought from the force solicitor. Ordinarily a revocation or refusal decision will not be made while a criminal investigation is ongoing.

It is the policy of North Yorkshire Police to take decisions which are based on reducing the risk to public safety and that the potential cost of an appeal will not in any way influence the outcome.

Should a seizure/surrender be required then officers should refer to the guidance – Officer briefing for the seizure of Firearms.

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## **Continuous assessment**

Following the publication of the Statutory Guidance for Chief Officers there is a requirement for chief officers to have in place a process which allows for the continuous assessment of suitability.

North Yorkshire Police use Niche as their records management system for Firearms Licensing. Each certificate holder has a flag recorded against their name and address. As Niche also acts as the force incident, crime, property, custody, intelligence and case file system the flags are readily visible to every police officer and every department with access to Niche. Access to the National Firearms Licensing Management System (NFLMS) has been widened to include the Force Control Room (FCR) to ensure that staff have access to information regarding certificate holders who reside outside of North Yorkshire Police.

North Yorkshire Police FELD department run a report Monday to Friday which will identify every incident or crime on Niche where a firearms or shotgun certificate holder has been linked. The report includes results from the previous 72 hours and extended for bank holidays to ensure that the risk of missing a hit is minimised. Any hits will be recorded on the persons firearms licensing record.

Currently certificate holders are marked on the Police National Computer (PNC) which automatically notifies forces of changes to a certificate holders personal record which would include an arrest or conviction. It is noted that a trial is currently underway to widen this notification to include records held on the Police National Database (PND).

The criminal use of any firearm will be investigated in accordance with the North Yorkshire Police investigation procedure. The fact that a person has lawful permission to possess a firearm does not offer them any defence.

## **Application Process**

Following the introduction of Single Online Home, North Yorkshire Police encourage everyone to submit their requests online. This is a quicker and more efficient way of processing applications which leads to an improved service. North Yorkshire Police accept that this may not always be possible, such as for people with protected characteristics as defined by the equality Act, and therefore will continue to accept applications submitted on paper and received in the post. North Yorkshire Police no longer accept cash as form of payment for Firearms Licensing applications.

## **Assessing Suitability**

When assessing suitability for new applicants (grants) North Yorkshire Police will carry out the following checks –

- Counter Terrorism (via Special Branch).
- PNC
- PND
- Niche (local crime/incident and intelligence).
- Revocation and refusal (database held within NYP of all previous refusals including those prior to NFLMS).
- If a person has lived abroad for more than 6 months or is a foreign national, they will be required to provide a background check for that country unless they have been serving in the armed forces or have worked in a professional capacity that would require a background check e.g. law enforcement or doctor.

- Medical records (provided by the applicant as part of the application).
- Referee check.

The results of the above checks and copy of medical report will be attached to the firearms licensing record on Niche.

Every first-time applicant will receive a home visit from a FEO officer who will discuss issues relating to suitability and security. Security advice will be given accordance with the current home office security handbook. This will be recorded on a form 258 which will be attached to the person's record. If additional, non-routine checks are required then they would be completed at this stage by the Firearms Licensing Officer. Processes are in place so that financial checks can be requested via the Economic Crime Unit and Social Media Checks can be requested via the Intelligence Unit.

Following the grant of a certificate an email will be sent to the applicants GP requesting that they attach a code marker to their file, a flag will be placed on their person and address record on Niche. Certificate holders will then become subject to continuous assessment.

When considering the renewal of a certificate it is noted that background checks should be carried out unless checks were carried out as part of continuous monitoring.

When considering a renewal North Yorkshire Police will automatically renew the certificate of a holder unless any of the following applies –

- It has been more than 10 years since the certificate holder was visited by a Firearms Enquiry Officer.
- The person has come to adverse police attention in the last 10 years other than minor road traffic infringements (see guidance).
- There is a question as to whether the good reason still exists (for example unused authorities).
- The certificate holder has suffered from a relevant medical condition in the last 10 years.
- Any other reason not listed above where it is felt a visit is required (advice will be sought from a team leader or the FLM).

This process ensures that renewals are processed in a timely manner with each one assessed on a case-by-case basis. The continuous assessment process ensures that all relevant information is visible on the firearm licensing record when the renewal decision is made.

Where a certificate is not renewed an enquiry will be sent via an FEO, if the purpose of the enquiry is anything other than to check security then the renewal will be signed off by either a team leader or the FLM.

Where a suitability concern arises as part of the continuous assessment process that is always reviewed by the FLM or a team leader when not available.

Where it is assessed that there is a risk to public safety officers and staff will follow the Firearms Licensing Risk Management Procedure and make reference to the Officer Guidance for the Seizure of Firearms and Certificates. Immediate consideration will always be given to the seizure or surrender of weapons, ammunition and explosives.

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Once safeguarding measures have been put in place the FELD will carry out a suitability review. Unless there are exceptional circumstances this review will be conducted after the result of any criminal investigation is known. Consideration will be given to an FEO interview, further medical report and any additional checks.

All cases where weapons and certificates have either been seized or surrendered the decision to take no further action can only be taken by the FLM or ACC. When assessing suitability, the FLM and ACC will follow the Home office Statutory Guidance for Chief Officers. All decision made regarding suitability and revocation will be recorded on the Firearms Licensing occurrence OEL for that individual.

Meetings will be held monthly, attended by the FLM and ACC to discuss high risk cases where revocation or refusal is considered.

### **Expired certificates**

North Yorkshire Police seek to encourage the early submission of paperwork to ensure the timely process of certificate renewals. To this end reminder letters are sent to every certificate holder 3 months in advance of their certificate expiring. This will give certificate holders ample time to obtain their GP report and submit their paperwork.

All renewals received more than 2 weeks in advance of the certificate expiry date will be processed. In some cases, the certificate holder may require a visit from an FEO meaning the renewal will run close to the expiry date. In those cases, the person is renewed on the national database (NFLMS) and the new certificate is retained in the office until the FEO has completed their visit. The certificate holder is contacted advising them that they have been renewed on the database so do not need to lodge their weapons and provided there are no concerns identified then they may receive their certificate after the expiry date. It should be said that this will apply only in a small number of cases where an application is received close to the two-week expiry of a certificate and removes the requirement for a temporary certificate to be issued.

Where a person does not submit a complete renewal within two weeks of the expiry of their certificate then they will receive a call from a member of the office to advise them that they must lodge their weapons.

If the complete renewal is not received prior to the expiry of their certificates, then the applicant will be contacted by the department, if they still have weapons then they will be required to lodge that day. If they are unable or unwilling, then a task will be sent to an appropriate resource to seize the weapons.

If a complete renewal is not received by the expiry of a certificate then that person will need to submit a new grant application.

### **Cancellation**

When a person's certificate expires, and they do not renew their certificate or where a person contacts the FELD to cancel their certificate a notification email will be sent to that person's GP to advise them to remove the coded marker from their records. The firearms licensing records will be closed on Niche with flags finalised. NFLMS will also be updated.

In cases where a certificate holder passes away then consideration will be given to the issuing of a temporary certificate to a nominated family member who is deemed suitable. That person will be subject to a Niche and PNC check until they are able to either undergo full background checks and apply or dispose of the weapons/s.

In all cases weapons will be accounted for and their location updated on NFLMS.

### **Registered Firearms Dealers (RFD)'s**

In addition to the renewal process, RFDs are subject to further assessment on an annual basis to check compliance with the Home Office Good Practice Guide.

Certain RFD's who store large amounts of weapons, ammunition and explosives have been identified and are subject to a specific trigger plan designed in conjunction with the firearms Support Unit to ensure there is an appropriate response in respect of an alarm activation.

### **Club checks**

There is a requirement set out in the Home Office National Guidance for Approved Clubs to notify the police of any new applications for membership. When a notification is received to North Yorkshire Police the person is subject to a PNC and Niche check.

If they are recorded with no trace, then a response is sent back to the club. In cases where there is a hit then the details are passed to the (FLM). Where a specific concern exists, the club are informed that the police would not support their application to be a member of the club and that they should seek disclosure from the individual in the form of a DBS check. It is then a decision for the club as to whether they allow membership.

In cases where the police are aware of specific health concerns or matters that would not show on a DBS check then this will be considered by the FLM who will seek specialist advice from either the force solicitor or civil disclosure unit.

### **Transfer in and transfer out**

A niche record will be created for all certificate holders who transfer to North Yorkshire Police with flags on their person record and address. Applications that are received from other forces are reviewed upon receipt and should any suitability matters be identified these will be tasked to an FEO and reviewed by the FLM before a new certificate is issued.

When a certificate holder transfers to another police force then a copy of their Niche record along with any archive data (stored on SharePoint) will be sent to the police force ensuring they have a complete history of that person. This is in line with national information sharing between firearms licensing departments.

### **Firearms Enquiry Officers (FEO's)**

FEO's work independently across North Yorkshire. They have a designated team leader who is primarily responsible for their welfare, supervision and ensuring that training needs are met. The team leader also has force responsibility for explosives matters including the CPD for Explosives Officers.

All new FEO's are required to attend a College of Policing approved course for Firearms Licensing. Existing FEO's are in the process of evidencing their competency via an internal assessment process assessed against the College of Policing Outcomes and awarded by Skills for Justice. This is a requirement as part of their role profile.

FEO's are trained to make weapons safe which requires annual accreditation and annual welfare reviews are offered in addition to regular monthly reviews carried out by the FEO team leader.

The FEO work is being risk assessed and details of those assessments are available [here](#).