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HM INSPECTORATE OF CONSTABULARY IN SCOTLAND

## Local Policing+ Inspection Programme

# Inspection of firearms licensing

March 2018

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# HM Inspectorate of Constabulary in Scotland

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HM Inspectorate for Constabulary in Scotland (HMICS) is established under the Police and Fire Reform (Scotland) Act 2012 and has wide ranging powers to look into the 'state, effectiveness and efficiency' of both the Police Service of Scotland (Police Scotland) and the Scottish Police Authority (SPA).<sup>1</sup>

We have a statutory duty to inquire into the arrangements made by the Chief Constable and the SPA to meet their obligations in terms of best value and continuous improvement. If necessary, we can be directed by Scottish Ministers to look into anything relating to the SPA or Police Scotland as they consider appropriate. We also have an established role in providing professional advice and guidance on policing in Scotland.

- Our powers allow us to do anything we consider necessary or expedient for the purposes of, or in connection with, the carrying out of our functions.
- The SPA and the Chief Constable must provide us with such assistance and co-operation as we may require to enable us to carry out our functions.
- When we publish a report, the SPA and the Chief Constable must also consider what we have found and take such measures, if any, as they think fit.
- Where our report identifies that the SPA or Police Scotland is not efficient or effective (or best value not secured), or will, unless remedial measures are taken, cease to be efficient or effective, Scottish Ministers may direct the SPA to take such measures as may be required. The SPA must comply with any direction given.
- Where we make recommendations, we will follow them up and report publicly on progress.
- We will identify good practice that can be applied across Scotland.
- We work with other inspectorates and agencies across the public sector and co-ordinate our activities to reduce the burden of inspection and avoid unnecessary duplication.
- We aim to add value and strengthen public confidence in Scottish policing and will do this through independent scrutiny and objective, evidence-led reporting about what we find.

Our approach is to support Police Scotland and the SPA to deliver services that are high quality, continually improving, effective and responsive to local needs.<sup>2</sup>

**This review was undertaken by HMICS in terms of Section 74(2)(a) of the Police and Fire Reform (Scotland) Act 2012 and is laid before the Scottish Parliament in terms of Section 79(3) of the Act.**

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<sup>1</sup> Chapter 11, Police and Fire Reform (Scotland) Act 2012.

<sup>2</sup> HMICS, [Corporate Strategy 2014-17](#) (2014).



# Contents

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	<b>Page</b>
Our inspection	3
Key findings	5
Recommendations	8
Key facts	10
Context	11
Outcomes	14
Leadership and governance	21
Planning and process	28
Resources	36
People	39
Partnerships	43
Appendix 1 – Questionnaire results	45
Appendix 2 – Definitions of firearm, shotgun and air weapon	59

## Our inspection

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The aim of this inspection was to assess the efficiency and effectiveness of the way in which Police Scotland delivers its statutory role as the licensing authority in Scotland for firearms, shotguns and air weapons.

This inspection complimented a wider inspection of local policing arrangements in Tayside Division conducted in 2017 under the HMICS Local Policing+ Inspection Programme. A report of our inspection of local policing in Tayside was published in November 2017. While we have reviewed how the firearms licensing<sup>3</sup> function is delivered in Tayside, we have also considered how this function is supported and directed at the national level. As a result, our findings and recommendations primarily relate to Police Scotland's national approach to firearms licensing.

The purpose of the firearms licensing service delivered by Police Scotland is to protect and promote public safety. While the vast majority of firearm certificate holders use their firearms responsibly and safely for pursuits such as work, sport and leisure, tragic incidents such as the shootings at Dunblane Primary School in 1996 demonstrate the need for effective and efficient firearms licensing arrangements. Such arrangements should involve the police assessing certificate applicants and holders to ensure that only suitable persons are able to lawfully possess and use firearms.

Since the establishment of Police Scotland in 2013, efforts have been made to deliver an increasingly consistent and effective firearms licensing service across Scotland. Significant progress has been made, including the rollout of a national firearms licensing IT system and a national firearms licensing training course. New processes have been introduced to improve suitability assessments of applicants and to support the continuous assessment of certificate holders. There has also been a renewed focus on providing an efficient service, with 98.7% of applications for renewal being processed prior to the expiry of the current certificate. While developing its firearms licensing service, Police Scotland has also been required to take on significant additional work in respect of new legislation covering the licensing of air weapons.

We welcome the progress made to date. Nonetheless, in this report, we identify several areas for further improvement and make 24 recommendations. The implementation of these recommendations will allow Police Scotland to develop its firearms licensing arrangements, ensuring that it protects the public and, at the same time, delivers improvements for service users.

Our inspection was focused on firearms licensing arrangements for individual certificate holders and applicants. We did not consider broader licensing arrangements, such as for registered firearms dealers or shooting clubs, or the licensing of explosives. We carried out our inspection between July and December 2017. We reviewed around 700 documents relating to firearms licensing provided by Police Scotland, including policies and procedures, but we did not audit substantive decisions taken by Police Scotland regarding applications for firearm certificates. We observed meetings relating to firearms licensing and interviewed officers and staff working on firearms licensing at the national and divisional levels. This included extensive fieldwork in Tayside Division and visits to Forth Valley and Lanarkshire Divisions, as well as interviews with those working within the National Firearms and Explosives Licensing Unit at Dalmarnock and the regional processing centre in Inverness.

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<sup>3</sup> Throughout this report, we use the term 'firearms licensing' to encompass the licensing process relating to firearms, shotguns and air weapons. Where our comments relate only to firearms, shotguns or air weapons, we will make this clear in the text.



We also sought evidence from sources outside of Police Scotland. This included those involved in the licensing process and individuals and organisations with an interest in firearms licensing, such as those advocating for effective gun control and those representing the interests of the shooting community. This included the Scottish Government, the Scottish Practitioners' Committee of the British Medical Association, the Gun Control Network, the British Association of Shooting and Conservation, the Scottish Target Shooting Association, the Scottish Association for Country Sports and the National Rifle Association. We also met with Assistant Chief Constable Dave Orford of Durham Constabulary who is the national policing lead for firearms licensing in the UK.

We invited members of the public who had recently used Police Scotland's firearms licensing service to complete an online questionnaire about their experience of the service. We received 982 responses and would like to thank all those who responded, as well as the shooting organisations who promoted our questionnaire to their members.

Our inspections are based on an inspection framework which ensures a consistent and objective approach to our work. The framework consists of six themes:

- Outcomes
- Leadership and governance
- Planning and process
- People
- Resources
- Partnerships

In response to our inspection, Police Scotland will be asked to create an action plan so that our recommendations can be addressed. We will monitor progress against this plan.

HMICS would like to thank all those who participated in our inspection, and particularly the relatives of those who had been killed in incidents involving firearms who shared their views and experiences with us.

This inspection was led by Laura Paton, Lead Inspector at HMICS, with assistance from Katie Chisholm, Support Inspector; Davie Flynn, Associate Inspector; and Tracey Robinson, Lead Inspector. Qualitative analysis of our public questionnaire was carried out by Dr Ali Malik, Associate Inspector. Executive lead was provided by Gill Imery, Assistant Inspector of Constabulary.

**Derek Penman QPM**  
HM Chief Inspector of Constabulary  
March 2018

# Key findings

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## Outcomes

- There was good awareness among officers and staff of the desired outcomes of the firearms licensing service, which are to protect public safety and deliver an effective and efficient service.
- Significant work has been undertaken in recent years to develop a national firearms licensing service and to deliver a new system of air weapon licensing.
- While efforts have been made to continuously improve the firearms licensing service, Police Scotland has gathered limited evidence to assess the extent to which these improvements are being achieved.
- The absence of a single performance framework for firearms licensing restricts the on-going assessment of the efficiency and effectiveness of the service.
- The limited data that is available indicates the firearms licensing service is improving and operating efficiently – 98.7% of certificates are renewed prior to expiry, a backlog of suitability reviews has almost halved, and the number of temporary permits issued has fallen significantly.
- There are no published service standards for firearms licensing, setting out the service that applicants for firearm certificates should expect to receive.
- There is scope to improve management information published by Police Scotland about firearms licensing to make the data more meaningful and useful.
- Police Scotland should do more to assess the quality of the service it delivers and to gather feedback from service users.
- HMICS received 982 responses to our questionnaire about the views and experiences of firearms licensing in Scotland. We found that while many people are satisfied with the service, a sizeable minority are not. The results identify specific areas where improvement is required, including the speed and efficiency of the service.

## Leadership and governance

- Police Scotland sought to implement a new model to deliver firearms licensing across Scotland. However, the model has been implemented inconsistently and has not suited the needs of all local policing divisions.
- The way in which firearms licensing enquiries are currently being delivered suggests Police Scotland's proposal for a new model was inadequately evidenced and insufficiently consulted upon within Police Scotland and externally with stakeholders.
- There has been a lack of oversight and effective scrutiny by the SPA of firearms licensing and the implementation of the new model.
- There is scope for improved communication across the national, regional and divisional components of the firearms licensing service.
- Internal governance of firearms licensing has recently been strengthened, although there remains scope for further improvement so that senior officers can satisfy themselves as to the effectiveness and efficiency of the service.
- There is a need to strengthen arrangements for the quality assurance and audit of firearms applications.



## Planning and process

- Firearms licensing law is complex and would benefit from codification. This would make the law easier to find and understand, and provide more certainty for the police and members of the public.
- Police Scotland's firearms licensing standard operating procedure is out of date and does not reflect current practice.
- Changes to firearms licensing policy were not always communicated effectively to those working in local policing divisions.
- Most checks on applicants to ensure they are suitable to possess a firearm are carried out effectively and new processes have been introduced to strengthen the initial and on-going assessment of applicants. However, there are some areas where assessments can be further developed.
- There is a lack of specificity in the approach agreed by the Scottish Government and Police Scotland to the checks that must be carried out on applicants for air weapon certificates.
- Working with its partners, Police Scotland has made significant progress in gathering information about an applicant's medical history which informs the assessment of whether the applicant is suitable to possess a firearm.
- There is a need for Police Scotland to strengthen its arrangements for the secure transportation, storage and destruction of firearms.

## Resources

- There is a need for a comprehensive analysis of demand for firearm licensing which will inform the design and delivery of the licensing service and ensure sufficient resources are available to meet demand.
- The introduction of the new firearms licensing model was a missed opportunity to locate a national policing unit outside of the central belt. This would have provided development and promotion opportunities for officers in more remote areas.
- In 2016-17, Police Scotland received over £1.3 million in fees for firearms licensing, but this did not meet the full costs of delivering the service.
- There is a need to improve communication with applicants during the licensing process and to use technology to do this more efficiently.
- Police Scotland has successfully delivered a national IT system for firearms licensing.
- Police officers are not routinely made aware that they are attending incidents involving firearm certificate holders or attending addresses where firearms are held. This poses a potential risk to officer safety, and may result in missed opportunities to review the suitability of people to possess firearms.





## People

- Police Scotland has introduced a national, three-day training course on firearms licensing. While this is a significant step towards delivering a consistent service across Scotland, there is scope for the content of the course and its delivery to be improved.
- To carry out their role effectively, firearms enquiry officers require further information and training about firearms and ammunition, the purposes for which they could be used and how to assess land suitability.
- Some firearms enquiry officers may not be conducting enquiries with sufficient frequency so as to maintain their competence in this specialist skill.
- Not all officers who are involved in making decisions about firearms applications have been trained to do so.
- Currently, there is no refresher training or continuous professional development for those involved in firearms licensing.
- There is a need to consider best value in delivering the firearms licensing service, and this includes consideration of the composition of firearms licensing teams and the balance of police staff and police officers.

## Partnerships

- Police Scotland is working well with partner organisations to develop its firearms licensing service, however it could do more to engage with a broader range of stakeholders including those with an interest in firearms control.
- While engaging with partners is important, there is also a need in any police force for firearms licensing personnel to remain professionally distant from the shooting community.



# Recommendations

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## **Recommendation 1**

Police Scotland should develop a comprehensive performance framework for firearms licensing that allows the service to be assessed and monitored. Performance should be reported publicly to the Scottish Police Authority to facilitate informed scrutiny of the service being provided.

## **Recommendation 2**

Police Scotland should publish standards setting out the service applicants for firearms licences should expect to receive. Performance against these standards should be routinely published to provide assurance to service users about the quality of the service being delivered.

## **Recommendation 3**

Police Scotland should improve the quality of its published data on firearms licensing, taking into account the Code of Practice for Statistics.

## **Recommendation 4**

Police Scotland should routinely assess user satisfaction with its firearms licensing service, and use the feedback provided to develop and improve its licensing arrangements.

## **Recommendation 5**

Police Scotland should set national standards that local policing divisions must deliver in relation to the quality and timeliness of firearms licensing enquiries. These should allow sufficient flexibility for divisions to meet them in a way best suited to local demand and geography.

## **Recommendation 6**

The Scottish Police Authority should introduce governance arrangements for the approval and on-going monitoring of major change by Police Scotland, including the wider transformation portfolio under Policing 2026. This should include a commitment to conduct scrutiny of major change in public.

## **Recommendation 7**

Police Scotland should develop a robust system for the quality assurance and audit of all types of firearms licensing applications.

## **Recommendation 8**

Police Scotland should revise and publish its standard operating procedure on firearms licensing as soon as possible.

## **Recommendation 9**

Police Scotland should ensure that changes to firearms licensing law and policy are communicated effectively to relevant personnel and are implemented.

## **Recommendation 10**

Police Scotland should include the risk relating to legacy records on the firearms licensing risk register and take the appropriate mitigating action. This should include a risk-based approach to expediting the uploading of legacy records to the new system.

## **Recommendation 11**

Police Scotland should engage with the Scottish Government to confirm what checks are required when assessing the suitability of an applicant for an air weapon certificate. Police Scotland should put in place processes to ensure these checks are delivered consistently across Scotland.

## **Recommendation 12**

Police Scotland should make use of unannounced home visits to check security arrangements for firearms and to support its on-going assessment of the suitability of certificate holders.



### **Recommendation 13**

Police Scotland should introduce and communicate clear processes to GPs on how it can be contacted with concerns about a patient's suitability to possess a firearm. This should include a review of the process to be followed on receipt of such concerns, supported by guidance and training for Police Scotland service centre personnel.

### **Recommendation 14**

Police Scotland should issue guidance in respect of the safety and security procedures to be followed when transporting firearms or ammunition for storage, examination or destruction.

### **Recommendation 15**

Police Scotland should issue guidance on the standard of security required for the storage of firearms and ammunition associated with the licensing function, including arrangements for controlled access. It should also introduce an accountable audit regime for the firearms and ammunition held.

### **Recommendation 16**

Police Scotland should analyse demand for its firearms licensing service and ensure it has sufficient resources to meet demand at national, regional and divisional levels.

### **Recommendation 17**

Police Scotland should explore the costs and benefits of an online processing and tracking system for firearms licensing.

### **Recommendation 18**

Police Scotland should link the information from its national firearms licensing system with its national command and control system to automatically flag incidents linked to the addresses of firearm certificate holders.

### **Recommendation 19**

Police Scotland should review the contents of its firearms licensing training course to ensure it prepares firearms enquiry officers for their role.

### **Recommendation 20**

Police Scotland should consider whether its current policy requiring only Authorised Firearms Officers to make weapons safe is proportionate to the risk and practicable.

### **Recommendation 21**

Police Scotland should introduce regular refresher training for firearms enquiry officers and consider how officers can maintain and demonstrate professional competence in firearms enquiries. This training should be recorded for audit and management purposes.

### **Recommendation 22**

Police Scotland should ensure that all officers and staff who have delegated authority to make decisions about firearms licensing receive appropriate training. This training should be recorded for audit and management purposes should the officer be required to evidence their competence.

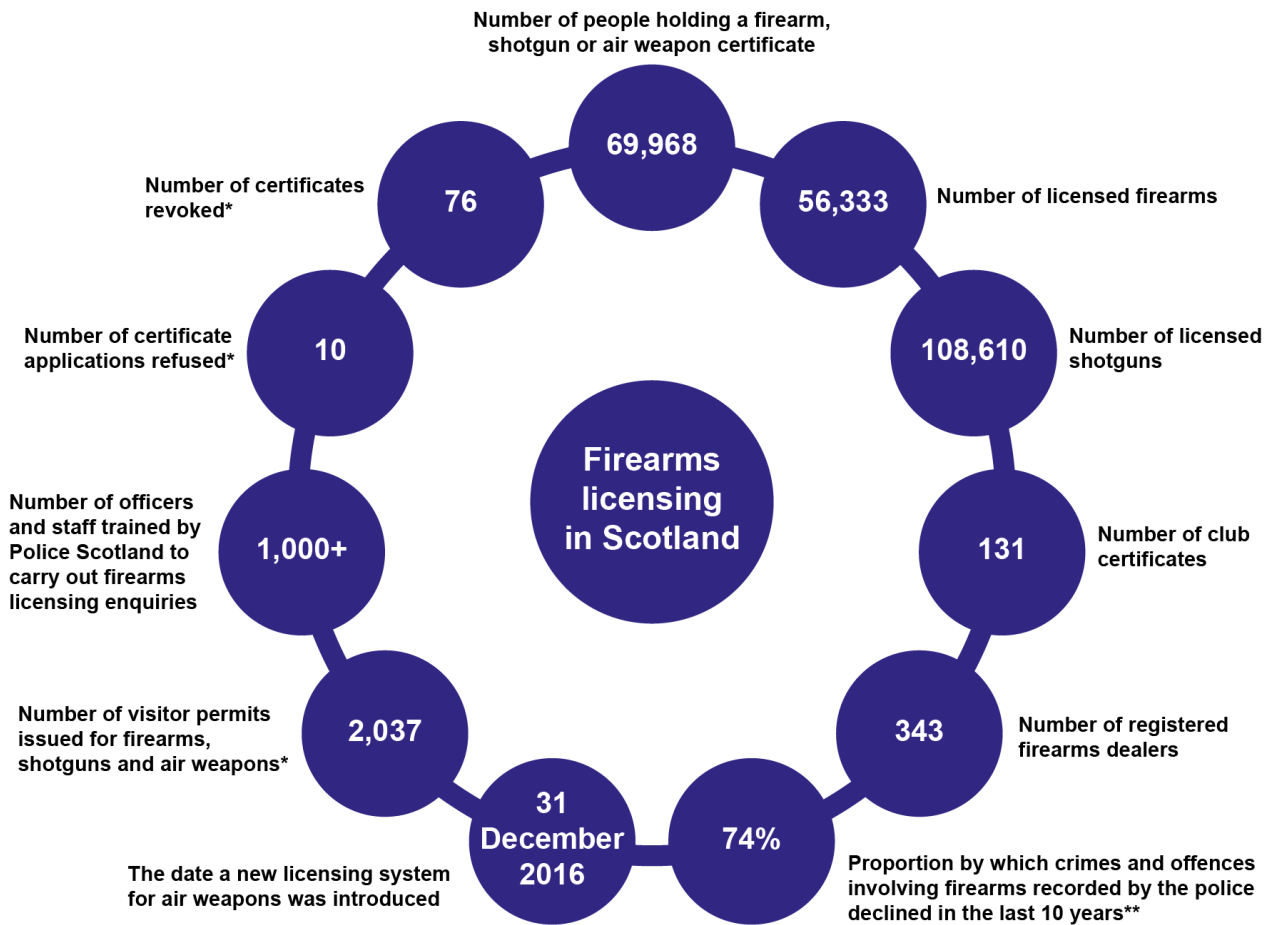
### **Recommendation 23**

Police Scotland should consider establishing an Independent Advisory Group on Firearms Licensing.

### **Recommendation 24**

Police Scotland should ensure that all those conducting enquiries or making decisions regarding a firearms application declare any relevant interest, familial ties or other close personal knowledge of the applicant.

# Key facts



\* In Quarter 2 of 2017-18. Data drawn from Police Scotland, [Management Information – Firearm Certificates Report: Quarter 2 2017-18](#)

\*\* Scottish Government, [Recorded crimes and offences involving firearms, Scotland, 2014-15 & 2015-16](#) (2016)

## The legal framework

1. The law regulating the possession and use of firearms is primarily found in the Firearms Act 1968 although further provision is made in more than 30 additional Acts of Parliament as well as numerous other pieces of secondary legislation. The 1968 Act, as amended, prohibits some types of firearms and provides for a licensing regime for the possession of legal firearms, their parts and ammunition. The Act designates the chief officer of police as the licensing authority in each area across England, Wales and Scotland. The legal framework is supported by Home Office guidance on firearms licensing.<sup>4</sup>
2. Although the regulation of firearms is a reserved matter under the Scotland Act 1998, the Scotland Act 2012 devolved the regulation of air weapons to the Scottish Parliament. This led to the introduction – in Scotland only – of a licensing system for air weapons under the Air Weapon and Licensing (Scotland) Act 2015.
3. It is generally accepted that the law governing the acquisition and possession of firearms is complex and lacks coherence and clarity. A recent consultation by the Law Commission in England and Wales found overwhelming support for its proposal that the law be codified.<sup>5</sup> Codification has been supported by the Scottish Government<sup>6</sup> and by HM Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) in England and Wales.<sup>7</sup> We also support codification of the law and believe it would result in the more consistent and effective delivery of firearms licensing by the police. Codification would make the law easier to find and to understand, and provide more certainty for the police and members of the public.
4. Certainty as to the rules on firearms licensing could also be improved by changing the status of the Home Office guidance on firearms licensing. Currently, the guidance is non-statutory and need not be followed by courts assessing appeals against licensing decisions. HMICFRS has previously noted that the guidance provides ‘too much opportunity for interpretation and discretion by forces’, and recommended that the key elements of the guidance be distilled into a set of rules which carry the weight of law.<sup>8</sup> We support this recommendation in the interests of consistency and certainty, both for the police and members of the public. This recommendation is being taken forward by the Policing and Crime Act 2017 which confers a power on the Secretary of State to issue statutory guidance to chief officers of police when exercising their firearms licensing functions. The 2017 Act also requires courts to have regard to the statutory guidance. At the time of writing, no such statutory guidance had yet been issued but, once published, this guidance will ensure chief officers and courts across England, Wales and Scotland apply the same criteria to licensing decisions.

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<sup>4</sup> Home Office, [Guide on Firearms Licensing Law](#) (2016).

<sup>5</sup> Law Commission, [Law Com No 363: Firearms Law – Reforms to Address Pressing Problems](#) (2015) at paragraph 7.7. See also House of Commons Home Affairs Committee, [Firearms Control – Third Report of Session 2010-2011](#) (2010).

<sup>6</sup> Law Commission, [Law Com No 363: Firearms Law – Reforms to Address Pressing Problems](#) (2015) at paragraph 7.12, quoting the response of the Scottish Government to its consultation.

<sup>7</sup> HMIC, [Targeting the risk: An inspection of the efficiency and effectiveness of firearms licensing in police forces in England and Wales](#) (2015).

<sup>8</sup> HMICFRS, [Targeting the risk](#) (2015) at paragraph 7.18 and Recommendation 18. See also House of Commons Home Affairs Committee, [Firearms Control – Third Report of Session 2010-2011](#) (2010) at paragraph 84.

## Other sources of information

5. As well as the legal framework and supporting Home Office guidance, further information on how firearms licensing can be most effectively and efficiently delivered by the police can be gleaned from the various inquiries and investigations into fatal incidents involving firearms, as well as previous inspections of firearms licensing. Our expectation is that Police Scotland's current firearms licensing arrangements have developed to reflect the learning identified therein. The inquiries, investigations and inspections taken into account by HMICS during our own inspection include:
  - the public inquiry into the shootings at Dunblane Primary School<sup>9</sup>
  - the Police Investigations and Review Commissioner investigation into firearms licensing procedures following suicide of 80-year-old man<sup>10</sup>
  - the Independent Police Complaints Commission (IPCC) investigation into Mr Michael Atherton and the granting, management and review of his shotgun certificate and firearm licence by Durham Constabulary<sup>11</sup>
  - the IPCC investigation into the decision by Surrey Police to return firearms to Mr Lowe prior to the fatal shootings of Christine and Lucy Lee<sup>12</sup>
  - the HMICFRS inspection of the efficiency and effectiveness of firearms licensing in England and Wales.<sup>13</sup>

## The licensing process<sup>14</sup>

6. Members of the public living in Scotland who wish to possess a firearm must make an application to Police Scotland. If their application is successful, they receive a certificate which lasts five years before they are required to renew it. A firearm certificate is issued for weapons covered by section 1 of the 1968 Act and a shotgun certificate is issued for weapons covered by section 2 of the 1968 Act.<sup>15</sup> In Scotland, an air weapon certificate is issued for weapons covered by the Air Weapon and Licensing (Scotland) Act 2015.<sup>16</sup> Possession of a firearm, shotgun or air weapon without a certificate is unlawful.
7. In deciding whether to grant or refuse a firearm certificate, the police make an assessment of the applicant's suitability to possess a firearm. The police must satisfy themselves that the applicant will possess a firearm without danger to public safety. The assessment criteria and processes vary depending on the type of firearm being applied for with the most stringent criteria being applied to applications for section 1 firearms. For example, an applicant must demonstrate good reason for possessing a section 1 firearm, whereas there is no such requirement for a shotgun.
8. On receipt of an application to grant or renew a certificate, the police may refuse the application if the legal criteria are not met. The police may also revoke a certificate at any time if they have reason to believe the certificate holder can no longer possess the firearm without danger to public safety.<sup>17</sup> Where a certificate has been refused or revoked, the applicant or certificate holder may appeal the police decision to a sheriff.

<sup>9</sup> The Hon Lord Cullen, [The Public Inquiry into the Shootings at Dunblane Primary School on 13 March 1996](#) (1996).

<sup>10</sup> PIRC, *Investigation findings: Firearms licensing procedures following suicide of 80-year-old man in 2015*. A report of this investigation is not yet public.

<sup>11</sup> IPCC, *Investigation into Mr Michael Atherton and the granting, management and review of his shotgun certificate and firearm licence by Durham Constabulary* (2012).

<sup>12</sup> IPCC, *Investigation into the decision by Surrey Police to return firearms to Mr Lowe prior to the fatal shootings of Christine and Lucy Lee* (2017).

<sup>13</sup> HMICFRS, [Targeting the risk](#) (2015).

<sup>14</sup> The following paragraphs are a brief and general summary of the law. Further information, including regarding exceptions to general rules, should be sought from the relevant legislation and Home Office guidance.

<sup>15</sup> For the definitions of a firearm and a shotgun, see Appendix 2.

<sup>16</sup> An air weapon requiring a certificate is defined by section 1 of the 2015 Act (see Appendix 2).

<sup>17</sup> A certificate may also be revoked where other conditions are met. For firearms, see section 30A of the 1968 Act; for shotguns, see section 30C of the 1968 Act; and for air weapons, see section 11 of the 2015 Act.



9. As part of its assessment of the risk an individual's possession of a firearm would pose to public safety, the police undertake various processes. Some of these processes are required by law, whereas others are recommended in the Home Office guidance or have become accepted as effective practice. They include, but are not limited to, criminal records checks, police intelligence checks, the taking up of references, home visits and secure storage checks, and an assessment of the applicant's medical history. These processes are explored further at paragraphs 70-94.

### **Police Scotland's licensing arrangements**

10. Prior to the establishment of Police Scotland on 1 April 2013, each of the eight legacy police forces managed their own firearms licensing service, with members of the public applying for a certificate to the force in whose area they lived. Following police reform, Police Scotland sought to establish a national firearms licensing service to promote consistency in decision making and in the process and service delivered across Scotland.
11. Currently, Police Scotland has a National Firearms and Explosives Licensing Unit (NFELU). This unit is led by two Chief Inspectors who report to a Superintendent within the national Safer Communities Division. The unit falls within the portfolio of the Assistant Chief Constable for Local Policing West. NFELU comprises a small number of personnel working on national firearms and explosives issues mostly based at Dalmarnock, Glasgow, as well as three regional processing centres for the North, East and West command areas. Applications for the grant and renewal of firearm and shotgun certificates are processed at these regional centres, and allocated to the relevant local policing division so that enquiries into the suitability of the applicant may be carried out. Applications for air weapon certificates are processed and assessed centrally by NFELU.



# Outcomes


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12. In delivering its firearms licensing service, Police Scotland is seeking to achieve two main outcomes. The first, and most important, is that firearms licensing is delivered in a way that protects public safety by ensuring that only suitable persons are able to lawfully possess and use firearms. The second is to ensure that the firearms licensing service is delivered efficiently and effectively so as to meet the needs of service users. During our inspection, we found these outcomes to be clearly articulated in internal documentation and by all those police officers and staff involved in firearms licensing.

## Performance data

13. While the desired outcomes were widely understood, we found that Police Scotland has gathered only limited evidence of the extent to which these outcomes are being achieved. Significant work has been undertaken by Police Scotland in recent years to develop and improve a national firearms licensing service, but there is a lack of quantitative and qualitative data to show the impact of this work and what benefits have been realised. Anecdotally, we heard from some service users and stakeholder organisations that the licensing service has become more robust. However, there is limited evidence to confirm these views, or to benchmark the service in Scotland with that elsewhere. In particular, there is a lack of data about the effectiveness of the service and the quality of decision making, and there is scope to further develop data about the efficiency of the service.
14. Police Scotland gathers some data which provides an indicator of its service. For example, it measures the proportion of applications for renewal of a certificate that are processed within 16 weeks, and the number of temporary permits issued. Both are indicators of the efficiency of the licensing service. Other data also exists, or could be easily retrieved, such as the number of appeals against licensing decisions or the number of complaints relating to firearms licensing. While there was evidence that issues such as complaints are monitored and acted upon, relevant data is not brought together within a single performance framework which would allow the efficiency and effectiveness of the service to be more easily assessed and monitored. There is also a risk that not monitoring some aspects of the service risks those aspects receiving less priority.
15. The data that is routinely gathered indicates the service is operating efficiently in respect of what is currently being measured. For example:
  - in January 2018, Police Scotland processed 98.7% of renewal applications prior to the expiry of the current certificate (compared to 94.3% in January 2017)
  - a backlog of cases in which the certificate holder's suitability was being reviewed had fallen to 271 in December 2017 from almost 500 in 2016
  - the number of temporary permits issued for firearms and shotguns fell from 2,243 in 2015 to 413 in 2016 and to just 41 in 2017.



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16. Home Office guidance states that temporary permits may be issued when a renewal has been delayed even though the application was made in good time.<sup>18</sup> Permits should not be issued simply because the police have failed to process a renewal on time. However, in a recent inspection of firearms licensing in England and Wales, HMICFRS was concerned that temporary permits were being routinely issued, including when the delay was caused by the applicant rather than the police force. The reduction in the use of temporary permits in Scotland has arisen from a concerted effort by Police Scotland to process all renewals on time, and in recognition of the risk that, by issuing a temporary permit, a review of the suitability of the certificate holder, which is required every five years by law, is not being undertaken when it should be. We welcome this approach by Police Scotland.
  17. There is a range of other data that Police Scotland may wish to consider as part of a performance framework for firearms licensing which would allow the licensing service to be more easily assessed and monitored. This includes:
    - average processing times for grants, renewals, variations, visitor permits and European Firearms Passes<sup>19</sup>
    - the number of applications refused and certificates revoked
    - the number of appeals against licensing decisions and complaints about the firearms licensing service
    - information about user satisfaction with the service
    - demand-related information such as the volume of applications and suitability reviews.<sup>20</sup>

Such data could be disaggregated according to type of weapon (firearm, shotgun or air weapon) and by local policing division and regional command area.

18. It may also be useful to monitor the rate at which applications are approved by local policing divisions, or escalated for consideration for refusal or revocation. This could indicate whether some areas are more or less risk averse when assessing applications (or whether some areas lack expertise or confidence to make decisions). It would also be helpful to monitor the data collected over time to identify trends, and to benchmark data with forces in England and Wales. Although outwith the scope of this inspection, data on other aspects of the licensing service could also be included, such as that relating to registered firearms dealers, shooting clubs, museum licences and explosives.
19. Police Scotland could consider including broader contextual data in its performance framework, such as the volume of crimes and offences committed using legally held firearms. While data on firearms offences is available,<sup>21</sup> this is not currently broken down by the status of the weapons used (that is, whether lawfully or unlawfully held). Police Scotland has, however, recently undertaken to collate information about deaths which have involved lawfully held weapons. This will help the service to identify any recurring themes from which learning may be gained.

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<sup>18</sup> Home Office guidance also allows for temporary permits to be issued in certain circumstances, such as to allow for the temporary possession of a firearm by a relative of a deceased person while arrangements are made for the weapon's disposal. Home Office, [Guide on Firearms Licensing Law](#) (2016), Chapter 15.

<sup>19</sup> A European Firearms Pass is a form of passport for firearms issued by Member States of the EU in whose territory the applicant resides. If a certificate holder in Scotland intends to take firearms or shotguns to another EU country, they require a (free) European Firearms Pass. A visitor permit allows visitors to Scotland to possess (by bringing or borrowing) a firearm and ammunition while in the country; or to possess, purchase or acquire a shotgun or air weapon. Residents of EU countries are generally required to produce a European Firearms Pass before being granted a visitor permit.

<sup>20</sup> A suitability review is carried out when information comes to light during the life of a certificate which indicates the suitability of the certificate holder should be reviewed.

<sup>21</sup> See, for example, Scottish Government, [Recorded crimes and offences involving firearms, Scotland, 2014-15 & 2015-16](#) (2016). Data on crimes and offences involving firearms is routinely considered by Police Scotland and informs its assessment of the standing firearms authority by its Armed Policing Monitoring Group.

20. Although Police Scotland already publishes some data about firearms licensing (see paragraph 25), it should consider making some aspects of its performance framework public, particularly those relating to the efficiency and effectiveness of the service. For example, we note above that 98.7% of certificate renewals in January 2018 were processed prior to the expiry of the current certificate. This demonstrates the efficiency of the service and would be reassuring to certificate holders who, if renewals are not processed on time, must make alternate arrangements for the storage of their firearms. While NFELU has shared this type of information with some stakeholder organisations, it has not been shared more widely or included in its published data. Some stakeholder organisations told us that while they sensed that firearms licensing had become more robust, they could not evidence this by, for example, noting an increase in the proportion of certificates refused or revoked or in appeals against licensing decisions.

### **Recommendation 1**

Police Scotland should develop a comprehensive performance framework for firearms licensing that allows the service to be assessed and monitored. Performance should be reported publicly to the Scottish Police Authority to facilitate informed scrutiny of the service being provided.

### **Air weapon licensing**

21. At the same time as working to develop and improve a national firearms licensing service, Police Scotland has also been required to take on significant additional work in respect of new legislation covering the licensing of air weapons. This licensing system came into force on 31 December 2016. Prior to that date, Police Scotland engaged in extensive preparation for the new licensing system, including delivering an air weapon surrender campaign resulting in 21,000 air weapons being handed in to the police.
22. Where applications for air weapon certificates were submitted by 31 October 2016, Police Scotland committed to processing them by the date the licensing system came into force. This was achieved, with all (6,948 applications) being processed on time, with the exception of a few contentious applications requiring further scrutiny. A significant number (5,278) of late applications were made between 31 October and 31 December 2016. Police Scotland committed to processing these by 30 June 2017. Again, all were processed by this date with the exception of some contentious applications. Until their certificates were issued, late applicants were required to store their air weapons with someone who had a current air weapon, firearm or shotgun certificate, or with a registered firearms dealer. By November 2017, Police Scotland had granted 12,837 air weapon-only certificates and an additional 6,564 air weapon certificates which were co-terminous with firearm or shotgun certificates. To date, Police Scotland has refused 204 applications for an air weapon certificate and revoked 40 air weapon certificates.

### **Service standards**

23. While Police Scotland aims to process applications for renewals within 16 weeks, this target is not published although certificate holders receive a reminder that their renewal is due 16 weeks before their certificate expires. There are no similar targets for other processes such as grants, variations, visitor permits or suitability reviews, albeit that Police Scotland aims to process them as quickly as possible. In respect of other aspects of policing, HMICS has previously recommended that Police Scotland sets out the service that members of the public should expect to receive.<sup>22</sup> We believe this applies equally to firearms licensing, particularly in light of the nature of the licensing service and the fact that licences are paid for by applicants.

<sup>22</sup> HMICS, [Independent assurance review: Police Scotland – call handling final report](#) (2015), Recommendation 6.

24. Hampshire Constabulary, for example, has published a service level agreement on its website setting out the service applicants should expect to receive, the timescales for processing different types of applications, and explaining how applications are prioritised. It notes, for example, that while new applications are processed in date order, it will make an effort to prioritise new applications submitted by, for example, a gamekeeper whose livelihood may depend on having a firearms licence.<sup>23</sup>

### Recommendation 2

Police Scotland should publish standards setting out the service applicants for firearms licences should expect to receive. Performance against these standards should be routinely published to provide assurance to service users about the quality of the service being delivered.

### Published data

25. Since 2016, Police Scotland has published a quarterly management information bulletin on firearms licensing.<sup>24</sup> Previously, a similar bulletin was published annually by the Scottish Government as National Statistics. The National Statistics designation signified that the information contained in the government's bulletin had been assessed by the UK Statistics Authority's Office for Statistics Regulation as complying with the Code of Practice for Official Statistics. This means that it met the highest standards of trustworthiness, quality and value.<sup>25</sup>
26. Police Scotland has published five bulletins to date and some new information has been added to more recent editions. While NFELU told us it intends to develop the bulletin further and some limited consultation with stakeholders regarding its contents has taken place, HMICS believes there is significant scope for improvement. There is little contextual information or narrative to explain the data and terminology used in the bulletin. The addition of new data relating to air weapons, while welcome, means that terms used to describe existing data require clarification. Consideration should also be given to presenting data in a more meaningful way. For example, each quarterly bulletin shows how many certificate holders there are currently, but no comparison or trend information is given. Other meaningful data is missing, such as processing times, the volume of certificates processed in the last quarter, and the rate of certificates or firearms per population, how this changes over time and how it compares to England and Wales. There is also a lack of granularity in the data, and no information about certificate holders, such as age, gender and area of residence within Scotland. HMICS believes such information would be of interest to policy makers, stakeholders and the public more generally. Stakeholder organisations told us they would welcome additional information, and noted that the bulletin is difficult to find on the Police Scotland website and is not linked to the firearms licensing pages.

<sup>23</sup> See <https://www.hampshire.police.uk/services/firearms-and-explosives-licensing/> (last accessed 8 January 2018).

<sup>24</sup> Police Scotland, *Management Information – Firearm Certificates Report: Quarter 2, 2017-18* (2017).

<sup>25</sup> UK Statistics Authority, *Code of Practice for Official Statistics* (2009). The Office for Statistics Regulation carried out a review of the Code in 2017. The second edition of the Code will be published in February 2018 and will be called the Code of Practice for Statistics.

27. While Police Scotland is not currently required to comply with the Code of Practice for Statistics, the Office for Statistics Regulation believes that it should do so. This is because Police Scotland has taken on responsibility for producing bulletins that were previously designated as National Statistics. HMICS believes that consideration of the Code of Practice should inform the development of the firearms licensing bulletin. Police Scotland's Analysis and Performance Unit, which is responsible for the publication of other management information reports, should work with NFELU to improve the quality of the bulletin. Consideration should also be given to including equivalent data to that published in England and Wales.<sup>26</sup> This would provide Police Scotland and the wider UK police service with a useful source of comparative data.

### Recommendation 3

Police Scotland should improve the quality of its published data on firearms licensing, taking into account the Code of Practice for Statistics.

### User satisfaction

28. Currently, Police Scotland has only limited means by which it can gauge user satisfaction with its firearms licensing service. While we welcome efforts by Police Scotland to seek feedback from some stakeholder organisations via its Scottish Practitioners' Group (see paragraph 132), we believe Police Scotland should do more to assess the quality of the service it delivers and to gather feedback from users to help develop and improve its service. This could be done via user satisfaction surveys. Such surveys are already used by Police Scotland in relation to other aspects of policing. Work done by HMICS as part of our inspection to gather service user feedback suggests that certificate holders are eager to share their experience of firearms licensing and to provide feedback about what works well and what could be improved.

### Recommendation 4

Police Scotland should routinely assess user satisfaction with its firearms licensing service, and use the feedback provided to develop and improve its licensing arrangements.

29. In the absence of information about user satisfaction with Police Scotland's licensing service, HMICS sought to gather the views and experiences of those members of the public who had recently applied for a firearm, shotgun or air weapon certificate.<sup>27</sup> We published an online questionnaire and promoted it via social media and by asking shooting organisations to publicise it to their members. We received 982 responses from across Scotland. Key issues arising from our questionnaire are summarised below and more detailed results are provided at Appendix 1.

<sup>26</sup> Home Office, *Firearm and shotgun certificates in England and Wales: financial year ending March 2017* (2017).

<sup>27</sup> This is in keeping with our own statutory duty regarding user focus under section 112 of the Public Services Reform (Scotland) Act 2010.



30. We found that:
- 62.1% of respondents were satisfied with the overall certificate application process (22.8% said they were dissatisfied)<sup>28</sup>
  - 50.0% of respondents were satisfied with the speed and efficiency of the licensing process, but 34.4% said they were not satisfied
  - 66.6% said it was easy to get information from Police Scotland about how to apply for the grant, renewal or variation of a certificate (10.6% said it was difficult)
  - 68.9% said it was easy to fill out the application forms (6.0% said it was difficult)
  - 53.3% said it was easy to contact the firearms licensing department (18.8% said it was difficult).
31. These quantitative results show that while many people are satisfied with the firearms licensing service, there is a sizeable minority who are not. They also show specific areas where improvement is required – particularly in relation to the speed and efficiency of the service, and in making it easier for the public to contact their local firearms licensing department.
32. We also used our questionnaire to ask respondents to explain why they were satisfied or dissatisfied with certain aspects of the firearms licensing service, and we asked what worked well and what could be improved.
33. Of the specific comments provided, almost one third (31.2% or 753 comments) were positive, and more than two thirds (68.8% or 1,663 comments) were negative. There were a further 694 comments relating to aspects of the service that could be improved.
34. The most prevalent themes among the positive comments were that:
- respondents were generally satisfied with the service and with processing times
  - respondents were happy with the level of knowledge shown by the firearms enquiry officer with whom they dealt, the attitude of the enquiry officer and found the visit by the enquiry officer to their home helpful
  - respondents found the process simple and easy to follow, with new forms that were clear and easy to complete
  - respondents found it easy to contact licensing staff.<sup>29</sup>
35. The most prevalent themes among the negative comments were that:
- the process takes too long
  - there is a lack of personnel who are dedicated to firearms enquiries and who have sufficient experience and knowledge of firearms licensing (see paragraphs 77 and 117)
  - general dissatisfaction with the licensing process (other than it taking too long), such as it being too complicated and involving too much bureaucracy, or that it is inconsistently delivered
  - there is poor communication with the police, with it being difficult to contact firearms licensing departments and there being a lack of update on the progress of their application.

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<sup>28</sup> Proportions do not add to 100% because some respondents stated they were neither satisfied nor dissatisfied (similar neutral options were also available in respect of other questions asked). Further information is available at Appendix 1.

<sup>29</sup> Further information about the prevalence of these themes can be found in Appendix 1.



36. Other prevalent themes among negative comments were frustration by certificate applicants about the costs and delays associated with medical assessments (see paragraph 94) and a view that air weapons should not require a certificate at all. However, neither of these issues is within Police Scotland's control.
37. Many of the suggestions about ways in which the firearms licensing service could be improved relate directly to the negative comments made. The most common suggestions were that:
  - there should be police personnel whose only role is firearms licensing so that they build knowledge and experience
  - the process should be faster
  - the process should be more streamlined and avoid duplication
  - communication should be improved, particularly around the progress of an application.
38. In addition, respondents often said they would prefer to apply online which they felt would reduce the length of time for applications to be processed. They would also like to be able to check the status of their application online, which would reduce the need for them to make contact with firearms licensing departments (see paragraph 108). Some respondents also suggested that the paper certificate could be replaced with a plastic card, similar to a driving licence.
39. Respondents to our questionnaire reported polarised experiences of firearms licensing. This may suggest that different people have different expectations of the firearms licensing service, or it may suggest that delivery of the service is inconsistent, with some receiving a better service than others. This could correlate, for example, to respondents' place of residence and the division in which their application is managed, or to the type of process (for example, those respondents who had recently applied for renewal of a certificate may have had a better experience than those who had applied for a grant). We are not able to reach a definitive conclusion as to why respondents reported such polarised experiences, but would urge Police Scotland to take account of our detailed findings to help develop and improve its service pending its own assessment of user satisfaction.



## Leadership and governance

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40. Prior to the establishment of Police Scotland on 1 April 2013, the eight legacy police forces made their own arrangements for firearms licensing. Although each force followed UK law and relevant guidance, this was supported by local policies, processes and systems which inevitably resulted in some variation in how firearms licensing was delivered across Scotland. Following the establishment of the national service, Police Scotland identified firearms licensing as an area which could be reformed to ensure a most consistent approach was taken.

### Restructure proposal

41. Work on developing a new, national model for the delivery of firearms licensing began in 2013 and went through several iterations before a final proposal was submitted to the SPA in August 2015.<sup>30</sup> At an early stage, it was recognised that a national model would be dependent on there being a single IT system for firearms licensing across Scotland. A national system, known as *Shogun*, was implemented in October 2014 (see paragraph 112).
42. Because of the staffing implications of the proposed model, it was first presented to the Human Resources and Remuneration Committee of the SPA on 11 August 2015. The Committee approved the proposed model and referred it to the full SPA Board for endorsement on 27 August 2015.
43. The proposal submitted to the SPA noted inconsistent firearms licensing practice across Scotland and stated that introducing a national model would deliver the following benefits:
  - improve public and community safety
  - improve resilience, flexibility and local engagement among firearms enquiry officers
  - provide national training and national IT and administration management
  - increase scrutiny and assessment.<sup>31</sup>

The proposed model focused on two key areas for restructuring – (i) the centralisation of the firearms administration function, and (ii) changes to how firearms enquiries would be carried out. No further information was included in the proposal submitted to the SPA about national firearms licensing structures or governance arrangements.

44. The proposal noted that the implementation of a national IT system for firearms licensing provided an opportunity to centralise the administration function. Previously, firearms licensing administrators had been managed by legacy police forces and, from 1 April 2013, this function was taken forward by the local policing division in which they were based. Police Scotland proposed that the management of firearms licensing administrators pass to NFELU, albeit the staff would remain based geographically in offices around Scotland. Based on a demand assessment, it was estimated that the number of administrators required would rise from 26.5 full-time equivalent (FTE) police staff to 34 FTE staff. This would include three firearms licensing coordinators based at regional hubs in the North, East and West, and 31 firearms administrators.

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<sup>30</sup> Police Scotland, [National Firearms Licensing – Paper to the SPA Board Meeting, 27 August 2015](#).

<sup>31</sup> In an end project report for implementing the national firearms licensing model in 2016, the benefits were better described as corporacy of processes and procedures, streamlined structure and governance model, increased efficiency and demonstration of best value, and enhanced internal and external partnership working. Police Scotland, *Transforming the service: End project report – National Firearms, Shotgun and Explosives Licensing* (4 February 2016).



45. In relation to firearms enquiries, the proposal submitted to the SPA noted that arrangements varied across Scotland. In some areas, the role of a firearms enquiry officer was carried out by trained police staff, and in other areas by a police officer. In some areas, the role was carried out by a combination of staff and officers. While all police staff and some police officers were dedicated solely to their firearms enquiry role, the majority of officers carried out the role in addition to other duties. Police Scotland stated that, in total, 36 police staff (34 FTE) and over 500 officers were involved in carrying out firearms enquiries. Police Scotland highlighted that there is a five-year demand cycle for firearms licensing.<sup>32</sup> In three of the five years, demand is high, but it falls significantly for two years. To meet demand in the quietest year, it was estimated that only 14 police staff dedicated to firearms licensing enquiries would be required and that legacy staffing levels could be reduced by 22 (or 20 FTE) staff.
46. Police Scotland proposed that the number of staff carrying out firearms enquiries be reduced to 14 and based in locations where demand was highest. These staff would be supported by around 350 police officers who would be trained in firearms enquiries but who would carry out these enquiries in addition to their core role as a community constable. A number of benefits were cited in support of this approach, including that community officers would have greater awareness of firearm certificate holders within their communities, and that because officers were already working within local communities, travel time for home visits would be reduced compared to staff who might be based in a central office in a particular division. The key benefit, however, was that the number of police officers involved in firearms enquiries could be scaled up or down, according to demand during the five-year cycle. This meant that, while the firearms administration function would be managed nationally, firearms enquiries would continue to be managed by local policing divisions.
47. The SPA Board endorsed the proposal at its meeting on 27 August 2015, with implementation by 31 August 2015 for firearms enquiry officers and 30 November 2015 for firearms administrators.<sup>33</sup>
48. While we did not assess Police Scotland's business case for a new firearms licensing model, nor did we assess the proposal submitted to the SPA for approval, we have found that current practice in respect of firearms enquiries has departed significantly from what was envisaged. For example, instead of allocating firearms enquiries to community officers, some local policing divisions have created dedicated units of 'enquiry officers', a large proportion of whose time is dedicated to firearms enquiries. Some divisions are considering making this change in the near future. Local commanders have had a range of reasons for establishing such units, including concerns that community officers have struggled to find time to carry out their firearms enquiries, or that they have not carried out enquiries with sufficient frequency so as to maintain their competence. For similar reasons, at least one division has allocated some police officers solely to tasks (including enquiries) associated with firearms licensing.
49. Another way in which practice has differed from the approved proposal is in the number of police officers involved in firearms licensing enquiries. The proposal noted the number of such officers would be reduced. Whereas over 500 officers had previously been estimated to have been involved in firearms enquiries, the intention was to have a core group of approximately 350 police officers trained as non-permanent firearms enquiry officers to support the fluctuating five-year demand.<sup>34</sup> However, in support of the new model, Police Scotland has actually trained over 1,000 police officers in the firearms enquiry role. This has involved each officer attending a three-day course. While there will naturally be some turnover with officers being allocated to new roles and new officers being trained in their place, there has been a tripling of the number of officers trained in firearms licensing within two years.

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<sup>32</sup> Police Scotland is not able to more evenly spread demand across the five-year cycle. The cycle is caused by the fact that certificates are issued for five years, and that when the licensing system was first introduced, demand for certificates was high for the first few years, but fell away thereafter.

<sup>33</sup> SPA, [Minute of Scottish Police Authority Board Meeting – 27 August 2015](#).

<sup>34</sup> Police Scotland, [National Firearms Licensing – Paper to the SPA Board Meeting, 27 August 2015](#).



50. The way in which firearms licensing enquiries are currently being delivered across Scotland suggests to us that the original proposal was inadequately evidenced and insufficiently consulted upon within Police Scotland and externally. While the proposed model suited some divisions, it did not meet the needs of others and, as a result, has been inconsistently implemented. We welcome Police Scotland's recent focus on localism, and its recognition that one size does not fit all. While we understand the desire for consistency across Scotland, the focus should be on consistency of service to the public. HMICS considers that at a national level, NFELU should set service standards that local policing divisions should deliver in terms of the quality and efficiency of firearms licensing enquiries. As long as these service standards are met, local divisions should have the flexibility to manage their firearms enquiries in the way which best suits the division taking into account factors such as local demand and geography.

### Recommendation 5

Police Scotland should set national standards that local policing divisions must deliver in relation to the quality and timeliness of firearms licensing enquiries. These should allow sufficient flexibility for divisions to meet them in a way best suited to local demand and geography.

51. A critical element in the development of the proposal was the demand analysis conducted by Police Scotland. This analysis predicted that during one year of the five-year cycle when demand for firearms licensing was lowest, only 14 dedicated firearms enquiry officers would be required. While we welcome the consideration given to the five-year cycle, the demand analysis appears to have been simplistic and mostly focused on demand generated by renewals. This excluded other demands on enquiry officers such as grants, suitability reviews or variations. It did not take account of potential demand from the air weapon licensing system that was about to be introduced. Although Police Scotland recognised that it had insufficient information at the time to quantify this new demand, it believed that air weapon licensing would have a minimum impact on local firearms enquiry officers. HMICS has previously commented on the importance of effective demand analysis in the design and delivery of policing services.<sup>35</sup>
52. Following the endorsement of the new model by the SPA Board in August 2015, there has been no further oversight or scrutiny by the Board of its implementation or of firearms licensing more generally. At the time the proposed model was being developed, Police Scotland committed to a review after two years. This two-year review period has coincided with our inspection of firearms licensing, and Police Scotland now intends to take our own findings into account during its review and report back to the SPA. In the interim however, the SPA has not received, nor requested, any information or data about firearms licensing. This is surprising given its role in approving and endorsing the proposal for a new structure. HMICS would have expected some oversight of delivery of the model which the SPA had approved, as well as some reporting to the SPA by Police Scotland of the ways in which the model as approved had not been implemented.
53. This is reflective of a wider governance issue where there are currently no effective arrangements in place within the SPA to monitor the implementation of major change either on an individual project basis or as part of a wider transformation portfolio under Policing 2026.<sup>36</sup> HMICS has previously commented on the importance of the SPA putting these arrangements in place as a matter of some urgency.<sup>37</sup> These arrangements should provide for regular SPA scrutiny of major change to be conducted in public meetings.

<sup>35</sup> See, for example, HMICS, [Independent Assurance Review: Police Scotland – Call Handling Final Report](#) (2015).

<sup>36</sup> Policing 2026 is the 10-year strategy for policing in Scotland.

<sup>37</sup> HMICS, [Annual Report 2016-17](#) (2017), page 4; and HMICS, [Thematic Inspection of the Scottish Police Authority – Phase 1 Review of Openness and Transparency](#) (2017) at paragraphs 75 and 136.

## Recommendation 6

The Scottish Police Authority should introduce governance arrangements for the approval and on-going monitoring of major change by Police Scotland, including the wider transformation portfolio under Policing 2026. This should include a commitment to conduct scrutiny of major change in public.

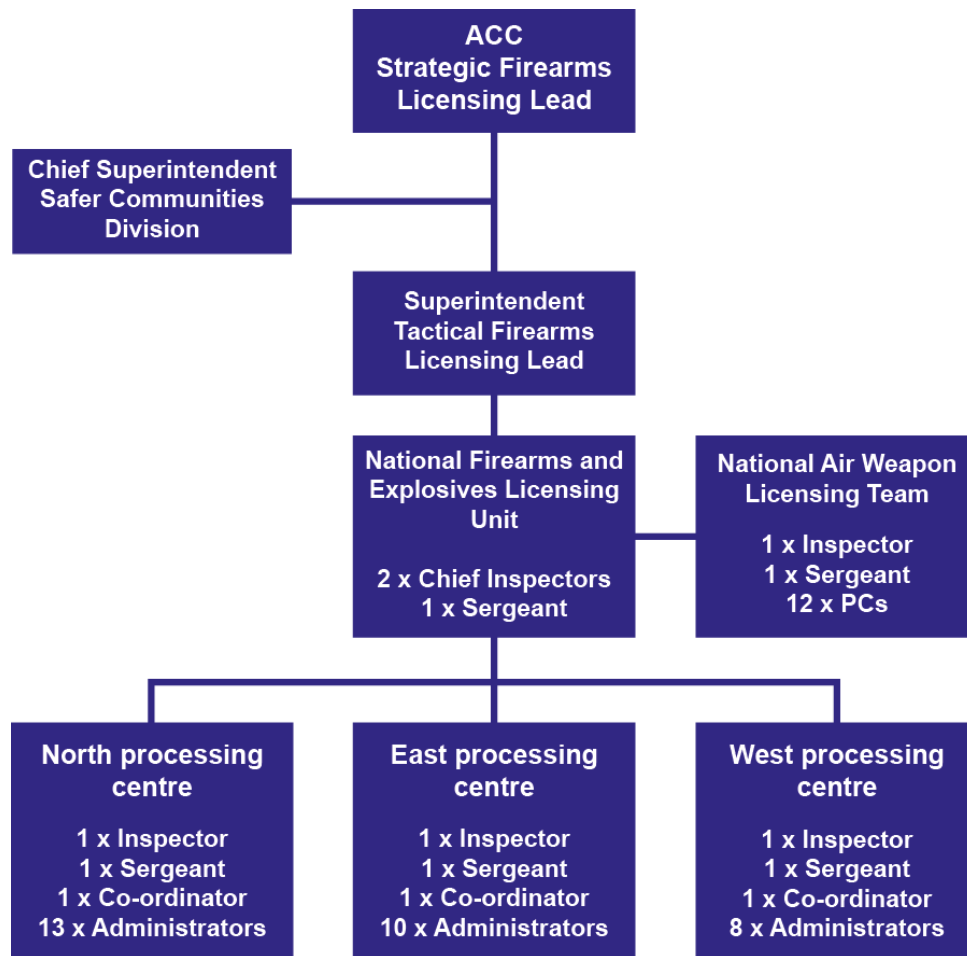
### Current structure

54. Within Police Scotland, strategic leadership for firearms licensing is provided by the Assistant Chief Constable with responsibility for Local Policing West.<sup>38</sup> Tactical, 'day-to-day' leadership is provided by a Superintendent within the national Safer Communities Division. The commander of that division, a Chief Superintendent, provides line management to the Superintendent and has a role in the governance of firearms licensing but no involvement in the actual delivery of the licensing service. The Superintendent oversees the work of NFELU which is led by two Chief Inspectors (one focusing on decision making regarding applications, and the other on issues such as governance and policy).
55. NFELU comprises a small number of personnel working on national firearms and explosives licensing issues and a team dedicated to processing and assessing all applications relating to air weapons. These personnel are mostly based at Dalmarnock in Glasgow. NFELU also includes three regional processing centres for the North, East and West command areas. Applications relating to firearms and shotgun certificates are processed at those regional centres, and allocated to the relevant local policing division so that enquiries into the suitability of the applicant may be carried out. Figure 1 illustrates the current structure but does not include the firearms licensing resources located in local policing divisions.

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<sup>38</sup> Each ACC with responsibility for a command area (West, North and East) also carries additional portfolio responsibilities. In addition to firearms licensing, the ACC West leads on issues such as violence, stop and search, and missing persons.

Figure 1



56. National policy and processes relating to firearms licensing are set by NFELU but are often required to be delivered operationally by local policing divisions. This can pose challenges. NFELU is not able to simply dictate what and how national approaches are to be implemented – there is a need to develop such approaches in consultation with local divisions, taking into account what is achievable and practicable in any one division given local processes, systems and resources. Conversely, local divisions cannot pick and choose which national approaches to implement, but must be mindful of the outcome or service standard that lies behind the national decision. There is therefore a need for NFELU to effectively communicate national approaches, and thereafter check that local divisions are implementing them effectively. While some arrangements have been established to address these challenges, we believe there is still a lack of clarity about the respective roles of NFELU and local divisions, and their expectations of one another. This could usefully be addressed via the revised standard operating procedure for firearms licensing, which is currently under development, or in some other way that meets the needs of both NFELU and local divisions.



57. Similarly, there is scope for improved communication across the whole firearms licensing function, including the national unit, its regional processing centres and local divisions. In relation to those personnel across Scotland who form part of NFELU, there appears to be a limited sense of being part of a team. This can affect the extent to which they feel supported and impact negatively on their sense of wellbeing. HMICS has commented in previous reports on the challenges posed by remote line management in a national service, particularly for police staff.<sup>39</sup> Staff working in one location may find themselves managed by staff or officers elsewhere and may rarely, if ever, meet in person. This highlights the need for effective communication, supervision and support.

### Governance arrangements

58. The Firearms Act 1968 sets out the functions of a Chief Constable in relation to firearms licensing and permits the delegation of those functions to a 'person, or person of a particular class'.<sup>40</sup> In practice, Chief Constables across Great Britain generally delegate their authority for firearms licensing to another chief officer, and allow particular individuals or post-holders to make firearms licensing decisions. Police Scotland has recently reviewed its delegated authority for firearms and air weapon licensing to more clearly articulate which individuals within the service have the authority to make specific types of decisions in respect of different types of application. For example, divisional inspectors are empowered to approve firearms applications for the renewal of a certificate, whereas the initial grant must be approved by a chief inspector. Firearms applications which are being considered for refusal or revocation are escalated to NFELU for consideration by an inspector or chief inspector. The NFELU superintendent has the greatest authority and is able to review decisions taken by NFELU chief inspectors in particularly contentious cases. We welcome this recent review and the greater clarity that provides for decisions to be made at an appropriate level according to risk.
59. The College of Policing Authorised Professional Practice (APP)<sup>41</sup> on firearms licensing requires a chief officer to hold regular governance meetings to discuss and assess the overall performance of their licensing department. Meetings should address issues such as:
- performance monitoring of grants, renewals, refusals and revocations
  - the outcome of appeals and any good practice
  - the timeliness of licensing processes
  - finance and resourcing
  - cases of note
  - implications of new developments
  - dip sampling of granted or renewed certificates
  - monitoring of the force risk matrix
  - public engagement strategies and stakeholder meetings
  - complaints, including any learning.<sup>42</sup>

HMICS welcomes Police Scotland's commitment to follow the APP on firearms licensing.

60. Because firearms enquiries are delivered by local divisions, there is a need for governance at both national and divisional levels. Such governance exists and we noted a strengthening of these arrangements during the course of our inspection. However, we believe there is scope for further improvement so that senior officers nationally and divisionally can be assured as to the effectiveness and efficiency of the firearms licensing service.

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<sup>39</sup> See, for example, HMICS, [Local Policing+ Inspection Programme: Inspection of Dumfries and Galloway Division](#) (2015).

<sup>40</sup> Section 55(2), Firearms Act 1968.

<sup>41</sup> The College of Policing is the source of professional practice (known as Authorised Professional Practice (APP)) on policing primarily in England and Wales although some APP is also followed in Scotland. HMICS has previously commented on the status of APP in Scotland in HMICS, [Review of Standing Firearms Authority for Armed Response Vehicle Crews within Police Scotland](#) (2014) from paragraph 10.

<sup>42</sup> College of Policing, [Authorised Professional Practice on Firearms Licensing](#) (last modified 2016).

61. Nationally, there are strategic firearms licensing discussions led by the relevant ACC. These meetings are informed by performance reports, although there is scope for the data contained therein to be developed in line with our comments in the Outcomes section of this report. Performance reports are also produced at the divisional level, and these should be considered by divisional superintendents with responsibility for firearms licensing. The national tactical lead for firearms licensing has begun meeting regularly with divisional superintendents as well as those appointed by divisions as the single point of contact (SPOC) for firearms licensing (generally an inspector or sergeant). These meetings are a useful forum in which to discuss issues, challenges and good practice relating to firearms licensing. We also welcome the recent development of a risk register for firearms licensing.
62. Another area in which governance could be strengthened is in relation to quality assurance and the audit or dip sampling of applications to check that enquiries are being carried out properly and decisions are consistently being made to a high standard. The outcome of applications should also be checked for national consistency, ensuring the same licensing decision would have been reached no matter the area in which the applicant resides. We note that a plan for a system of auditing of applications at the national and regional levels was drafted in 2016 but was not implemented.
63. While divisional SPOCs often performed quality assurance of the applications received in their division, we found limited evidence of audit or dip sampling at the divisional, regional or national levels. Applications being considered for refusal or revocation are escalated to officers of a higher rank for consideration. This means they receive additional scrutiny and assessment. However applications which are perceived to be non-contentious are generally not subject to additional scrutiny. We believe there is a risk in this approach which could be mitigated by regularly auditing a sample of non-contentious applications. More broadly, to help ensure Police Scotland manages firearms applications effectively and consistently, a robust system of quality assurance and audit should be developed which clearly sets out what checks should take place at national, regional and divisional levels. This system should be supplemented with ad hoc auditing of applications in response to issues or concerns that arise about particular aspects of firearms enquiries. Consideration could also be given to peer review among divisions or regions, which may help to identify any inconsistencies in enquiries or decisions.

### **Recommendation 7**

Police Scotland should develop a robust system for the quality assurance and audit of all types of firearms licensing applications.

### **Learning lessons**

64. It is our expectation that Police Scotland has in place processes to identify and learn lessons from any adverse incidents, near misses, complaints, investigations, audits and inspections. In relation to firearms licensing, we would expect this to include those that take place not only in Scotland but in the rest of the UK. For example, we would expect key findings and recommendations from inspections carried out by HMICFRS in England and Wales, and by the Independent Office for Police Conduct (previously the Independent Police Complaints Commission) to be considered by NFELU. Any points of learning should be communicated to all those involved in firearms licensing and other relevant officers and staff, and to be addressed in training.
65. Although NFELU has no formal adverse incident process, we found evidence that learning from past incidents was identified, discussed and action taken in response. We welcome this approach, as well as some ad hoc initiatives undertaken by NFELU such as a review of all deaths involving a lawfully held firearm to identify any learning. However, the fact that some of the findings and recommendations in this report echo those made elsewhere suggest there is scope for learning processes to be more robust.

## Planning and process

66. Firearms licensing law, policy and processes are complex but guidance exists for officers and staff.<sup>43</sup> In addition to the Home Office guidance on firearms licensing,<sup>44</sup> Police Scotland has its own standard operating procedure (SOP) on firearms licensing. While the current version of this SOP was only published in 2015, it is out of date and does not reflect current licensing practice within Police Scotland. Awareness of the SOP was very low among firearms licensing staff and officers we spoke to, with most saying that they would refer to the Home Office guidance if necessary. While the Home Office guidance is useful and should be used by staff, they are also in need of a document which describes Police Scotland's own policies and processes. Work has commenced on rewriting the SOP and a draft (now several months old) was seen by HMICS. This represents a significant improvement compared to the 2015 version. Police Scotland should work to update this draft SOP and publish it as soon as possible. It should consider seeking feedback from those working in firearms licensing to check that it meets their needs and is fit for purpose.

### Recommendation 8

Police Scotland should revise and publish its standard operating procedure on firearms licensing as soon as possible.

67. The SOP and other information about firearms licensing are available to officers and staff on the Police Scotland intranet. However, some of this information can be difficult to find and the firearms licensing page could be used to better effect. Currently, there is a lack of content and awareness of its existence is low. Similarly, there is scope to improve information about firearms licensing on Police Scotland's website for the benefit of the public and certificate applicants.
68. Changes to firearms licensing law and policy occur relatively frequently and NFELU keeps up to date with developments via contact with the Home Office, Scottish Government and the national Firearms and Explosives Licensing Working Group (FELWG).<sup>45</sup> NFELU is responsible for communicating developments to all those working on firearms licensing which it does via memos, email updates or meetings with divisional superintendents or SPOCs. We were not confident that policy changes, including policy decisions taken internally by Police Scotland, were always communicated effectively to local divisions. At the time of our inspection, a policy decision had been made regarding a type of background check on applicants and there was considerable confusion among those we spoke to about the circumstances in which checks should be carried out. Consideration should be given to whether the intranet and other methods (such as a newsletter) could be better used to communicate changes. Understanding and implementation of changes could be checked during the audit of applications.<sup>46</sup>

### Recommendation 9

Police Scotland should ensure that changes to firearms licensing law and policy are communicated effectively to relevant personnel and are implemented.

<sup>43</sup> See paragraph 3, in which we state that we support codification of the law in light of its complexity.

<sup>44</sup> Home Office, [Guide on Firearms Licensing Law](#) (2016).

<sup>45</sup> See paragraph 131 for further information about FELWG.

<sup>46</sup> HMICS has previously commented on the need for Police Scotland to ensure that changes to law, practice and process are communicated effectively to officers and staff. HMICS, [Police Scotland – Counter Corruption Unit Assurance Review](#) (2016) at Recommendation 5.



69. The establishment of a national police service and a national approach to firearms licensing afforded opportunities to ensure licensing is delivered consistently across Scotland. While we suspect that there has been increasingly consistent application of policy, processes and decision making in recent years, we were unable to evidence this in the absence of audits and information about the quality of enquiries and decision making.

### **Suitability assessment**

70. The key process undertaken as part of a firearms licensing enquiry is the suitability assessment, when a judgement is made by the police as to the suitability of an applicant to hold a firearm, shotgun or air weapon certificate. These assessments take place at the point of application, but there is also an obligation on the police service to continuously review its suitability assessment in light of any new information that becomes available during the life of a certificate. A suitability review takes place when information comes to the attention of the police that suggests a certificate holder's suitability to possess a firearm should be reassessed.
71. A range of information is gathered by firearms enquiry officers for the suitability assessment. The checks carried out on an applicant can vary according to the type of certificate being applied for (with more stringent checks taking place in respect of a section 1 firearm application compared to an air weapon application). An application for the grant of a section 1 firearm certificate would routinely include:
- criminal records and police intelligence checks
  - the taking up of references
  - a home visit
  - a check on the security and storage arrangements for the firearm
  - an assessment of the applicant's health.

It would also include an assessment that the applicant had good reason to possess a firearm, as required by law. Depending on the reason, a suitability assessment may involve checking the applicant's membership of a shooting club, or assessing the suitability of land on which the applicant intends to shoot.

72. In this report, we do not intend to describe in detail all the checks carried out as part of a firearms enquiry. We were reassured during our inspection that most checks were being carried out without issue, and instead have chosen to highlight areas in which we found particularly effective practice, or where we identified an area of potential risk and scope for development.
73. While Police Scotland has implemented a national IT system to support firearms licensing, this system does not currently hold all historic records. This is because some legacy force IT systems were not compatible with the new system and so it was not possible to easily transfer records. Information about applicants and certificate holders is still held on these legacy systems, even though the systems are not used to manage current applications. In at least one division, staff have struggled to maintain access to their legacy system. Some legacy forces still had some paper firearms licensing records. These records require to be converted to the new system so that all relevant information about certificate holders – including details of previous decisions to refuse or revoke a certificate – is easily accessible across Scotland and can be taken into account when considering current applications. This conversion process is a significant task for firearms licensing administrators.

### **Recommendation 10**

Police Scotland should include the risk relating to legacy records on the firearms licensing risk register and take the appropriate mitigating action. This should include a risk-based approach to expediting the uploading of legacy records to the new system.

74. When the air weapon licensing system was introduced, the Scottish Government stated publicly that those who applied only for an air weapon certificate would be subject to less enquiry than those applying for a firearm or shotgun certificate. The Scottish Government published guidance on air weapon licensing which described the checks to be carried out by the police when assessing the suitability of the applicant.<sup>47</sup> The guidance refers in general terms to 'enhanced police system checks' and 'local enquiry', but does not explicitly state which checks should be carried out. HMICS would have expected more detailed agreement between the Scottish Government and Police Scotland on the nature of checks to be conducted.
75. In preparation for the introduction of the air weapon licensing system, Police Scotland set up an air weapon licensing team within NFELU to process applications from across Scotland. The team is largely based at Dalmarnock with some officers in Stirling. The team has made checks of national police systems when assessing the suitability of applicants. However, in a small number of cases, the team has become aware that information held on local police systems (inaccessible to the national team) should have been taken into account in their suitability assessment. This suggests that a more robust process, at least partly carried out in local divisions by locally based firearms enquiry officers, may be required. This would have an impact on the local resources required for firearms licensing and would require to be taken into account in Police Scotland's licensing demand analysis. Currently, the air weapon licensing team is carrying out checks of those local police systems to which it has access (legacy Strathclyde and Central, corresponding to six of the 13 current local policing divisions). While the team's efforts to address the gap described above are welcome, it means suitability assessments are not being carried out consistently, regardless of the place of residence of the applicant.

### Recommendation 11

Police Scotland should engage with the Scottish Government to confirm what checks are required when assessing the suitability of an applicant for an air weapon certificate. Police Scotland should put in place processes to ensure these checks are delivered consistently across Scotland.

76. The lack of a common IT system for recording fixed penalty notices may result in incomplete intelligence being gathered when assessing the suitability of an applicant. Fixed penalty notices may be issued for some road traffic offences which could be relevant alongside other information when assessing an application for a firearm. However, fixed penalty notices are not recorded on national systems to which all firearms enquiry officers have access. This risks such information not coming to the attention of a firearms enquiry officer if the certificate applicant resides in a different area from the one in which they received the fixed penalty notice. Issues such as this will be addressed as Police Scotland implements more national systems but, in the interim, consideration should be given to what mitigating action can be taken.
77. When assessing a firearm application, the enquiry officer will consider the purpose for which the firearm is being used, whether the type or calibre of firearm is appropriate to the purpose, and what volume of ammunition may be held. While all firearms enquiry officers told us they felt confident gathering and assessing intelligence about an applicant's background, some said they felt less prepared to deal with technical issues relating to firearms licensing such as the purpose for which firearms are used, calibre and ammunition. Where possible, these officers would seek assistance from more experienced staff or officers, particularly those who are dedicated enquiry officers. This lack of familiarity with firearms was one of the most commented on issues by respondents to our questionnaire and raises the possibility that some officers lack the expertise to carry out all aspects of the suitability assessment (see paragraph 117 and Recommendation 19).

<sup>47</sup> Scottish Government, [Guide to air weapon licensing in Scotland](#) (April 2017).





78. Some stakeholders told us they would like to see more involvement of an applicant's partner (or ex-partner, where relevant) in the suitability assessment. Their comments were prompted by incidents in which a certificate holder had seriously injured or killed their partner or ex-partner. In some such cases, investigations have subsequently found that intelligence about the certificate holder's involvement in domestic incidents had been given insufficient weight in the suitability assessment.<sup>48</sup> Police Scotland advised us that while the involvement of partners and particularly ex-partners would not be routine, their views would be sought if intelligence or a criminal history suggested it was appropriate (for example, where the applicant had been involved in a domestic incident).
79. One potential source of information about an applicant's suitability to hold a firearm is the applicant's social media, however this is not routinely checked as yet. HMICS is aware of situations in England and Wales in which an applicant's social media has indicated their support of extremist views, or featured photos of an applicant behaving inappropriately with a firearm. Both situations would have merited further enquiry by the police to establish the person's suitability to hold a firearm. The current Home Office guidance does not address social media as a source of information about an applicant, and there are currently capacity and capability constraints that prevent Police Scotland reviewing social media. However, Police Scotland has indicated that social media will be used as a source of information in future. We welcome this intention and encourage Police Scotland to engage with the Home Office and FELWG to consider this source of information further, including any legal and privacy issues.
80. In 2017, almost 5,000 visitor permits for firearms and shotguns were issued to people visiting Scotland to shoot.<sup>49</sup> Applications for permits are sponsored by a person resident in the area in which the application is made. Sponsors may often be representatives of a shooting organisation or a country estate. Visitors to Scotland who shoot contribute to the local economy – the Scottish Government has estimated that the economic impact of tourism focused mainly on shooting is £70 million.<sup>50</sup>
81. While the police check the suitability of visitors' sponsors (many of whom will be frequent sponsors and well known to the police), there is a practical limit to what checks can be carried out on visitors themselves. Visitors from within the EU require a European Firearms Pass meaning that they should have been assessed in their own country. There is no equivalent scheme for visitors from outside the EU and there are some EU countries which do not issue European Firearms Passes. Given the scrutiny to which applicants resident in Scotland are subject, it is perhaps surprising that there are not more thorough checks on visitors. This is an issue for England and Wales as well as Scotland and has been highlighted at the national Firearms and Explosives Licensing Working Group. We welcome the group's plan to consider this issue further in future.

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<sup>48</sup> See, for example, the IPCC investigations regarding Michael Atherton and the fatal shootings of Christine and Lucy Lee.

<sup>49</sup> Police Scotland, [Management Information – Firearm Certificates Report: Quarter 2, 2017-18](#) (2017).

<sup>50</sup> This figure was provided by the Scottish Government and is calculated based on figures published by Scottish Natural Heritage in 2010 which brought together data from a range of pre-existing research into one study on the economic benefits of 'nature-based tourism'.

82. Where a certificate holder's suitability to possess a firearm is being reviewed on the basis of new information or intelligence, the Home Office guidance suggests that an unannounced home visit may be appropriate so the police may check security arrangements.<sup>51</sup> Few firearms licensing personnel that we spoke to were aware of the possibility of unannounced home visits, and fewer still had made use of the tactic. Police Scotland should consider the more frequent use of unannounced home visits, particularly in light of recent experience in England and Wales. As part of a campaign to raise awareness of security requirements among certificate holders, forces carried out 1,254 unannounced visits leading to the identification of 170 issues of concern, 83 certificate holders receiving advice, 25 receiving a written warning, 62 being the subject of further review, and 28 certificates being revoked.<sup>52</sup>

### Recommendation 12

Police Scotland should make use of unannounced home visits to check security arrangements for firearms and to support its on-going assessment of the suitability of certificate holders.

83. There are several areas in which Police Scotland has sought to improve suitability assessments and reviews in recent years. For example, it has initiated work to identify any certificate holders with links to organised crime groups. A new national process has also been introduced to ensure that certificate holders who come to the adverse attention of the police have their suitability to possess a firearm reviewed promptly. Where an officer attends an incident involving a certificate holder (such as where the certificate holder has been involved in an assault), the officer must complete a Firearms Initial Incident Notification (FIIN) form. The officer notes details of the incident and any concerns they have about the certificate holder's suitability, and records whether any firearms have already been seized. The form is submitted to NFELU for a suitability review to be carried out.
84. We welcome the introduction of this national process as it is key to the continuous assessment of the suitability of certificate holders to possess their firearms. The frequency of the submission of forms has increased since its introduction in the summer of 2017 as officers become familiar with the process. As the process becomes more embedded, it is anticipated that the submission of forms will increase further. We believe there is scope to do more to raise awareness of the form among operational officers and those working in area control rooms, and to make the form more easily accessible on the intranet.
85. A remaining vulnerability in the continuous assessment of certificate holders and which may inhibit the use of the FIIN, is that officers attending incidents are not always aware that a person involved is a certificate holder. Details of all certificate holders are held on *Shogun*, but this system is not linked to Police Scotland's command and control system. As a result, the names and addresses of certificate holders are not automatically flagged when officers are deployed to incidents. The fact a person is a certificate holder will only become known if additional checks are carried out. Depending on the nature of the incident, this may not always be done. For further discussion of this issue, see paragraph 113.

<sup>51</sup> Home visits carried out during initial suitability assessments are made by appointment.

<sup>52</sup> HMICFRS, *Targeting the risk* (2015), paragraphs 4.61-4.62.

86. Police Scotland will also seek to identify police officers and staff who are certificate holders by placing a marker on their personnel record. This means that when they are, for example, the subject of a professional standard investigation, NFELU is notified and consideration will be given to reviewing their suitability to possess a firearm. We were advised that applications for certificates made by police officers and staff receive additional scrutiny with decisions being made by the NFELU chief inspector. This is in accordance with Home Office guidance which requires that applications from serving or former police officers or employees are overseen by a senior manager. Where applications are made by those of a rank senior to the chief inspector, Police Scotland should consider how these will be managed. In particular, consideration should be given to whether applications by chief officers should be overseen or peer reviewed by another police force.
87. Police Scotland has also begun a significant project to review the licensing of firearms within the oil and gas community. This is not focused on the suitability of any individual certificate holder, but is a general review of firearms stored on oil platforms, their access arrangements and use. This project was initiated in the summer of 2017.<sup>53</sup>

### Clinical history

88. One area in which Police Scotland has made significant progress in improving the effectiveness of its suitability assessments is in relation to an applicant's clinical history. Applicants for a firearm or shotgun licence are required to declare any relevant medical conditions such as suicidal thoughts, depression or neurological conditions such as epilepsy on their application form. Home Office guidance states that as part of the application process, police may ask some applicants to obtain and pay for a medical report to assist the police with their consideration of medical suitability. Police Scotland has taken the decision to seek clinical information for all applicants<sup>54</sup> as it considers that it was not able to make a full assessment of an applicant's suitability to possess a firearm without one.
89. To support implementation of its decision, Police Scotland worked with a range of stakeholders including the Scottish Government and its Senior Medical Officer, the Scottish GP Committee of the British Medical Association, GP practices across Scotland and shooting organisations. GPs are not required to share clinical information with the police as part of their contractual obligations, except for reasons of public safety. Engagement by Police Scotland has helped to secure the participation of almost all GP practices in Scotland in providing relevant clinical information. Because the provision of clinical information or a more detailed report is a service which does not form part of the GP contract, GPs are entitled to charge a fee for the service. This fee is paid by the applicant. Where an applicant's GP refuses to provide clinical information, the applicant can change practice or seek assistance from a private practitioner.
90. When applications for the grant or renewal of a certificate are made, applicants are provided with a letter which they must deliver to their GP. This letter asks GPs to complete and return to Police Scotland a form within 21 days indicating:
  - whether they have any concerns about their patient being issued with a firearm or shotgun certificate
  - whether the patient has suffered from a relevant medical condition in the past five years (a list of relevant medical conditions is provided, and GPs are invited to consider any other mental or physical conditions which may affect the safe possession of a firearm or shotgun)

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<sup>53</sup> Its importance was highlighted by an incident in December 2017 when a worker on an oil platform reignited the platform flare using a gun. It was reported in the media that the worker may not have had a firearm certificate and the incident was subsequently investigated by Police Scotland and the Health and Safety Executive. BBC News, *Gun used to relight Total's Elgin platform flare*, 5 January 2018.

<sup>54</sup> This applies to firearm and shotgun applicants only. Clinical information is not routinely requested in respect of air weapon applicants.



- whether the GP has placed a ‘marker’ on the patient’s record to show the patient is a certificate holder.
91. The purpose of the ‘marker’ is to assist Police Scotland in its on-going suitability assessment of certificate holders. Where a GP becomes concerned about a patient’s suitability to possess a firearm based on a medical condition, the ‘marker’ acts as a reminder to the GP to inform Police Scotland about such concerns.
  92. On receipt of the completed form from the GP, Police Scotland will take its contents into account when assessing suitability. The existence of a medical condition need not preclude the granting or renewal of a certificate, but will be considered alongside other information gathered by the police.
  93. Investigations of previous incidents resulting in death or serious injury and involving a lawfully held firearm have sometimes found that medical information existed which would have affected the certificate holder’s suitability to possess a firearm, but was not shared with the police. We welcome the efforts of Police Scotland, GP practices and others in implementing the process for assessing an applicant’s medical history. This represents a significant step forward in protecting the public in Scotland and information resulting from this process has contributed to firearms applications being refused or revoked.
  94. To fully realise the benefits of the ‘markers’ placed by GPs on certificate holders’ patient records, it is essential that GPs are able to easily contact the police with any concerns they have about a patient’s suitability to possess a firearm. After speaking to GPs, we believe there is scope for further guidance to be provided by Police Scotland to GPs on how to do this. We also believe that training and guidance should be provided to those working in police service centres to know what to do when they receive such a call. Generally, GPs told us they would contact their local firearms licensing department if they had any concern. However, when a GP wishes to share concerns about a patient’s suitability outside the hours that licensing departments are available, they should be able to contact the police via 101 (or 999 in an emergency).

### Recommendation 13

Police Scotland should introduce and communicate clear processes to GPs on how it can be contacted with concerns about a patient’s suitability to possess a firearm. This should include a review of the process to be followed on receipt of such concerns, supported by guidance and training for Police Scotland service centre personnel.

95. The involvement of GPs in the suitability assessment was one of the most commented on themes in our public questionnaire. While some respondents were supportive of the process, they objected to the variation in fees charged by GPs. Some objected to the fact that any fee was charged. We heard that fees varied from zero to £200. Such variation is frustrating for applicants who feel they are being treated inequitably. However, the level of fees is outwith Police Scotland’s control as GPs are free to set their own fees for providing this service. In the absence of new legislation, no body (including the government) is able to direct GPs to charge a consistent fee.
96. Other respondents objected to Police Scotland’s decision to require clinical information for all applicants – they felt this was unfair as it was not the approach advocated in the Home Office guidance nor the one to which applicants in England and Wales were subject. We cannot agree that clinical information is not required for all applicants and consider that Police Scotland’s approach has resulted in increased public safety in Scotland. HMICFRS has previously recommended that this approach be adopted in England and Wales but this has not yet been achieved.<sup>55</sup>

<sup>55</sup> HMICFRS, *Targeting the risk* (2015), Recommendation 11.



## Transportation, storage and destruction of firearms

97. During the firearms licensing process, firearms enquiry officers may be required to seize or take possession of surrendered weapons and ammunition. The weapons and ammunition require to be labelled and transported to a police office for secure storage, examination or destruction. We noted inconsistent approaches to the transportation of firearms to police offices following seizure or surrender, and in the transportation of firearms for destruction. We brought these inconsistencies to the attention of Police Scotland during our inspection fieldwork.

### Recommendation 14

Police Scotland should issue guidance in respect of the safety and security procedures to be followed when transporting firearms or ammunition for storage, examination or destruction.

98. There is currently no national guidance regarding the standard of security required for police accommodation where firearms and ammunition are stored, or how often and by whom audits should be conducted of the firearms and ammunition held. Local policing divisions currently use a mix of decommissioned cells, secure rooms, gun cabinets and armouries for storage, with periodic checks carried out by divisional firearms licensing staff. In practice, these arrangements vary across and even within divisions. Arrangements for access to secure storage also vary, with access in some divisions being available to operational officers with keys held within operational or custody supervisors' offices.

### Recommendation 15

Police Scotland should issue guidance on the standard of security required for the storage of firearms and ammunition associated with the licensing function, including arrangements for controlled access. It should also introduce an accountable audit regime for the firearms and ammunition held.

99. Differing arrangements are in place across Scotland for the destruction of firearms and ammunition seized or surrendered during the firearms licensing process. Service level agreements are in place with commercial companies in the East and West command areas who provide this service free of charge in return for the scrap metal produced, with the weapons being transported periodically by police officers. Highland and Islands Division, however, has its own destruction equipment and two police staff firearms enquiry officers who are trained to carry this out in-house with the scrap metal thereafter passed to a local dealer. In order to standardise arrangements, NFELU has suggested that all divisions should use accredited smelters and have the firearms transported by a production keeper and a divisional firearms licensing member of staff who should also supervise the destruction process.



## Resources

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101. At paragraph 44 we noted that a key element in Police Scotland's proposal for restructuring its firearms licensing model was an analysis of demand for the service. While we welcomed efforts to assess demand and the resources that would be required to meet it, we noted that the demand analysis did not take account of the full extent of demand for firearms licensing. We believe Police Scotland would benefit from renewing its demand analysis in light of its experience of delivering firearms licensing in recent years and taking into account its current processes and practices. This work will provide local policing divisions with useful data which will help them to determine the most suitable model for carrying out firearms enquiries. It may also validate or dispel concerns we heard from some community officers that they lacked capacity to carry out firearms enquiries timeously.
102. While we have seen some work by Police Scotland to profile demand for firearms licensing over the next five years, there is a need to develop this work to assess what impact the demand will have on the service and what resources will be required to meet it efficiently. A new demand analysis should ensure that all aspects of firearms licensing are taken into account including grants, renewals, variations, permits and suitability reviews, as well as work done in relation to registered firearms dealers, shooting clubs and the additional enquiries carried out on behalf of the Scottish Government (such as those for museum licences).
103. Consideration should also be given to whether resources at national and regional levels are sufficient to meet demand. At regional level, the demand is highest in the North command area. The North processing centre manages almost 50% of all firearm and shotgun applications received by Police Scotland. While the North processing centre has more administrators than elsewhere, it only has one inspector and one sergeant to deal with enquiries which have been escalated from divisions. This is the same resource allocated to the East and West processing centres. Any demand analysis should inform whether there is an equitable distribution of resources across Scotland.
104. Similarly, the resourcing of NFELU should be reviewed to ensure contentious or complex cases are processed as quickly as possible, and to help NFELU to continue to reduce its backlog of cases for review. A review should also take into account the other tasks required of NFELU, including providing policy support to all those working on firearms licensing, supporting effective governance, designing and delivering training, and engaging with stakeholders, as well as developing new processes around intelligence and tasking.
105. A review of demand and resource allocation will also have to consider how the air weapon licensing function will be delivered in future. At present, enquiries are undertaken by a national team within NFELU but there is scope for this to be devolved to divisions so that enquiries are carried out in the same way as those for firearm and shotgun licences.
106. Police Scotland is entering its two-year period of low demand for firearms licensing which provides an opportunity to review the delivery of its service in preparation for its busier period.

### **Recommendation 16**

Police Scotland should analyse demand for its firearms licensing service and ensure it has sufficient resources to meet demand at national, regional and divisional levels.

107. Police Scotland may also wish to consider whether national personnel working in NFELU are appropriately located. Demand for firearms licensing is highest in the North and other rural areas in Scotland, which is a reversal of the usual demand patterns for other aspects of policing. HMICS believes that the restructure of the firearms licensing model in 2015 was a missed opportunity to locate a national policing unit outside of the central belt. This would have provided development and promotion opportunities for officers in more remote areas.

### Income from firearms licensing

108. In 2016-17, Police Scotland received over £1.3m in fees for firearms licensing (including air weapons). The level of income fluctuates each year according to the five-year licensing cycle (see Table 1). Licence fees are set by the Home Office and the last fee increase occurred in 2015. Prior to that, fees had remained static since 2001. When it increased the fees, the Home Office noted that police forces estimated they only recouped 27% of the cost of issuing a licence and suggested that full cost recovery was desirable.<sup>56</sup> A debate on whether full cost recovery is desirable or achievable has persisted, with shooting organisations concerned that fees may become prohibitive if it is implemented. They have also said that their expectations as to the quality and efficiency of the police licensing service would be significantly raised if they were paying the full cost of the service.
109. Police Scotland has not established the full cost of delivering a firearms licensing service but should consider doing so in order to participate in any future discussions about full cost recovery.

Table 1 – Income from firearms licensing

Financial year	Income
2017-18 YTD <sup>57</sup>	£1,005,147.00
2016-17	£1,367,966.23
2015-16 <sup>58</sup>	£996,779.85
2014-15	£494,891.71

### Online application and tracking system

110. A common suggestion made by stakeholders with whom we spoke and respondents to our questionnaire was that Police Scotland should move as much of its licensing process online as possible, and allow applicants to monitor the status and progress of their application. They felt this would reduce or eliminate the need for them to phone police service centres and local firearms licensing departments, which would reduce the demands placed on firearms licensing staff. Such a system has recently been introduced by Lincolnshire Police.
111. As Police Scotland develops its approaches to local policing and its investment through Policing 2026 in online public contact through the national service centre, it should explore the costs and benefits of an online processing and tracking system for firearms licensing. This should include a facility for online payment and have due regard to the security of data.

### Recommendation 17

Police Scotland should explore the costs and benefits of an online processing and tracking system for firearms licensing.

<sup>56</sup> [Home Office announces increase in firearms licensing fees](#), 12 March 2015.

<sup>57</sup> As at 31 December 2017.

<sup>58</sup> Licence fees rose on 6 April 2015.

112. Another suggestion from respondents to our questionnaire was that the paper A4-sized certificates be replaced with cards similar to a driving licence. Some said that the current certificates were easily damaged and not a particularly up-to-date way of demonstrating a person's entitlement to possess a firearm. The format and contents of certificates is largely determined by the Home Office guidance and is outwith Police Scotland's control.

## IT system

113. In October 2014, Police Scotland implemented a national IT system (*Shogun*) to support firearms licensing.<sup>59</sup> This meant that all local policing divisions and NFELU used the same system and workflow could be more efficiently managed across Scotland. In a national force, the new system also met the statutory requirement for a 'central register' for firearms licensing.<sup>60</sup> There were difficulties experienced during the implementation of the system, but these were largely overcome in the early stages. HMICS has previously commented on the need for robust testing of systems prior to them implemented nationally.<sup>61</sup> Officers and staff we spoke to were mostly positive about the system used, although some expressed concern that its functionality was not being fully exploited.
114. A current challenge is attempting to link *Shogun* with other Police Scotland systems. The lack of interface between *Shogun* and the command and control or customer relationship management systems means officers attending incidents are not always aware that a person involved is a certificate holder, or that the locus of the incident is one where firearms are held. This may pose a risk to officer safety and, as noted at paragraph 85, may result in missed opportunities to identify certificate holders involved in incidents which require their suitability to possess a firearm to be reviewed. In a recent review of firearms licensing in England and Wales, HMICFRS noted that seven police forces had introduced processes which meant every incident relating to the name or address of a certificate holder was automatically flagged.<sup>62</sup> We believe that the significant improvements in call handling and the existence of a national command and control system provide an opportunity for Police Scotland to address this issue and to alert officers to the potential link to firearms licensing at the time they are dispatched to incidents.

### Recommendation 18

Police Scotland should link the information from its national firearms licensing system with its national command and control system to automatically flag incidents linked to the addresses of firearm certificate holders.

<sup>59</sup> Previously six legacy forces used different versions of *Shogun* that were not linked, and two forces managed firearms licensing via a wider IT system that also incorporated crime management and other functions.

<sup>60</sup> Section 39, Firearms (Amendment) Act 1997. See also EU Council Directive 91/477/EEC requiring a computerised data-filing system for controlled firearms registration by 31 December 2014.

<sup>61</sup> HMICS, [Audit and Assurance Review of Stop and Search – Phase 1](#) (2015); HMICS, [Independent Assurance Review: Police Scotland – Call Handling Final Report](#) (2015).

<sup>62</sup> HMICFRS, [Targeting the risk](#) (2015), paragraphs 5.41-5.46.





# People

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## Training

115. A key part of Police Scotland's plans to restructure its firearms licencing model was the development of a national training course for firearms enquiry officers. Introduced in 2015, this three-day course provided the opportunity to ensure that all those carrying out licencing enquiries across Scotland received training in national policies and processes. Prior to the establishment of Police Scotland, firearms licencing training had been delivered within each legacy force. The introduction of this course was a significant step towards Police Scotland delivering a consistent and effective national firearms licencing service.
116. Since its introduction, more than 1,000 officers and staff have attended the training course. This includes those conducting firearms enquiries across Scotland, as well as many of those working in NFELU. We have previously noted that the training of so many officers across Scotland was a significant departure from the model approved by the SPA in 2015. This was partly due to divisions requesting that more of their officers were trained in enquiries than had been predicted would be necessary, and partly due to the turnover in officers carrying out firearms enquiries. NFELU had requested that local divisions identify suitable officers to be trained to carry out firearms enquiries, in light of the officers' experience, skills and capacity to conduct enquiries in addition to their day-to-day duties. We heard from those working in divisions however that sometimes training courses were organised at short notice, and officers were selected to attend on the basis of who was available, rather than who was best suited.
117. We often heard from those who had been trained that the course had not sufficiently prepared them for their role as firearms enquiry officers. Negative comments on the course focused on the manner in which it was delivered, and on its content. In relation to the course's delivery, firearms enquiry officers told us that there were too many PowerPoint slides which they did not find engaging, and there was a lack of practical exercises.
118. In relation to the content of the course, we heard that it was focused on the investigatory aspect of firearms enquires and the risk assessment to be carried out by officers when assessing an applicant's suitability to possess a firearm. While we welcome this emphasis, officers told us that it was at the expense of other aspects of firearms licencing. In particular, they felt the training did not prepare them for the practicalities of enquiries, such as how to complete forms and how much evidence they were required to record. As a consequence, many local divisions provided additional support and training to firearms enquiry officers, including the opportunity to shadow staff who carry out enquiries full-time.
119. Firearms enquiry officers also felt the course did not provide sufficient information about firearms themselves. They wanted more information about types of weapon and ammunition and the purposes for which they could be used, and about assessing the suitability of land on which applicants wished to shoot. We have previously noted that respondents to our questionnaire frequently raised the lack of specialist knowledge of firearms as a concern. Police Scotland should review the contents of its firearms licencing training and, in particular, consider whether it sufficiently prepares enquiry officers with information about the types of firearms and ammunition and what they might be used for, as well as assessing land suitability.

### Recommendation 19

Police Scotland should review the contents of its firearms licencing training course to ensure it prepares firearms enquiry officers for their role.

120. Some firearms enquiry officers told us they would benefit from training in handling firearms and making weapons safe. In legacy forces, those who carried out firearms enquiries full-time were often trained to handle them safely. There is a strong view, however, among some senior officers, including those within NFELU, that there is no need for enquiry officers to handle firearms. If, for example, a firearm is surrendered or seized during the course of an enquiry, they point to Police Scotland policy which states that an Authorised Firearms Officer (AFO)<sup>63</sup> should be called to attend and make the weapon safe. However, enquiry officers say that calling and waiting for an AFO to attend is not always practicable. Instead, some rely on certificate holders to prove to them that weapons are safe before transporting them to a police office for secure storage. This approach may not be the most appropriate in circumstances when a firearm is being seized rather than surrendered and still requires some handling by the enquiry officer. There is a risk that firearms enquiry officers are handling firearms outwith policy and without sufficient training. This situation should be reviewed by Police Scotland. Consideration should be given to the fact that as some local divisions are allocating officers to firearms licensing full-time or almost full-time, additional training on handling firearms and making weapons safe may be justified.

### **Recommendation 20**

Police Scotland should consider whether its current policy requiring only Authorised Firearms Officers to make weapons safe is proportionate to the risk and practicable.

121. Police Scotland is aware of the need to improve the training delivered to firearms enquiry officers. Some changes have recently been made in response to feedback, and a wider review of the course, its content and how it is delivered is also being carried out by NFELU with support from staff in Police Scotland's Learning, Training and Development team. We welcome this review and encourage NFELU to consider our findings in relation to training and to continue to seek feedback from course participants to satisfy itself that the course remains relevant and useful.
122. Once the training course has been revised, Police Scotland intends to develop a 'train the trainers' approach which will allow the course to be delivered within local policing divisions. While there are some benefits to this approach, such as courses being delivered at a time that best meets the needs of local divisions, there is also a risk that locally delivered training will lead to inconsistent practice across Scotland. Police Scotland should consider how this risk can be managed.
123. In reviewing the training for firearms enquiry officers, NFELU should also consider how officers can maintain their competence in firearms licensing. Given the volume of officers trained, we are concerned that some may carry out insufficient enquiries each year to maintain their firearms licensing knowledge and skills. Consideration should be given to setting a minimum number of enquiries that must be completed each year, or using another approach by which officers can evidence their competence.
124. We note that the internal business case developed by Police Scotland for the restructuring of the firearms licensing service stated that the national training course would be supplemented by annual continuous professional development seminars for all firearms licensing personnel. This has not yet taken place. We believe refresher training would be a useful opportunity not only to refresh skills and knowledge, but to share information about the latest developments in firearms licensing and any learning arising from audits, complaints, investigations etc.

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<sup>63</sup> An AFO is a police officer who is trained, accredited and authorised to carry firearms.

### **Recommendation 21**

Police Scotland should introduce regular refresher training for firearms enquiry officers and consider how officers can maintain and demonstrate professional competence in firearms enquiries. This training should be recorded for audit and management purposes.

125. While there is a national course for firearms enquiry officers, there is no bespoke course for those involved in making decisions about firearms licensing. While some decision makers will have attended the enquiry officer training, we met several who had not. HMICS considers it critical that all those involved in making licensing decisions in accordance with the delegated authority are trained to do so.

### **Recommendation 22**

Police Scotland should ensure that all officers and staff who have delegated authority to make decisions about firearms licensing receive appropriate training. This training should be recorded for audit and management purposes should the officer be required to evidence their competence.

### **Police staff**

126. Police staff involved in firearms licensing expressed many of the concerns we hear from police staff generally in the course of our inspections. These include frustrations relating to terms and conditions which have still not been harmonised almost five years after the creation of Police Scotland. Concerns were expressed that their job descriptions do not accurately reflect the complexity of their work; and some staff felt a lack of support, sometimes caused by remote line management. The lack of training and development opportunities was also raised. More positively, some administrators welcomed the opportunity to attend the firearms enquiry officer course, and several administrator vacancies have recently been filled, relieving workload pressures on others.
127. Following the Dunblane Inquiry, there was a move among many (but not all) police forces to have firearms enquiries conducted by police staff, and in some forces, for police staff to have delegated authority for decision making. This trend has been generally reversed within Police Scotland, with most enquiries and decisions taken by police officers, and the number of dedicated police staff firearms enquiry officers now reduced to 14. This has led to a perception among some that police officers are 'backfilling' police staff posts. This perception is particularly strong in divisions where some police officers spend either all or a significant proportion of their time dealing with firearms licensing rather than dealing with enquiries as an add-on to their day-to-day role
128. The restructuring proposal for firearms licensing always envisaged that the work of the 14 police staff firearms enquiry officers would be supplemented by officers, albeit those officers would carry out these enquiries in addition to their day-to-day role. It will not be until Police Scotland reaches the two-year period of low demand for firearms licensing that it will know whether officers are required to continue to regularly assist staff with firearms enquiries, or whether the estimated 14 staff is sufficient to meet demand in those divisions where they are based. The five-year demand cycle has been managed by some forces in England and Wales by the recruitment of additional staff to the firearms enquiry role on fixed term contracts, rather than supplementing staff with officers. This would seem a sensible approach and worthy of consideration by Police Scotland.



129. The reduction in police staff firearms enquiry officer posts from 36 to 14 meant that some were redeployed to other areas of work within Police Scotland, while others resigned or accepted early retirement or voluntary redundancy. Some staff were dissatisfied with being redeployed as they were reluctant to give up the considerable knowledge and skill they had accumulated regarding firearms licensing.
  
130. HMICS values the contribution that police staff make towards delivering an effective firearms licensing service. There is a need in any police force to determine how its firearms licensing can be delivered efficiently and while achieving best value. This determination should include consideration of the composition of its firearms licensing teams and the balance of police staff and police officers.


## Partnerships

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131. During our inspection of firearms licensing, we considered the extent to which Police Scotland works with partner organisations to deliver an effective service. We observed meetings of two networks relating to firearms licensing.
132. Firstly, we observed a meeting of the national Firearms and Explosive Licensing Working Group (FELWG). This group is chaired by the national policing lead for firearms licensing (currently an Assistant Chief Constable with Durham Constabulary). The group is attended by representatives of all police forces in England and Wales, as well as Police Scotland. The meetings provide an opportunity for Police Scotland to discuss legal and policy developments regarding firearms licensing with its counterparts in England and Wales, and to share information and good practice.
133. Secondly, we observed a meeting of the Scottish Firearms Practitioners' Group. This group was set up in 2016 by Police Scotland to provide a forum in which to discuss issues relating to firearms licensing with shooting organisations. Since then, a representative of one of the organisations involved (the British Association of Shooting and Conservation) has taken over as chair of the meeting and also provides a secretariat function. Other organisations attending include the Scottish Association for Country Sports, Scottish Target Shooting, the Gun Trade Association, the Scottish Gamekeepers' Association, Scottish Natural Heritage and the Scottish Government.
134. Police Scotland has used this group to communicate with its stakeholders about issues such as changes in policy and practice, processing times and the implementation of the air weapon licensing system, while members of the group have provided Police Scotland with feedback about its licensing service.
135. We welcome Police Scotland's role in setting up this group and in its continued participation. It is a useful forum in which to engage with those representing the interests of service users, and will help Police Scotland to understand the extent to which it is delivering the second desired outcome of its firearms licensing service – that the service is delivered efficiently and effectively so as to meet the needs of service users. However, we believe there is scope for Police Scotland to develop its engagement with a wider group of stakeholders to better understand public concerns over legally held firearms and inform its approach to the first desired outcome of firearms licensing – to protect public safety and ensure that only suitable persons are able to lawfully possess and use firearms.
136. During our inspection, we engaged with a range of individuals and organisations with an interest in firearms licensing. This included family members of those who had been killed in shooting incidents in which firearms licensing arrangements were subsequently investigated. We believe they offer a valuable perspective on firearms licensing from which Police Scotland would benefit. Police Scotland should consider establishing an Independent Advisory Group on Firearms Licensing whose membership goes beyond (but may include) shooting organisations. It could also include academics, a GP or other health representative, and those interested in greater gun control. The group could be used as a consultative forum, and to act as a critical friend to scrutinise licensing policy decisions. Consideration could also be given to the group playing a role in the independent scrutiny of firearms licensing decisions made by Police Scotland. In England and Wales, HMICFRS has previously recommended that consideration be given to the independent oversight of decisions by the police not to revoke firearms certificates, so as to provide reassurance to the public about the quality of decision making.<sup>64</sup> Police Scotland already benefits from the views and experiences of lay advisors and independent advisory groups in respect of other areas of business, such as stop and search.

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<sup>64</sup> HMICFRS, *Targeting the risk* (2015), Recommendation 17.

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137. An alternative to the establishment of an Independent Advisory Group could be broadening the membership and terms of reference of the Scottish Firearms Practitioners' Group, however we feel this group as currently constituted plays a valuable role and welcome its focus on service delivery.

### **Recommendation 23**

Police Scotland should consider establishing an Independent Advisory Group on Firearms Licensing.

138. During our inspection, we sought the views of stakeholders about Police Scotland's firearms licensing service and its approach to working with partners. While many were positive about recent developments and the establishment of the Practitioners' Group, some said that there was scope for improved communication and a more consultative approach.
139. Some shooting organisations noted that engagement activity previously carried out by legacy forces appeared to have stopped or reduced. In some areas, shooting organisations or clubs had been involved in training firearms enquiry officers, for example, but this was no longer the case. While engaging with partners is crucial to effective policing, we also understand that firearms licensing staff and officers must guard themselves against becoming too familiar with the shooting community or becoming perceived as such. Previous inspections and investigations into incidents in which members of the public have been seriously injured or killed by a lawfully held firearm have sometimes highlighted a lack of professional distance between firearms personnel and certificate applicants. Thus, Police Scotland must strike an appropriate balance between effective engagement and independent, transparent and robust decision making.
140. To promote transparency in firearms enquiries and decision making, we believe it would be helpful if officers and staff were asked to declare any conflict of interest they may have. We do not think it practicable for all such conflicts of interest to be avoided. In some rural communities for example, there may be no option but for an officer to conduct an enquiry into someone well known to them. However, we believe that asking officers and staff involved in enquiring into and making decisions about applications to declare any interest will act as a useful safeguard and highlight otherwise routine enquiries for further independent checking and validation.

### **Recommendation 24**

Police Scotland should ensure that all those conducting enquiries or making decisions regarding a firearms application declare any relevant interest, familial ties or other close personal knowledge of the applicant.

## Appendix 1 – Questionnaire results

To inform our inspection of firearms licensing, and in light of our own duties relating to user focus,<sup>65</sup> HMICS invited members of the public who had recently applied for a firearm, shotgun or air weapon certificate to complete an online questionnaire about their experience of the application process. The questionnaire was available to complete on the HMICS website from 16 October until 3 November 2017. HMICS promoted the questionnaire via social media, and sought the help of shooting organisations to publicise the questionnaire to their members.

A total of 982 responses were received.<sup>66</sup>

88.3% (n=855)<sup>67</sup> of respondents said they had applied for a grant, renewal or variation of a firearm, shotgun or air weapon certificate in the last two years. 11.7% (n=113) had not.

Of the 855 respondents who had applied for a grant, renewal or variation of a certificate:

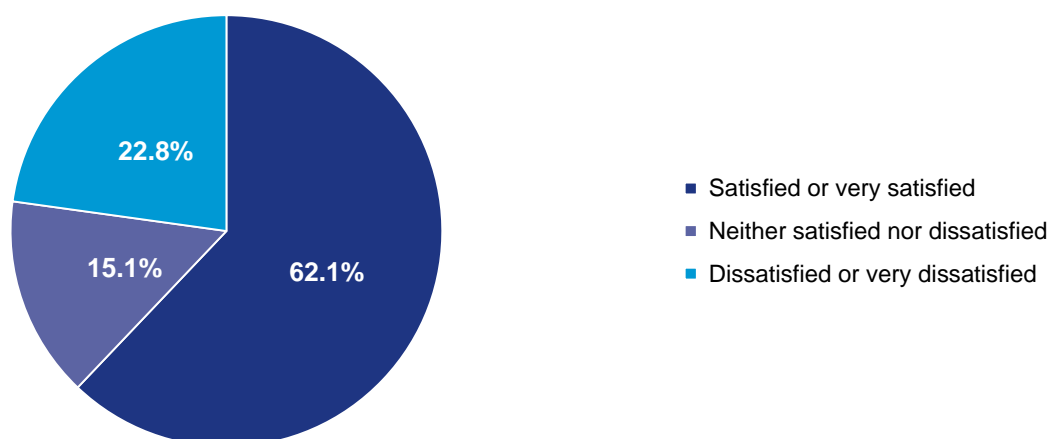
- 117 said their applications related to firearms only
- 123 related to shotguns only
- 100 related to air weapons only
- 265 related to firearms and shotguns
- 32 related to firearms and air weapons
- 46 related to shotguns and air weapons
- 172 related to firearms, shotguns and air weapons

Where an applicant holds more than one type of weapon, they are able to make coterminous or separate applications for each type.

### Overall satisfaction with application process

Of the 854 people who responded to this question, 62.1% of respondents said that overall, they were very satisfied (26.6%) or satisfied (35.5%) with the application process. 15.1% were neither satisfied nor dissatisfied, and 22.8% said they were dissatisfied (16.0%) or very dissatisfied (6.8%).

#### Overall, how satisfied were you with the application process?



<sup>65</sup> Section 112, Public Sector Reform (Scotland) Act 2010.

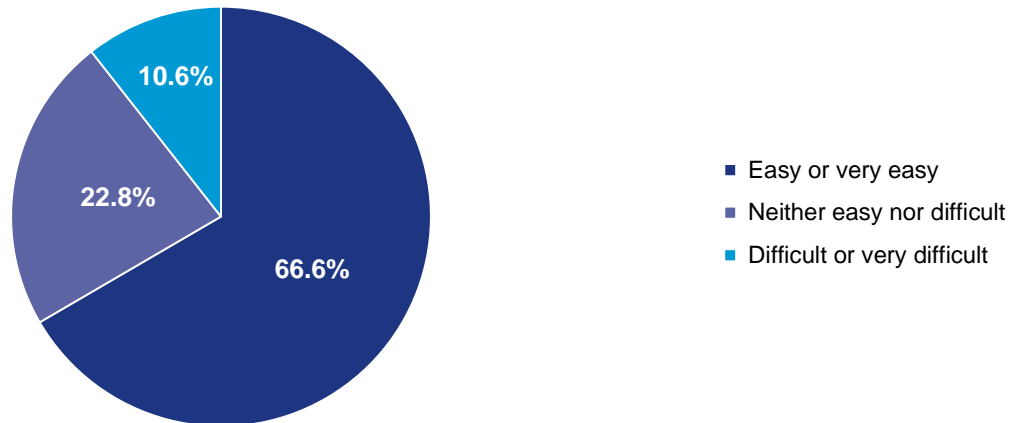
<sup>66</sup> Responses to questions below may not add up to 982 as some respondents chose not to answer some questions.

<sup>67</sup> Throughout Appendix 1, percentages have been rounded and therefore may not add up to 100%.

### Information on how to apply

Of the 848 respondents, two thirds (66.6%) said it was very easy (27.0%) or easy (39.6%) to get information from Police Scotland about how to apply for the grant, renewal or variation of a certificate. 22.8% said it was neither easy nor difficult, while 10.6% said it was difficult (8.3%) or very difficult (2.4%).

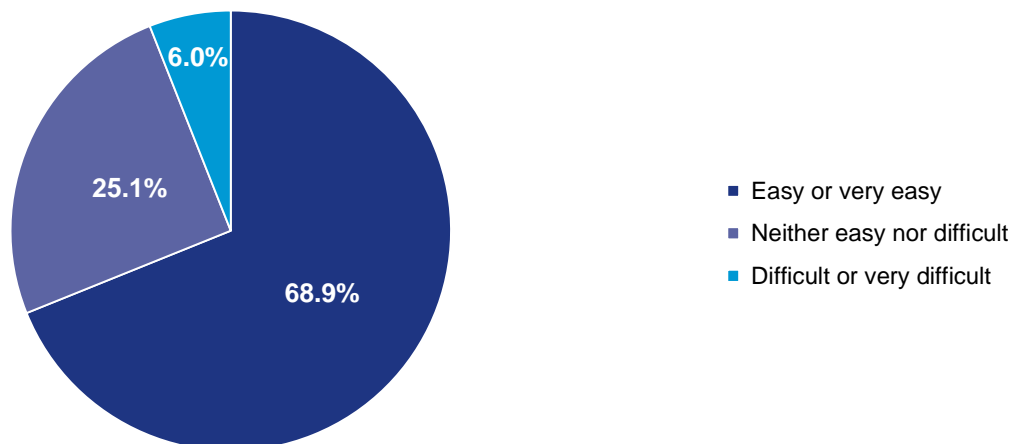
#### How easy was it to get information from Police Scotland about how to apply for the grant, renewal or variation of a certificate?



### Application forms

Of the 850 respondents, more than two thirds (68.9%) said it was very easy (20.9%) or easy (48.0%) to fill out the application forms. 25.1% said it was neither easy nor difficult, and 6.0% said it was difficult (5.4%) or very difficult (0.6%).

#### How easy was it to fill in the application forms?

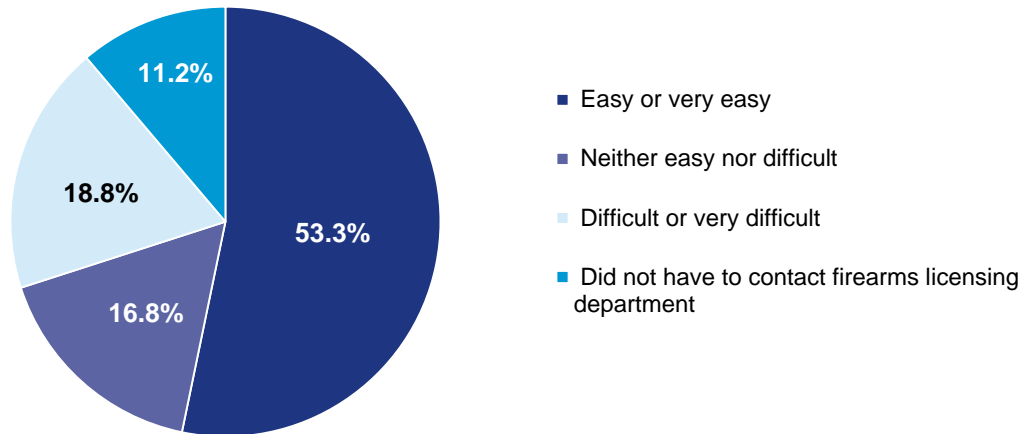




### Contacting the firearms licensing department

Of the 852 respondents, just over half (53.3%) said it was very easy (21.2%) or easy (32.0%) to contact Police Scotland's firearms licensing department. 16.8% said it was neither easy nor difficult, and 18.8% said it was difficult (13.7%) or very difficult (5.0%). 11.2% said they did not have to contact the firearms licensing department.

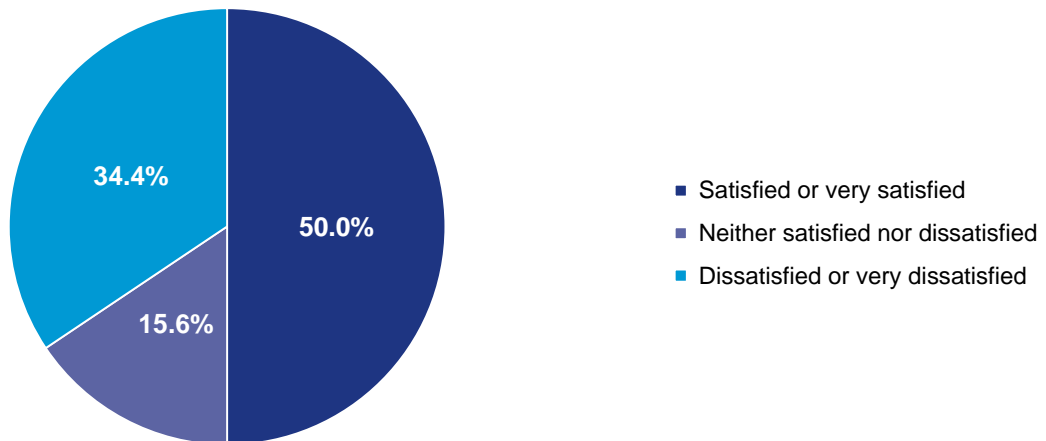
**How easy was it to contact Police Scotland's firearms licensing department?**



### Speed and efficiency

Of the 848 respondents to this question, half (50.0%) said they were very satisfied (17.5%) or satisfied (32.5%) with the speed and efficiency of the licensing process. 15.6% were neither satisfied nor dissatisfied. 34.4% were dissatisfied (22.2%) or very dissatisfied (12.3%).

**How satisfied were you with the speed and efficiency of the licensing process?**



## Delivery model

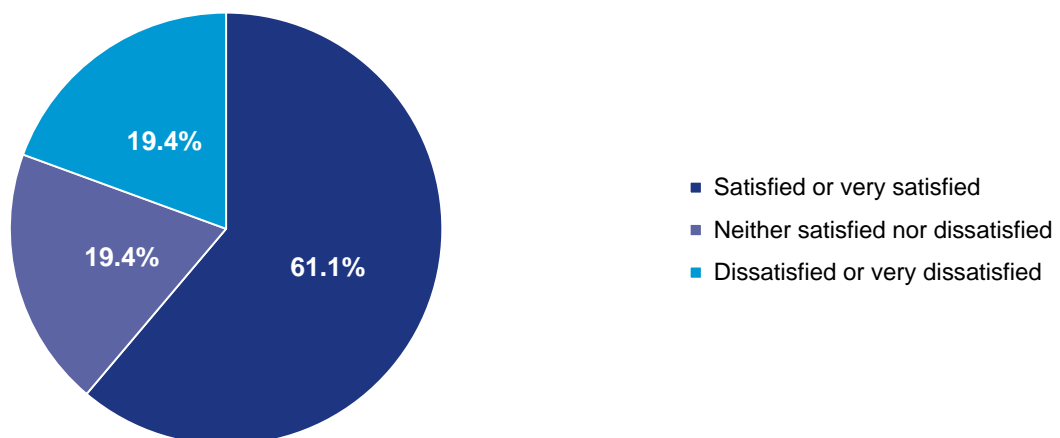
In 2015, Police Scotland introduced new internal arrangements for how it delivers the firearms licensing service. We asked respondents whether they had noticed any difference in the quality or efficiency of the service provided. Almost a third (32.4%) of the 964 people who responded to this question said they had noticed a difference, almost a third (32.1%) said they had not noticed any difference, and just over a third (35.6%) responded 'don't know'.

We asked respondents to describe any changes they had noticed in the licensing service since 2015. Of the comments we received, 81% were negative and 19% were positive. The majority of the negative comments related to the lack of dedicated and experienced firearms staff and slow processing times. Most of the positive comments related to finding the process easy to follow and quick. These comments are included in our analysis below of all positive and negative comments and suggestions for improvement.

## Visitor permits

Only 3.7% (n=36) of respondents said they had sponsored an application for a visitor permit to Scotland in the last two years. Of those people, 61.1% said they were very satisfied (27.8%) or satisfied (33.3%) with the visitor permit application process. 19.4% were neither satisfied nor dissatisfied and 19.4% were either dissatisfied (11.1%) or very dissatisfied (8.3%).

### How satisfied were you with the visitor permit application process?



When asked why they were satisfied or dissatisfied with the visitor permit application process, more than half of respondents noted the ease and speed of the process. Conversely, those who were dissatisfied found the process to be too slow. This may reflect variation in service or in service user expectations. Comments included:

*The whole process was handled quickly and efficiently.*

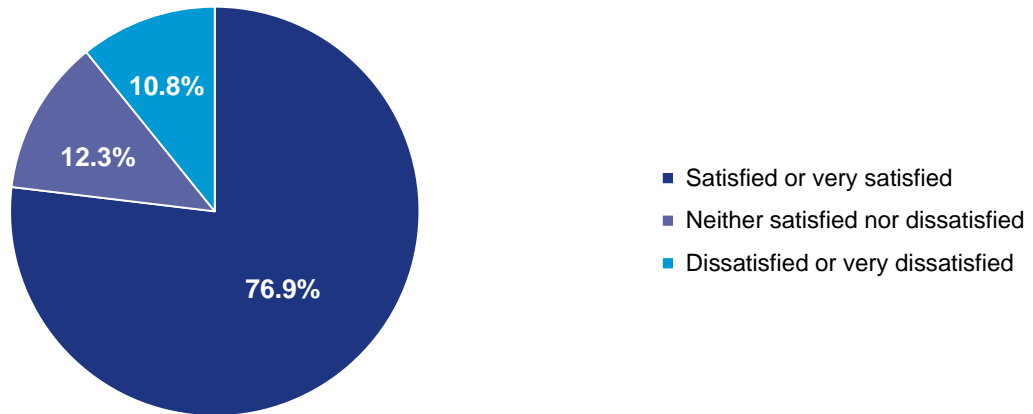
*The gentleman I sponsored got his licence pretty quick and police were very professional.*

*Lack of resources has made the processing of visitor permits too lengthy – 28 days is simply too long and causes losses to tourism. We need a fast track system urgently.*

## European Firearms Pass

6.8% (n=65) of respondents had applied for a European Firearms Pass in the last two years. More than three quarters (76.9%) were very satisfied (44.6%) or satisfied (32.3%) with the European Firearms Pass application process. 12.3% were neither satisfied nor dissatisfied and 10.8% were dissatisfied (6.2%) or very dissatisfied (4.6%).

### How satisfied were you with the European Firearms Pass application process?



When asked why they were satisfied or dissatisfied with the European Firearms Pass process, the majority of respondents to this question commented on the ease of the process, the quick response and the helpfulness of staff. The respondents who were dissatisfied commented on clerical errors and the inexperience of staff issuing the passes.

## Location of respondents

Respondents were asked in which local authority they lived. The area with the lowest number of responses was Orkney Islands (four) and the highest was Aberdeenshire (109). Most responses were received from those living in:

Aberdeenshire	11.5%
Highland	11.0%
Fife	6.9%
Dumfries and Galloway	5.9%
Perth and Kinross	5.3%



Table 2: Number of responses by regional command area and local policing division

Regional command area	Number of responses	Local policing division	Number of responses
North	395	North East	160
		Tayside	101
		Highland and Islands	134
East	265	Forth Valley	47
		Edinburgh City	29
		Lothians and Scottish Borders	123
		Fife	66
West	291	Greater Glasgow	45
		Renfrewshire and Inverclyde	26
		Argyll and West Dunbartonshire	32
		Lanarkshire	77
		Ayrshire	55
		Dumfries and Galloway	56

### Qualitative analysis

We asked some open-ended questions and invited respondents to write in their own comments. We asked why respondents were satisfied or dissatisfied with the speed and efficiency of the licensing process; what worked well about the licensing process; and what, if anything, could be improved. We also asked whether respondents had noticed any change in the licensing service since Police Scotland changed its delivery model in 2015. There was some duplication in responses, and some respondents provided lengthy responses that included several specific comments, so we collated and analysed all comments together. We reviewed all the comments made, and categorised them as either:

- positive
- negative
- a suggestion for improvement.

The most prevalent themes arising in each of these categories are described below.

### Positive comments

We identified 753 positive comments about Police Scotland’s firearms licensing service. The most prevalent positive themes are explored further below.

Table 3: Most prevalent positive themes

Theme	Number of comments
1 Satisfied with the police response and processing times	237
2 Pleased with individual officers’ knowledge and behaviour, officer visits really helpful	236
3 Process simple and easy to follow, new forms are also clear and easy to complete	199
4 Ease of contact with processing staff	75
5 Other comments (no recurring themes)	6

## **1. Satisfied with process, including speed**

A significant proportion of all positive comments related to respondents being satisfied with the overall service and length of time taken to process their applications for the grant, renewal or variation of their firearm certificate. Comments included:

*My licence arrived quite quickly.*

*First class service from start to finish no problems.  
Was done within the timescale set by initial renewal letter.*

*A one for one variation was completed in a satisfactory time.*

*I received my air weapon licence relatively quickly, I already have a shotgun certificate so only waited around eight weeks.*

*The entire process after application sent off was completed within a few weeks, the firearms enquiry officer was friendly and helpful. No complaints.*

## **2. Pleased with officer knowledge and attitude**

A large number of comments complimented the individual officers dealing with their application, and said this contributed to a positive experience of the firearms licensing process.

*Every step of the process seemed straightforward and proved to be so. Investigating police officer efficient, asked relevant questions and asked for clarification where needed.*

*Local Firearms Officer very efficient and great communication with him.*

*The contacts made by the enquiry officer were carried out in an efficient, professional manner.*

*A 'real person' to contact for support and any questions. Efficient and friendly team led by someone with sound knowledge of sporting firearms.*

*The officer's advice was really helpful for me as I was a first time requester.*

Respondents were particularly complimentary of officers carrying out the home visit and found them to be very helpful:

*The process of applying for the licence was very straightforward and the officer who conducted the interview was very pleasant and knowledgeable.*

*Having the firearms enquiry officer come out to inspect your premises is good. They were both professional and friendly, whilst understanding the needs of the applicant.*

*As we live in an isolated rural area the local constable was helpful with regards to visits etc.*

*The local officer worked a shift pattern which allowed meetings to go ahead at mutually agreed times.*

### 3. Process easy to follow

Many positive comments related to the ease of process. Respondents particularly found the forms easy to fill in.

*Ease of filling out the application and simplicity of process.*

*Forms are clear and easy to complete.*

*As someone with very mild learning difficulties being able to do the form on my computer was a massive help as sometimes my writing can be hard to translate.*

### 4. Ease of contact

A small number of respondents also commented on the ease of contact with the officers dealing with their applications.

*The communications from the air weapon team is excellent.*

*Ease of access to a named dedicated firearms officer for my area.*

*The team you talk to on the phone are very helpful.*

*My firearms enquiry officer was an operational police officer. He was a busy person but kept me informed by telephone throughout the process.*

*Licensing officer was excellent. Very good communication and easy to contact.*

## Negative comments

We identified 1,663 negative comments about Police Scotland's firearms licensing service. The most prevalent negative themes are explored further below.

Table 4: Most prevalent negative themes

Theme	Number of comments
1 Process takes too long	408
2 Lack of experienced, dedicated officers with knowledge of firearms	261
3 GPs costs inconsistent, delays due to medical reports	230
4 Not satisfied with the whole process, process too complicated, inconsistent, too much bureaucracy	225
5 Poor communication, difficult to get through, no progress updates	160
6 Against air weapon licensing	132
7 Other comments (no significant recurring themes)	247

### 1. Long processing times

A significant proportion of negative comments related to the length of time it took for respondents' applications, renewals and variations to be processed. Respondents found the long processing times particularly frustrating because they felt this had affected the quality of service which they noted they were paying for. Comments included:

*Approximately 1 year between application submittal and issuing of firearms certificate and shotgun certificate.*

*Took far too long for a service you have to pay for.*

*The process was excessively slow and it took over three months to process a change of address.*

Some respondents mentioned that the delays in the processing of their applications led to significant negative consequences. Some respondents had not received their renewal until after the previous certificate had expired, which resulted in them incurring additional expenses to store weapons. Others described a negative impact on their livelihood or sporting pursuits.

*The licence was issued late even though the officer dealing with the renewal started the process months in advance. I was left with no certificates and unable to use my firearms for four months because they were in (very costly) storage.*

*I applied for my certificate in the middle of July and still haven't received it [by November]. Due to this my training has completely halted which prevented me from joining one of the Scottish Target Shooting squads on their performance pathway this year.*

*6 months for a change of conditions on a firearms certificate resulting in dead livestock due to predators.*

*The process took far, far too long. Had I been unable to store my gun with a relative living nearby I would have incurred substantial storage charges... In addition, this caused me huge inconvenience, as my gun was not stored at my property I had to collect and return it each time I wished to use it.*

## **2. Lack of experienced and dedicated officers**

Many respondents felt that the quality of service had decreased and processing times had increased due to a combination of a lack of dedicated resource (i.e. personnel specifically dealing with firearms applications and renewals) and a lack of expertise and specialist knowledge of firearms among those dealing with applications.

In relation to a lack of dedicated resource, some respondents were sympathetic towards the officers who dealt with their application, recognising that those officers had many other responsibilities and demands on their time.

*The whole process took far too long as the officer had far too much work to do.*

*Had to remind my local officer to carry out renewal before it lapsed... He had to cancel on a number of occasions as he was at incidents, or called away to incidents when he was on his way to me.*

*I felt it was a very lengthy process, largely due to the involvement of divisional officers who understandably have other duties to perform as well.*

Other respondents felt that a lack of specialist officers with knowledge of firearms had resulted in slower processing times, inconsistent or incorrect advice and had lowered the overall quality of service.

*The officers I have dealt with are very pleasant and willing to help but they all acknowledge that since there are no dedicated firearms officers, the process gets drawn out and becomes frustrating on both sides.*

*All done by police officers who have no knowledge of my requirements as a shooter and, through no fault of their own, are put in a position of being made to look amateurish.*

*...the police officer who made the home visit, although very friendly, had no idea about shotguns whatsoever. This meant the police were simply going through the motions with no expertise... Bring back dedicated firearms licensing staff.*

Some respondents felt that due to a lack of specialist knowledge and experience of firearms, certain officers often displayed an anti-firearm bias which resulted in a poor customer experience.

*The officer that visited the house was overly officious and was very blatant about his disapproval of any private firearm being held.*

### **3. Medical reports and GP costs**

Many negative comments related to GP costs and processing delays due to medical reports. Some respondents felt that Police Scotland's policy of requiring a medical report as part of the application contravened Home Office guidance. There was also considerable objection to the costs associated with medical reports. Some objected to there being any cost, saying that this was a hidden fee in addition to the cost of the firearms licence itself. Others objected to the variation in costs across GP practices and felt there should be consistent pricing across Scotland.

*The new Police Scotland rules on doctors' letters are a farce, the Home Office guidelines are that if no letter comes from a doctor the police are to assume that there are no medical problems, Police Scotland have taken it upon themselves to dictate otherwise, i.e. no letter, no certificates. This is wrong.*

*Medical checks are a good thing but charges imposed by GPs are terrible.*

*The doctors wanted a fee which I felt was wrong.*

*Police want to know whether I'm a suitable person medically and mentally then they should contact my GP and pay for it, not me.*

*I was very annoyed with a £50 payment to my doctor's surgery for what was essentially a less than five minute job. Only paid because I was told my applications would not be processed which I feel amounted to blackmail.*

*Was totally let down by the local doctors' surgery asking for an extortionate £200 to sign paper... This has resulted in me losing my licence after 40 years as I couldn't afford the doctors fee.*

Some respondents also felt their application had been unnecessarily delayed or refused because of the requirement for medical reports to be submitted. In some cases, the GPs refused to give a report which had an impact on respondents' application.

*I was mostly satisfied with the process with respect to the activities and contact with Police Scotland, however the process was almost stopped completely by my GP who apparently conscientiously objected to any private citizen possessing firearms and initially refused to provide the required information.*

*Application was held up by a couple of months because doctor wouldn't fill out required forms and Police Scotland couldn't offer any alternative.*

*Police Scotland were very good, it was the GP vetting that was the problem and time consuming.*





#### **4. Not satisfied with the process**

Many negative comments related to a general dissatisfaction with the whole process with respondents indicating that the process was too complicated. Some members felt that the lengthy processing times were just a by-product of an overly bureaucratic process.

*Simply the length of time simple variations took, caused at least partly by unnecessary home visit and sending paperwork around the country to different offices.*

*Too many steps in the process all of which seem to run consecutively.*

*The archaic and over complicated licensing application forms where information is supplied in triplicate (if you apply for all three licences) and cannot be carried out electronically (especially for those who are renewing where no circumstances have changed) is very disappointing in 2017 and I suspect all this information then has to be entered into a computer/database system manually, again in triplicate, taking a large amount of resource.*

*There seems to be a massive bottleneck in the process at the signing off stage, everything else is completed in reasonable time and then the application can sit on someone's desk for weeks waiting to be signed.*

*The new system was unfamiliar to me and the instructions were not very clear and not well drafted – a clearer, less bureaucratic style would be easier to understand.*

#### **5. Poor communication**

Several negative comments also related to poor communication and a lack of updates on the progress of respondents' applications, renewals and variations. Some respondents found that their applications were not processed until they had reminded the relevant department, while others found it difficult to contact the firearms licensing department and felt that this amounted to a poor service.

*Slow process with no updates available to progression of application.*

*It is very hard to get through to a real local person in the firearms department – 101 makes you jump through a LOT of hoops and don't understand the questions before putting you through. Not a good system.*

*It was very difficult to get anyone to answer the phone and if you went to the police station most of the officers knew little or nothing about the process.*

*I have found the licensing officer difficult to contact, especially by phone. When they do call you it is by using a withheld number which I, and most other people, don't answer. If they used an 'open' number it would be answered or replied to.*

## 6. Against air weapon licensing

Some respondents were not in favour of having to apply for an air weapon licence at all. Some felt the introduction of air weapon licensing had added to the workload of personnel dealing with firearms licensing and felt that the police should have been provided with extra resource to accommodate this new licensing regime. Some respondents also objected to our use of the term 'air weapon' preferring that we refer to 'air guns'. For the purposes of our questionnaire and this report, HMICS had used the term 'air weapon' because that is the term used in relevant legislation.

*Air weapon licensing is not fit for purpose as weapons are not individually recorded.*

*I don't believe the air weapons licensing is a good use of resources, but that is not Police Scotland's decision.*

*Air weapon licensing is a huge drain on an already struggling system. Bin it.*

*Please stop referring to rifles, shotguns and air rifles as 'weapons'.*

Some respondents also found the licensing process for air weapons to be more complicated than they had anticipated.

*The licensing process for airguns is overly complicated and far more intrusive than the public expected.*

## Suggestions for improvement

We identified 694 comments which contained suggestions for ways in which the firearms licensing service could be improved. The most prevalent suggestions for improvement are explored further below.

Table 5: Most prevalent suggestions for improvement

Theme	Number of comments
1 Dedicated personnel with knowledge and experience of firearms	143
2 Consistency regarding GP costs and medical reports	142
3 Speed	128
4 Avoid duplication, streamline and simplify the process, issue air weapon certificate to current firearms certificate holders without the need to apply for a new one	113
5 Online applications, payments and tracking, plastic card licences	85
6 Communication, better information and progress updates	83

### 1. Dedicated personnel with knowledge of firearms

A significant proportion of respondents felt that the current problems with the licensing process, particularly in relation to the long processing times, could be mitigated by having dedicated, specialist personnel who have knowledge and experience of handling firearms. They felt dedicated officers or police staff should free up time for non-specialist officers to focus on their routine tasks.

*Hiring officers in dedicated firearms positions is the simplest fix to all of the problems. With officers able to dedicate their time to policing and maintaining the firearms community, certificates will take less time to be processed and shooters will have a constant and reliable person that they can get in touch with for advice.*

*The officers involved should be better educated on the process, and not have to make it up as they go.*

*Having firearm specialist police officers who understand the process and the sport dealing with applications and inspections. Not regular police officers who don't know about shooting and who cancel appointments because of other duties and can't give you accurate and correct answers to the questions about the process.*

*Educate your officers on firearms, particularly calibres and their differences and/or uses.*

*The process also needs handed back to civvies [police staff] to allow our great police officers back to doing what they signed up for!*

Some respondents also felt the resources needed to deal with firearms licensing should be increased.

*Building in a capacity to scale up team to handle peak workloads.*

*More officers to deal with applications and make the process quicker.*

## **2. Consistency regarding GP costs and medical reports**

Many respondents felt that the costs for medical report should be made consistent across Scotland and that the process regarding medical reports should be in line with Home Office guidance.

*Get some consistency with regards to GP certificates. Police Scotland are making the rules up as they go along with regards to medical certs.*

*We need a standard fee across the board for doctors' fees.*

## **3. Speed**

A large number of suggestions for improvement related to the need to improve the speed at which applications are processed, particularly where applications relate to renewals and there has been no change of circumstance in the interim.

*Speed up the process.*

*Cut the waiting time for certificate renewals and variations.*

*Process takes too long. Surely there should be a fast track and cheaper system for people who have held firearm certificates for decades and simply require renewal. If they are still members of established rifle clubs and nothing else has changed (mental health/criminal records) then it should be possible to devise a more efficient system for renewal.*

## **4. Avoid duplication and streamline process**

Respondents also felt that the processing times could be reduced by streamlining the process by avoiding duplication, by issuing one certificate for different types of firearms or by issuing coterminous certificates so all expired certificates could be renewed simultaneously. Some respondents also indicated that existing firearm certificate holders should not have to apply for an air weapon certificate separately.

*The licensing process should be focused 90% on the suitability of the individual and the security of storage. The obsession with type and number of firearms seems irrelevant. If a candidate is fit to own one gun, any additional gun should prove no greater risk to the public if security is satisfied.*

*Allowing coterminous certificates if shotgun certificate runs out first. I required two visits in the space of four months and an additional fee as a result of this.*

*A firearms certificate should cover a person to hold an air rifle.*

*Air weapon licence should be an add on part of a firearms certificate. A separate licence is like asking an HGV driver to get a licence for a golf buggy.*

### **5. Online applications, payments and tracking, and plastic card licences**

Respondents felt that the whole process could be improved if there was an option to apply online. They felt this would reduce the length of time it takes for the applications to be processed, and applicants would be able to check the progress of their application online, reducing the demand on service centres and local police offices.

*An online tracking system to enable applicants to know the status of their applications.*

*Online system for all licensing would be good, it already works in Northern Ireland.*

*Renewal with no changes to details should be able to be done online.*

*It is an important job and Police Scotland are very stretched but I feel it could be modernised and improved via use of online applications.*

Some respondents also suggested that the existing A4 paper certificates could be replaced with plastic cards, similar to driving licences. They felt this would make it easier for certificate holders to carry the certificate without it being damaged. Some also thought the cards could hold biometric data for security purposes.

*The issued licence is awkward to carry with me without becoming tatty/wet/ destroyed. A similar design to driving licence which would be waterproof and can be kept in wallet would be very convenient.*

*Instead of a paper licence the use of a driving licence style card which is easily carried around and easily scanned/checked by any police officer.*

*I would have the licence size brought down to match current driving licence, i.e. just have a credit card size shotgun certificate and have a counterpart to sign to buy and sell firearms.*

### **6. Communication**

Better communication, particularly in relation to updates on the progress of an application, was suggested by many respondents as an area for improvement.

*Confirmation that your application had been received and that it had been approved and was in being processed.*

*Keep applicants more informed how far along their application is. I had to chase it up three times and only got an answer from the licensing department once!*



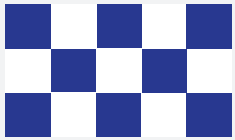
## Appendix 2 – Definitions of firearm, shotgun and air weapon

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A 'firearm' is any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged. It includes any prohibited weapon, whether it is such a lethal weapon or not, any component part of such a lethal or prohibited weapon, and any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon (section 57(1) of the Firearms Act 1968).

A 'shotgun' is defined by section 1(3)(a) of the Firearms Act 1968 as a smooth-bore gun (not being an air gun) which (i) has a barrel not less than 24 inches in length and does not have any barrel with a bore exceeding two inches in diameter; (ii) either has no magazine or has a non-detachable magazine incapable of holding more than two cartridges; and (iii) is not a revolver gun.

The Air Weapon and Licensing (Scotland) Act 2015 covers air weapons with a muzzle energy exceeding 1 joule (0.74ft/lbs), but not those required to be held on a firearm certificate under the 1968 Act i.e. air rifles or air guns with a muzzle energy exceeding 12ft/lbs (16.27 joules) or 6ft/lbs (8.13 joules) for an air pistol.



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### **About Her Majesty's Inspectorate of Constabulary in Scotland**

HMICS operates independently of Police Scotland, the Scottish Police Authority and the Scottish Government. Under the Police and Fire Reform (Scotland) Act 2012, our role is to review the state, effectiveness and efficiency of Police Scotland and the Scottish Police Authority. We support improvement in policing by carrying out inspections, making recommendations and highlighting effective practice.

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