



Scottish Target Shooting
Caledonia House
1 Redheughs Rigg
Edinburgh
EH12 9DQ

Home Office

Firearms Licensing Consultation

Recommendations for Changes

A submission on behalf of Scottish Target Shooting

Submitted on: 23rd August 2023

Response to Recommendations for Changes

Introduction

On 29th June 2023, the Home Office issued a consultation on ‘Firearms Licensing – Recommendations for Changes’. This consultation seeks views on recommendations made to the government by:

- the Senior Coroner for Plymouth, Torbay and South Devon following the inquest into the deaths of those shot and killed by a licensed shotgun owner in Keyham on 12 August 2021
- the Independent Office for Police Conduct (IOPC) following its investigation into Devon and Cornwall Police’s decision-making in relation to the possession of a shotgun and shotgun certificate by the shooter in Keyham
- the Scottish Affairs Select Committee following its review of firearms licensing regulations in Scotland, which followed a fatal shooting on the Isle of Skye on 10 August 2022

The consultation provides questions arising from these recommendations, upon which they would welcome views. The deadline for submitting a response is 23 August 2023. Full details of the consultation can be found by following: <https://www.gov.uk/government/consultations/firearms-licensing-recommendations-for-changes>.

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

Answer: NO to specific power of entry / YES to suspending a certificate temporarily

It is our view that the police already have sufficient powers to enter a property when there is a risk to life or the peace. Where there is no such immediate risk, the Chief Officer has the power to immediately revoke a certificate, thus placing the holder in illegal possession. This in turn provides the opportunity for entry.

A certificate holder should have the certainty that a certificate is either valid or that it is revoked. There is no suggestion that suspension would be appealable. Revocation brings with it a right of appeal.

Cases where firearms are seized from certificate holders often involve domestic disputes where it is appropriate that firearms are removed to prevent risk. However, it is also right, as required under statutory guidance, that subsequent suitability reviews should be conducted in a timely manner and that the certificate holder should be kept informed of the progress of the review process.



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Operationally, should the police require immediate access to a location to seize firearms or ammunition where there is a specific risk to the public safety, they can already do that under common law powers, if it is necessary and proportionate. It is unlikely that in the event of an emergency, and where the actions of the police are necessary and proportionate to overcome that Article 8 right, criticism would be upheld.

That said, given that these operational decisions are often made by generalist police officers, who have a myriad of other duties to contend with, and who will realistically not have a significant grasp of the provisions of the 1968 Firearms Act, we are in a position to demonstrate cases where decisions have been made which have not been necessary nor proportionate and have caused significant distress to the certificate holder and their families.

Should the police be given a specific power to enter premises without a warrant, there are cases to suggest that it is likely such a power would not be used proportionately or necessarily. Consequently, we are of the strong view that the status quo should remain – if the matter is so urgent, then the police have a common law power. If it is not as urgent, then the judicial oversight and consideration which is brought by the judiciary should be referred to.

We are generally supportive of a mechanism to temporarily suspend certification in that it would bring a structure to a process already in place. However, this support is qualified - we would support the proposal if the following provisions were included:

- The process would need to be included in legislation; and
- There would need to be a review system put in place, similar to the review of Regulation of Investigatory Powers Act (RIPA) authorisations, when the temporary suspension would require to be reviewed by a senior officer, not lower than Superintendent level, who would decide whether the continued suspension is necessary, justified and proportionate. Given that legislation, like RIPA or the 2016 Investigatory Powers Act, is designed to overcome ECHR rights it includes significant review processes. The temporary suspension of certificates would require similar review periods, set at four week intervals.
- An appeals process should be legislatively available.
- The review of temporary suspensions would require to be subject to His Majesty’s Inspectorate of Constabulary and Fire & Rescue Services review during force inspections.

A statutory provision would introduce checks and balances and set out a clear format for the temporary suspension of certification.

Q2. Do you consider that the prohibition on possessing firearms should be changed from one that is based solely on length of a custodial sentence following conviction, to one based more on the nature of the offence?

Answer: NO

The present system of prohibitions based on the length of a custodial or suspended sentence is both simple and well understood. The length of a sentence does, to some degree, reflect the seriousness of a crime that has been committed. Linking prohibition to the nature of the crime would in our view introduce an unacceptable level of uncertainty into the licensing system.

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

Answer: YES / Longer period for Certificate Renewal – Recommendation of 10 years

Given the advances in passive surveillance of individuals in recent years, such as sophisticated police command and control systems and crime recording mechanisms, coupled with the development of the GP process and the acceptance of risk assessed renewal processes, it may be argued that certificate holders will come to the attention of licensing departments should there be concerns raised in respect of conduct or health.



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STS would support a move to a 10 year certificate which would reduce the demand on firearms licensing departments, but still allow for a necessary intervention if there are concerns raised. We understand that this has recently been the position of the National Police Chiefs Council and Ministers.

Given the historically low levels of revocations and refusals and the acceptance that the vast majority of certificate holders are law abiding, with the background of modern, passive surveillance we believe this is readily achievable.

Q4. Do you consider that people applying for shotgun certificates should provide two referees?

Answer: NO

We do not believe that the process of determining suitability for possession of a shotgun would be made any more robust with the introduction of a second referee. We believe that referees in the application process provide little in the way of the provision of relevant information which may influence decision making. Applicants will not supply the name of a person who they believe will indicate animus of the individual to the police. Therefore, it is our belief that increasing the number of referees adds no additional value or information that would improve the process.

Q5. Do you consider that at least one of the referees should be a person of certain standing in the community (e.g., of a professional background)?

Answer: NO

We do not believe that an application for a certificate should be contingent upon an individual knowing or having regular contact with a professional person such that they might ask that person to referee their application. Professional qualifications do not of themselves confer any higher moral integrity or necessarily have any relevance to provide insight that any 'non-professional' could not.

A requirement to nominate a referee with 'professional' status could actually be harmful by making it difficult for many people to make an application. We consider that the police should be well placed to identify the relevant and best referees as part of the application process.

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

Answer: YES

The whole purpose of a reference is to shed light on an applicant's personal circumstances relevant to their suitability as a certificate holder and be in a position to comment on matters such as the applicant's temperament and acceptance of the responsibility of being a certificate holder.

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

Answer: PARTIALLY

If a decision to made to continue with referees, then we agree that the application form should include a checklist for referees on the information that they should provide to the police. Being a referee is not a straightforward matter so guidance should be provided in respect of expectation.

In respect of a requirement for referees to provide a written declaration that they have disclosed all relevant facts to the police, we are firmly not supportive of this proposal. Requiring such a statement suggests to referees that they bear some responsibility for the decision to grant a certificate, which is not the case Through no fault of the referee this may be



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subsequently used to discredit them publicly in an adversarial judicial process. Referees are essentially witnesses to the circumstances that they know of on that particular day. It is for the police to elicit information from them in respect of the matter in hand, albeit they will likely be essentially compliant and helpful by definition.

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

Answer: YES

There is a necessity for a national document set to be provided in the statutory guidance. That would align the enquiry processes of the respective forces into a process which is measurable, comparable and consistent across Great Britain. Detailed guidance to the police in respect of referees, over and above the current statutory guidance, would be supported.

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

Answer: YES

This is already established in some forces in GB, including the largest licensing authority, PSOS. There should be questions asked in respect of a change of referee, which in the overwhelming number of cases will be entirely legitimate, and if no adverse information is learned it may be viewed that the knowledge base of the police increases in respect of their overview of the applicant.

Q10. Do you consider that the sharing of the unique application reference number by applicants with their referees, would make it easier for referees to report concerns about applicants, decline to give references or report concerns about certificate holders to the police?

Answer: NO

We do not believe that use of a unique reference number would provide any benefit whatsoever. A referee is well able to report concerns to the police without such a number, simply by using a name and address.

Q11. Do you consider that the content in the Statutory Guidance should be expanded and made more prescriptive in relation to the suitability checks carried out by the police for firearm and shotgun applicants and certificate holders?

Answer: YES

We are of the strong view that a national document set should be included in the statutory guidance containing the police forms for enquiry, setting out clearly what questions should be asked of applicants in order to satisfy the criteria set out in the legislation. It should also include the background checks which should be made in respect of criminal history, intelligence, etc.

Not only will this set a level of robustness and professional curiosity, but it will also allow consistent standards to be set, which are especially useful in significant case reviews.

Q12. Do you consider that the balance of probabilities test is the correct test to apply in the Statutory Guidance to information about a person's suitability to hold a certificate?

Answer: YES

The balance of probabilities test is the legal test applied to almost all cases in Great Britain not involving criminal breaches of the law - as firearms licensing matters are not criminal, the civil level of proof should remain.



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The decision to issue a certificate is risk based and for that reason it is important police training includes relevant risk training if this is not already included. In the vast majority of cases regarding firearms licensing, this risk is negligible. Any decision should be anchored by a professionally curious review of an applicant’s suitability.

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

Answer: NOT WITHOUT FURTHER INVESTIGATION

The range of neurodevelopmental disorders is extremely wide and many of those who are, for example, on the Asperger spectrum are entirely suitable to possess firearms. We would strongly suggest that this requires further consideration by the Home Office in respect of engagement with medical experts in this discipline.

In the meantime, Firearms form 201 provides the medical practitioner with the opportunity to indicate ‘Any other mental or physical condition, or combination of conditions, which may affect the safe possession of firearms or shotguns’ if they feel that to be appropriate. We do not, therefore, feel that such disorders should be singled out in the application process at this time. There are sufficient opportunities for neurodevelopmental disorders to be flagged through the existing processes until such time as this has been investigated in more detail by medical experts.

Q14. Do you consider that GP’s engagement with the firearms licensing process should be made mandatory?

Answer: YES

There are three parties to a firearms licensing application: the applicant, the police and the GP, and only two of these are currently bound by the legislation. The GP may, if they so choose, decline to participate. We believe that a requirement for the GP to participate on a ‘best endeavours’ basis is entirely inadequate and potentially removes an important pillar in the process of continued assessment of a certificate holder. The placing of the marker should fall within the NHS contract, so that it becomes mandatory on all GPs to undertake this important activity.

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

Answer: NO

The universal application of the medical marker will effectively be continuous assessment of medical suitability, since any adverse medical conditions presented by a certificate holder to a GP practice will be notified to the police firearms licensing department. Given the strains on GP practices we consider interim medical checks an unnecessary additional burden on staff time within practices, although it reinforces the need for GP practices to be required to engage in the process for the medical marker system to be effective.

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

Answer: YES

We fully understand the rationale set out in Paragraph 5.8 and it is illogical to consider that the medical marker should not be available to mental health professionals who may be dealing with a person in crisis and be blind to the fact that they have access to firearms. We understand that there will be concerns about the sharing of such information, however given that the NHS is practised in dealing with matters of a sensitive nature, we judge these concerns to be outweighed by the safety of the public, including the safety of certificate holders, in such matters.

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

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Answer: YES

The recent publication of the mental health leaflet in Scotland, produced by the members of the Scottish Firearms Licensing Practitioners Group, has been welcomed. It is widely available in Scotland and is being sent to members via membership organisations. It is also being sent out by PSOS with certificates renewals, variations etc. We are aware of work which is ongoing to have this leaflet updated and produced nationally. We welcome this effort to debunk myths held within the shooting communities and also to set out clear advice in respect of certification and mental health.

That said, we agree with the views of the Scottish Affairs Committee in that this work should be contributed to by the respective devolved Governments. The Scottish leaflet was funded by the shooting organisations with help from PSOS.

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

Answer: NO

There are sufficient phone lines available for members of the public to express concerns to the police about licenced firearms holders. The 101 line is well established, as is Crimestoppers and, in an emergency, 999. A dedicated line to report concerns about firearms owners is likely to encourage malicious calls by those with a grievance against a particular individual or those who are opposed to private firearms ownership in general.

However, it is of note however that only eight of the 43 E&W forces have a number available on their websites which allows direct contact with firearms licensing department. Given the complex nature of firearm licensing, from certificate holders perspectives, it is unacceptable that firearms licensing departments wish to be unavailable for a direct telephone conversation given that the advice being sought can perhaps stop people inadvertently breaking the law or reporting softer concerns directly to firearms licensing. The lack of available direct contact can reflect an attitude of isolation and a lack of customer understanding.

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

Answer: N/A (SEE RESPONSE TO QUESTION 18)

We do not think such a line should exist – we refer to the answer we provided to Question 18.

Q20. Do you consider that it would be better to raise awareness of existing avenues open to raise concerns about a licenced firearms holder (999 etc)?

Answer: YES

We do not see what harm additional awareness would cause. Again, we refer to the answer to Question 18.

Q21. If you have any comments on the subject matter of this consultation, please enter them below.

- If firearms licensing is to remain the responsibility of individual police forces then our view is that there must be improved national oversight of the licensing system by way of a regulator or watchdog with the ability to impose financial penalties on forces which fail to meet agreed service levels.
- The fees currently charged by GP practices vary hugely with some extremely excessive and prohibitive outliers. Our members would welcome guidance on the setting of fees with an upper limit set to ensure cost is not a barrier. (Q14)
- We would also highlight the concerns regarding the licensing of sound moderators. These are currently regarded as component parts but we see no need for this. They are not inherently dangerous in themselves and Ministers have undertaken to remove the need for certification. We would commend the removal of these items from certification. It would considerably reduce the workload of police firearms licensing departments with no adverse impact on public safety.

Scottish Target Shooting

Scottish Target Shooting is a company limited by guarantee, incorporated in Scotland with registered number SC515115, having its registered office at Caledonia House, 1 Redheughs Rigg, Edinburgh, EH12 9DQ



Scottish Target Shooting is supported by

sportscotland
the national agency for sport



Further Information

About Scottish Target Shooting (STS)

Scottish Target Shooting is the governing body for the sport of target shooting in Scotland, bringing together the following key disciplines in Scotland to support development of the sport at grassroots level and performance on the international stage, as well as to discuss other matters which affect all shooting disciplines, specifically the following:

- ✓ Air Guns
- ✓ Full-bore Rifle
- ✓ Gallery Rifle
- ✓ Olympic Shotgun
- ✓ Pistol
- ✓ Smallbore Rifle

Scottish Target Shooting is recognised by **sportscotland** (the National Agency for sport in Scotland), the Commonwealth Games Council for Scotland and Commonwealth Shooting Federation as the governing body for shooting in Scotland. At the date of this submission, Scottish Target Shooting has over 900 members and 60 member clubs with a combined membership of over 2,500 target shooters.

By uniting under the umbrella of Scottish Target Shooting, these disciplines are better placed to utilise and attract commercial investment to grow the sport. A single body is also better placed to deliver clear and consistent pathways for athletes, coaches and officials, regardless of discipline, improving talent transfer and resource sharing between disciplines.

As a single body the sport is also better placed to respond to consultations such as these by representing all disciplines with a single voice, working closely with other bodies such as **sportscotland**, the Scottish Government and Police Scotland.

Specifically, on a performance level, the governing body works with **sportscotland**'s Institute for Sport to prepare Scottish athletes to compete on behalf of Scotland at the Commonwealth Games and works with British Shooting to prepare Scottish athletes to compete at the Olympics and Paralympics. Scottish athletes Seonaid McIntosh was selected to represent Team GB and Lesley Stewart to select ParalympicsGB in Tokyo 2020. Seonaid McIntosh was World No. 1 in 3 Position Rifle at the end of 2019 and became the first British athlete ever to win a Gold Medal in an Air Rifle event at an ISSF World Cup, which she won in February 2023 and followed up with a Silver medal at the European Championships in March 2023.

Other STS partners include other Scottish Governing Bodies such as Scottish Disability Sport and Scottish Student Sport, Scottish local authorities and UK national shooting bodies such as British Shooting, the National Rifle Association and National Small-bore Rifle Association.

For additional information regarding Scottish Target Shooting, visit the website at: www.scottishtargetshooting.co.uk.

Contact Details for Scottish Target Shooting

Should any information be unclear or the committee wish for further information regarding any of the points raised in this response then Scottish Target Shooting can be contacted using the following details:

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