



Firearms Licensing Policy

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Firearms Licensing Policy

1. Policy statement

It is the responsibility of the Cleveland Police to protect people's right to life, liberty, security of the person and to maintain public safety by keeping the peace.

Cleveland Police's Firearms Licensing Unit (FLU) are responsible for issuing firearms, shotgun, and explosives certificates in accordance with the Firearms Act 1968, Firearms (Amendment) Act 1997, and the Explosives Regulations 2014.

The Force will administer all firearms licensing matters in accordance with the:

- [Home Office Statutory Guidance for Chief Officers of police on firearms licensing](#)
- [Home Office guide on firearms licensing law](#) (non-statutory)
- [College of Policing Authorised Professional Practice \(APP\) on firearms licensing.](#)

We aim to provide an efficient and effective service to all who shoot by:

- Ensuring firearms, shotgun and explosives certificates are only issued where the statutory criteria has been satisfied;
- Ensuring trained Firearm Enquiry Officers carry out inspections on to assess the suitability of applicants to hold a firearm or shotgun certificate;
- Ensuring trained Explosive Liaison Officers carry out inspections regarding security, where applicable and assess applicants as to their suitability to handle explosives;
- Refusing or revoking certificates where there is a failure to meet criteria;
- Confiscating firearms, shotguns, ammunition and explosives and certificates where there is potentially a danger to the public or where weapons are used to commit a criminal offence.

All applications will be treated individually ensuring the same considerations and decision criteria are used. This guidance applies to all matters relating to the firearms licensing functions including the seizure of firearms and revocation of certificates.

The Force will ensure that information about applicants, servants, or other individuals subject to checks is processed in accordance with the provisions of data protection legislation and the Freedom of Information Act 2000 and the Freedom of Information (Scotland) Act 2002.

2. Purpose

The principal purpose of this policy is to ensure that all firearms, shotguns and explosives in the Cleveland area are licensed in accordance with relevant legislation. The safety of our communities is of paramount importance when considering the issue of firearms to members of the public and this guidance seeks to provide our communities with the best possible service and to protect them from harm.

Processes are in place to ensure that firearm, shotgun, and explosives certificates are issued only to persons considered suitable to hold them. Any certificate holder who is brought to the notice of the police, in circumstances casting doubt upon their continued suitability to hold a firearm, shotgun or explosives certificate, **must** be the subject of a robust review process.

All applications (including applications from Cleveland Police Officers and staff and employees of the OPCC) will be treated on their own merits in accordance with the Firearms Act 1968, as amended, considering the applicant's request against information contained in Firearms Licensing: Statutory Guidance for Chief Officers of Police, the non-statutory Home Office guide on firearms licensing law, and the College of Policing Authorised Professional Practice (APP) on firearms licensing.

This will be managed by the Firearms Licencing Unit (FLU), a centralised team responsible for assessing and processing applications concerning firearms, shotgun, and explosives certificates.

Content from the statutory guidance for Chief Officers of police on firearms licensing referenced above has been incorporated into this document as appropriate.

As most applications received locally relate to firearms and shotguns (and Registered Firearms Dealers (RFDs)), explosives certificates will not be explicitly referenced from this point forward although several procedures and decision-making processes outlined for firearms and shotguns also apply to explosives.

In addition, the term "firearms" is generally used in this document in the subsequent sections to refer to all lethal barrelled weapons, including shotguns, unless a distinction is required, for example, to distinguish issues to do with firearms certificates as opposed to shotgun certificates. The term "certificate holder" is generally used in this document to include RFDs.

3. Underpinning procedures

3.1 Governance and Structures

There are different elements of firearms licensing processes as this includes the grant, refusal, renewal, variation, and revocation of firearms certificates.

To facilitate the above, the Chief Constable has delegated his authority under s55 of the Firearms Act 1968 (as amended) and Regulation 2 of the Control of Explosives Regulations 1991 to the Assistant Chief Constable (ACC), Firearms Licensing Unit (FLU) Manager and FLU Supervisors.

It should be noted that the FLU Manager and FLU Supervisors are only authorised for the grant, renewal, and variation of certificates, with the ACC retaining delegated authority for the refusal and revocation of certificates.

3.1.1 Roles

DCI Intelligence: strategic lead with overall responsibility for the FLU including ensuring compliance with associated legislation, APP and national guidance, departmental staffing, and performance.

FLU Manager: manager of the FLU, overseeing effective and efficient service delivery complying with associated legislation, APP, and national guidance, responsible for performance management, policy formation and representation at national and regional forums.

FLU Supervisor: supervisor leading on day-to-day FLU service delivery including the issuing and printing of certificates, with oversight of working practices to ensure compliance with associated legislation, APP, and national guidance.

Firearms Enquiry Officer: conducts interviews and visits to assess applicant suitability to hold firearms, shotgun, and explosives certificates.

Administrator/Clerk: responsible for the administration of all applications and dealing with queries from applicants and certificate holders and background checks.

3.2 Granting a certificate / Assessing suitability

3.2.1 Application Review

Individuals seeking to obtain a firearm or shotgun certificate must complete an online application form and submit this to their local police force Firearms Licensing Unit.

The administration of firearms licensing is dependent on applicants making full and honest declarations about their personal circumstances and the receipt of a completed General Practitioners (GP) report. All relevant research of police systems must be made to ensure anyone who is being considered for issue is assessed to be a fit proper person to possess the firearm and not likely to pose

a danger to public safety. A formal visit is always arranged for a specialist Firearms Enquiry Officer to assess the application and security arrangements for either new applications (i.e., grants) or renewal applications.

An applicant's failure to declare previous convictions, medical history or deliberately making false statements could result in the refusal or revocation of the certificate.

Assessment of risk should be carried out in accordance with the National Decision Model (NDM) and consideration should be given to the possibility of harm, its nature, how likely this is and how serious the consequences are to individuals, communities, and the reputation of the Force.

Section 27(1) of the 1968 Act states that a firearm certificate shall be granted where the Chief Officer is satisfied:

(a) that the applicant is fit to be entrusted with a firearm to which section 1 of this Act applies and is not a person prohibited by this Act from possessing such a firearm.

(b) that he has a good reason for having in his possession, or for purchasing or acquiring, the firearm or ammunition in respect of which the application is made; and

(c) that in all the circumstances the applicant can be permitted to have the firearm or ammunition in his possession without danger to the public safety or to the peace.

3.2.2 Risk Assessment

The purpose of the risk assessment process is to ensure:

- Protection of public safety by preventing foreseeable or avoidable harm;
- Delivery of an efficient licensing process that is proportionate, rigorous, cost effective, fair, and timely.

Whilst the principals of providing a fair and transparent service to the public apply across the delivery of the firearms licensing services, in the context of risk this is to ensure that decisions and actions are carried out in an appropriate and timely manner and should be proportionate, lawful, authorised, necessary, and ethical (P.L.A.N.E).

Similarly, when assessed, risks should be considered based on the information that exists at that time. More weight should be given to factual or corroborated information than untested intelligence or hearsay; nonetheless it is important that swift action is taken where high risks are identified to prevent avoidable and foreseeable harm. All available information must be taken into consideration by the decision maker.

Should new information become available then the risk should be reassessed. The cyclical nature of the NDM means that this may take place many times during an assessment into an individual's suitability. The following points should be considered.

Each case should be subject to a risk assessment, considering all the available information. The Chief Officer must additionally be satisfied that the applicant has good reason for possessing firearms. General guidelines on good reason are included in the Statutory Guidance for Chief Officers of Police.

3.2.3 Danger to public safety or the peace

The primary consideration is whether the applicant's ownership of the firearm could result in harm to self or others or disturb good order in public. This harm or disturbance could result from the applicant's own conduct or from the conduct of others.

The applicant need not have been involved in any physical violence to be considered unsuitable. For example, abusive behaviour, a lack of self-control, recklessness, disregard for the law in other areas, or a reasonable likelihood that the firearm could be accessed by another individual who is unsuitable, may suggest that the holder's ownership of the firearm could result in a danger to public safety or to the peace. Any link to terrorism or proscribed groups or organisations or organised crime may also suggest this.

3.2.4 Research considerations for granting

The Chief Officer should, when assessing the grant (or renewal or revocation) of a firearm certificate, ensure that all the available information that may be relevant to the case is considered. The risk factors listed below should form the foundation for the Chief Officer's decision in relation to whether a danger to public safety or the peace exists.

The list is not exhaustive, and the police may use their knowledge of the individual case to identify other relevant information. It is acknowledged that all the information will not be available in every case, particularly where the initial checks have not indicated any need for more detailed enquiries. However, it is expected that FLU Supervisors will research the Police National Computer (PNC) and Police National Database (PND), and all relevant elements of Niche (the force's record management system) i.e., incidents/occurrences, crimes, relevant investigation documents, reports, intelligence, associates, and Public Protection Notices (PPNs) as a minimum to understand risks and inform decisions to grant or not.

The previous criminal, or allegedly criminal, behaviour of an applicant may indicate a future or ongoing risk to public safety or to the peace if they were to possess a firearm. Information that may be relevant in indicating criminal or possible criminal behaviour will include, but is not limited to:

- Previous convictions, cautions and any other disposal, for any offence (including speeding but not including parking offences or fixed penalty notices. See [here](#) for more information);
- All overseas convictions and disposals;
- Arrests, police callouts and bind-overs;
- Any civil orders the applicant has been subject to, for example Domestic Violence Protection Notices (DVPN) or Domestic Violence Protection Orders (DVPO) or their Scottish equivalents, and compliance with those orders;
- Evidence relating to criminal proceedings that resulted in an acquittal;
- Evidence, including intelligence, of any criminal behaviour where no charges, conviction or other disposal resulted;
- Safeguarding assessments, including domestic abuse, stalking and honour-based violence (DASH) assessments or those made by multi-agency safeguarding hubs.

Other information that may be suggestive of the existence of a danger to the public safety or the peace includes, but is not limited to:

- Associations with known criminals or suspected criminals, including members of gangs or organised crime groups, or associations with terrorist or proscribed groups or organisations; or aggressive, abusive, or anti-social behaviour or incitement to hatred against groups categorised by, for example, race, gender, disability, sexual orientation, age, or religion;
- Evidence of dishonesty;
- Evidence of threatening or abusive behaviour;
- Evidence of anti-social behaviour;
- Evidence of reckless behaviour, lack of self-control or restraint, or disregard for the safety of others;
- Indications that the individual will not handle the firearm responsibly;
- Insufficiently secure storage arrangements;
- Relationship difficulties or other domestic turmoil;
- Unmanaged debts, financial pressures, abnormal financial activity, or unexplained sources of income;
- Relevant medical conditions including alcohol and drug abuse (See [here](#) for more information);
- Previous non-compliance with firearms certificate or other types of licences held;
- Any of the above factors in relation to a person other than the certificate holder living at, or with unsupervised access to, the address or addresses.

In addition to the factors above, Chief Officers should consider any positive evidence supporting the application, for example, evidence of rehabilitation, change in circumstances, good character, or a history of responsible ownership of firearms.

3.2.5 Convictions

Consideration must be given to any previous convictions or cautions, where the applicant does not fall within the provisions of Section 21 Firearms Act 1968 (Prohibited Person), including suspended sentences. This would include cautions held by persons for offences such as a failure to comply with conditions on a firearm certificate (taking account of the seriousness of the breach of conditions).

Although convictions overseas do not count towards prohibition, they will need to be considered in relation to questions of fitness/suitability. Chief Officers will also want to be aware of the following judgements – although these cases were decided on their particular facts, they offer broad guidance that may be applicable elsewhere:

(a) '*Dabek v Chief Constable of Devon and Cornwall (1991)*', where the court ruled that a woman of good character should not possess a gun where her husband had two ancient drug convictions but still associated with drug users.

(b) '*Chief Constable of Essex v Germain (1991)*', where the court ruled that a Chief Officer was entitled, in revoking a shotgun licence, to consider the certificate holder's drink driving convictions. It was felt that this demonstrated irresponsibility and lack of self-control and justified the Chief Officer believing there was a future risk to the peace involving the shotgun; and

(c) '*Spencer-Stewart v Chief Constable of Kent (1989)*', where the court ruled that the certificate holder's handling stolen goods conviction was considered not to pose any future risk in relation to the possession of a shotgun, and thus the revocation of the licence was not justified.

A series of convictions is likely to be sufficient evidence of unfitness, even if one on its own would not be sufficient to justify refusal or revocation unless the convictions are well in the past. Whether the applicant is found to have knowingly or recklessly made a false statement to obtain a certificate is of relevance; failure to declare relevant convictions, medical conditions or deliberately fail to disclose medical history would tend to suggest unfitness to hold a certificate, regardless of whether the licence would have been refused if the appropriate declaration had been made.

Information and intelligence contained within Niche must be assessed, paying regard to alleged or known involvement in criminal offences, particularly those involving the use or threat of violence or firearms, or evidence of associations with known criminals.

Allegations or intelligence which has not resulted in a conviction may nonetheless be evidence of unfitness or unsuitability, especially if several allegations have been received from different sources. In this regard the FLU must consider liaison with any relevant department that are able to develop untested intelligence to support or negate any concerns, address safeguarding, and support any potential

court process. Due consideration will take place between FLU supervision and the relevant departmental supervision in this regard to prioritise activity (e.g., Neighbourhood Policing Teams where there are concerns of neighbour disputes or anti-social behaviour, reports of misuse of drugs etc.).

Chief Officers should bear in mind that information contained in police intelligence has not necessarily been tested in a criminal court and proven beyond reasonable doubt, as is required for a criminal conviction. In the event of an appeal against the refusal/revocation of the certificate, a court would place less weight on hearsay evidence than on direct evidence, and this should be borne in mind by Chief Officers when making those decisions. In the interests of fairness, the applicant should be given the opportunity to comment on any allegations made against them which have not been tested by the courts.

Chief Officers should think critically about the reliability of the source where an allegation is made against an applicant, including whether the source has any motivation to discredit the applicant. The test to be applied in considering whether an applicant is unfit in the light of such allegations or intelligence is twofold: firstly, whether any such allegations would, if substantiated, be enough to render an applicant unfit/unsuitable. Second, whether, on a balance of probabilities, there is a significant likelihood that the allegations or intelligence are true. Chief Officers should, however, consider that any such information might have to be placed before a court if the applicant appeals.

When an applicant is a foreign national or has lived for several years overseas (including applicants from overseas who have been granted British citizenship), the applicant must provide assurances that they have no criminal record overseas that would have a bearing on their "fitness". Ownership for obtaining such assurances is the responsibility of the applicant.

3.2.6 Medical History

All grant applications will include a medical screening report supplied and paid for by the applicant.

Additional information from GPs may be requested, especially where there is an indication of alcohol or drug abuse, or mental health issues. Consideration may also be given to requesting the medical records of spouses, partners, or family members (with the explicit consent of spouses, partners, or family members) if there is concern over previous domestic abuse. If consent of the spouses, partners, or family members is not given and therefore no family member's records are sourced, any decision regards the firearms license will be made based on the other information known at the time.

The following shows a list of medical conditions that can be considered for a review or assessment:

- Acute Stress Reaction or an acute reaction to the stress caused by a trauma, including post-traumatic stress disorder;
- Suicidal thoughts or self-harm or harm to others;

- Depression or anxiety;
- Dementia;
- Mania, bipolar disorder, or a psychotic illness;
- A personality disorder;
- A neurological condition: for example, Multiple Sclerosis, Parkinson's or Huntington's diseases, or epilepsy;
- Alcohol or drug abuse;
- Any other mental or physical condition, or combination of conditions, which may affect the safe possession of firearms or shotguns.

Some medical conditions may lead to the applicant (or certificate holder) being classed as being disabled.¹ Disability is not a bar to having certificates; it is only where this manifests itself as a danger to public safety that issues arise.

A distinction should be made where the information regarding a medical condition or illness is reported by a non-medical professional. At the initial notification of any condition, it would be appropriate to err on the side of caution regarding the reported severity and therefore the risk, to prevent avoidable harm.

A greater weight should be given to factual medical information particularly at final assessment. It should be noted that medical conditions can change over time. Some will improve or be cured, and others will at best remain controlled and stable, or will show a gradual decline in health with associated increase in risk factors changing some to high risk.

Particular attention should be given to anyone who has previously been subject to a hospital order, guardianship order or restriction order under the provisions of Part 3 of the Mental Health Act 1983 following the commission of offences. It is important for officers to examine the nature of the offences and the length of the order in these situations.

The FLU should consider any situations where applicants have been detained under the civil powers in Part 2 of the Mental Health Act 1983 where it is necessary for the health and safety of the person or for the protection of other people.

In assessing risk, consideration should be given to the risk of reoccurrence of the medical condition/illness and the practicality of ad hoc or scheduled reviews. The potential for reoccurrence should not be a reason for refusal (or revocation), but the severity of the initial report must be given some weight and an assessment of risk carried out if there was a reoccurrence between reviews or where it had been decided that a further review was not appropriate.

When a firearm or shotgun certificate is granted, or a person is registered as a firearms dealer, the FLU will contact the applicant's GP to ask them to place a

¹ You're disabled under the Equality Act 2010 if you have a physical or mental impairment that has a "substantial" and "long-term" negative effect on your ability to do normal daily activities, www.gov.uk.

firearms marker on the applicant's medical record. The purpose of having a marker on the medical record is to provide a reminder to the GP that they may need to notify the police if a person begins to suffer from a relevant medical condition, or a relevant condition worsens significantly, specifically when this may affect the person's ability to possess a firearm safely.

The marker will be on the record during the validity of their firearm or shotgun certificate or registration as a firearms dealer. This is added to the patient's record by the GP on a best endeavours' basis, to reduce the risk that such relevant developments or changes are not reported to the police, which could endanger the certificate holder, members of his or her family, or the wider public.

There is no requirement for GPs to monitor or assess a patient who currently holds a firearm certificate, but they should consider notifying the police if they become aware that relevant aspects of a licence holder's circumstance have changed that mean they may no longer be safe to hold a firearms licence. Doctors owe a duty of confidentiality to their patients, but they also have a wider duty to protect and promote the health of patients and the public.

Where it is considered appropriate for an individual to be granted a firearms or shotgun certificate, the risk assessment should consider the need for the ongoing monitoring of the medical condition and subsequent review.

Timescales for this are dependent on the illness and the individual circumstances, however, reviews should normally be annual although this could be a shorter period if there was an event which would require a review thereafter, such as a consultation with a specialist or a scan. The certificate holder's GP surgery will be advised of this ongoing review.

Whilst the certificate holder may not be ill, the FLU should also consider and assess the risks posed by a serious or terminal illness to a significant other person in their life (spouse, partner, child etc.). Such illnesses have on occasion manifested themselves in depression or in extreme cases murder and suicide.

3.2.7 Domestic Abuse History

When considering applications for the grant of firearm certificates, particular attention should be paid to domestic incidents, specifically violence and patterns of behaviour by the applicant which give cause for concern.

Domestic abuse is one of the most serious factors that should be taken into consideration in assessing an application and in general, evidence (including a history) of domestic abuse will indicate that an individual should not be permitted to possess a firearm.

The Domestic Abuse Act became law on 29 April 2021 and officers should perform their risk assessments based on the definitions as set out in the new Act. The new definition of domestic abuse is a statutory one as set out in sections 1 to 3 of the Domestic Abuse Act 2021. Officers should have regard to both the Act and the guidance when exercising their functions.

Domestic abuse is defined in two parts. The first part deals with the relationship between the abuser and the abused. The second part defines what constitutes abusive behaviour. Both the person who is carrying out the behaviour and the person to whom the behaviour is directed towards must be aged 16 or over and they must be “personally connected” (as defined in section 2 of the 2021 Act). This ensures that different types of relationships are captured, including ex-partners and family members. The definition captures a range of different abusive behaviours, including physical, emotional, and economic abuse and coercive and controlling behaviour.

Where there is information indicating the possibility of domestic abuse, an interview with the applicant’s current partner or family member of the applicant or their partner should be completed. Where known and proportionate, interviews with any previous partners should also be completed. These interviews will not be in the presence of the applicant. Care must be taken to consider every case on its merits. Such interviews need to be conducted with sensitivity, and officers should consider that a victim of domestic abuse may be unwilling to speak openly with the police for fear of further violence or reprisals.

Information provided during interview must be treated as confidential. Officers should have received adequate training so that they are aware of the indicators of domestic abuse, and how to support victims and keep them safe. They should be aware that there may be a need to take active steps to protect an applicant’s partner, family member or ex-partner from reprisals. This is particularly important if the person is interviewed in connection with the application and provides information which leads to a refusal or revocation.

An applicant’s partner or family member is not required to give approval for the issue of the firearms certificate, and this should be made clear to them. However, a request from a partner or family member that the applicant should not hold a certificate should be considered. The responsibility lies with the police to make the decision based on all the evidence available.

Checks with the Specialist Crime Domestic Abuse Unit and Multi-Agency Safeguarding Hubs should be made by the FLU to ensure all current and past assessments are available to inform the licensing decision.

3.2.8 Additional Research to be considered

FLU Supervisors will carry out additional further research if, following the initial enquiries above, they believe them to be necessary to assess suitability fully. This could be considered where research indicates relevant information is potentially available from other bespoke internal data sources, or agencies beyond Cleveland Police.

These checks may include, but are not limited to:

- Checks with other agencies, such as health professionals other than the GP, social services, probation services or multi-agency groups;

- Checks with other licensing or regulatory bodies or Government enforcement agencies;
- A drug or alcohol test;
- Credit or other financial checks;
- Information obtained from open-source social media;
- Interviews with individuals other than the applicant or their referees, for example, partners or representatives of shooting clubs attended by the applicant;
- Background checks on partners or other individuals living at, or with unsupervised access to the applicant's address.

3.2.9 Additional checks if applicant under 18

All applicants under the age of eighteen will be subject to additional scrutiny to confirm their maturity and general behaviour. The parent/guardian of the applicant will be required to give authority for the police to approach the head teacher at their child's school. The head teacher will be contacted by the Firearms Enquiry Officer requesting information on any history regarding the applicant's behaviour, maturity, and suitability. The details included in any response from the school will be considered when deciding whether to issue a certificate.

3.3 Additional checks if applicant wishing to be a Registered Firearms Dealer

The FLU will apply the Registered Firearms Dealers (RFD) minimum standard of investigation guidance set out within the Home Office Firearms Licencing Statutory Guidance for Chief Officers of Police 2021.

Applicants for registration as a firearms dealer are required (Form 116) to provide details of all servants who, by virtue of section 8(1) of the Firearms Act 1968, are or will be authorised to possess, purchase, or acquire firearms and ammunition in the ordinary course of the applicant's business.

RFD applicants will be subject to a face-to-face interview and inspection of their place(s) of business at grant and renewal stage. The guidance on RFD inspections will be followed during every visit. RFDs are also required to provide details of servants if notifying the police of an additional place of business.

The FLU will complete background checks (as outlined above) and any other checks deemed necessary for RFD applications and for each servant. If the FLU has reason to believe that a particular person poses a threat to public safety, they should take steps, in compliance with data protection legislation, to inform the RFD, in general terms, that there is a concern and the reason for their concern.

It is for the RFD to make the final decision on suitability of servants. However, exercising due diligence over employees should be considered when assessing

the RFD's suitability. Failing to act on a police recommendation about a servant without good reason will tend to show that the RFD is unsuitable.

3.4 Home Suitability Visits to applicants

All initial applications for a firearm certificate will be subject of home visit by a Firearms Enquiry Officer (FEO). Home visits will take place at the home address of the applicant and, at the place where the firearms are to be stored (if different). During the visit the Firearms Enquiry Officer will be expected to:

Meet with the applicant to assess the reasons why the application is being made. Assess the accuracy of the completed application form.

Check the general security of the premises and any storage arrangements for the firearms subject of the proposed application. If there is cause for the FEO to transport any firearms or ammunition as part of their day-to-day activities, they must only be transported in suitable vehicles that are fitted with secure gun boxes and are locked during transportation. The vehicle will not be left unattended during the journey between secure locations. The FLO must also carry appropriate airwave apparatus during any transportation and inform FCR prior to commencement.

Identify any reason why the applicant should not be considered a fit and proper person and the application approved.

Contact referee(s) where applicable.

Upon completion, the Firearms Enquiry Officer will return via Niche tasking, a completed FF258 form to the FLU Clerk to complete any clerical additions prior to tasking this to a FLU Supervisor.

3.5 Decision to Grant

Following due diligence in researching and identification of risk factors and assessment, NDM principles are applied by FLU Supervisors to determine the suitability to grant a firearm certificate. It is recognised there is no national standardised risk matrix to guide supervisors to the levels of risk and suitability, and the boundaries between risk status may be subject to interpretation and may be subject to change as further information becomes available.

All decisions should include a full and documented assessment of the evidence and reasons for the final decision. Tasks received by the FLU Supervisor will be checked for suitability and on completion tasked to the Firearms Enquiry Officer for further enquiries or produce a report for the FLU Manager identifying the issues.

The FLU supervisors will apply the NDM to all aspects of firearms licensing, e.g., to ensure all decisions are underpinned by the priorities and are, therefore, primarily based on reducing the risk to public safety through preventing foreseeable or avoidable harm. Such decision making will be informed by the research considerations previously outlined.

This will be recorded on a bespoke FLU Niche Occurrence Enquiry Log (OEL) template to inform research conducted that has identified risks, options, powers available and a decision to address the risks.

It is essential that any information which casts doubt on the suitability of an applicant be reviewed by the FLU Supervisor or Manager depending on the seriousness of the concern/risk. All high-risk matters or concerns will be referred to the DCI Intelligence for consideration.

If the applicant is deemed suitable and a decision is made to grant, all relevant records on the National Firearms Licensing Management System (NFLMS), Storm Command and Control and Niche systems will be updated. All relevant flags will be created on Niche against the new applicant's name and address to identify them as a registered firearms license holder. All registered firearms license holder's addresses will result in warning flags placed on Storm².

As outlined previously, when a firearm or shotgun certificate is granted, or a person is registered as a firearms dealer, the FLU will contact the applicant's GP to ask them to place a firearms marker on the applicant's medical record.

3.6 Refusal to Grant

There may be occasions where the FLU Supervisors, following due diligent research, consider that the applicant is not suitable and advise the FLU Manager accordingly that a refusal to grant is appropriate. All relevant information will be collated, recorded, and presented to the ACC. If the Chief Officer decides it is likely that the applicant cannot possess firearms without danger to public safety or the peace, they should consider, in relation to firearms concerned, whether any conditions can be applied which would mitigate that danger. Chief Officers may impose other conditions appropriate to individual circumstances which they consider to be proportionate and necessary. If no conditions can be found to mitigate the danger, the certificate should be refused (or revoked).

3.7 Appeals

Although a decision to not grant an application can be made based on any conditions outlined previously, an applicant can challenge this decision and submit an appeal. Any appeal received into the FLU will be allocated to the FLU Supervisor.

Sections 28A, 29, 30A, 30B, 30C, 34, 36, 37 and 38 of the 1968 Act (as amended) and section 12(4) of the 1988 Act give rights of appeal against decisions of Chief Officers of police in connection with the grant (variation, renewal, or revocation) of firearm certificates, and the registration or removal from the register of firearms dealers. Under section 44 of the 1968 Act an appeal lies to the Crown Court in England and Wales. There is a right of appeal against a decision to vary existing

² Work is ongoing within FCR to introduce SmartStorm which will result in an additional layer on the mapping functionality which will show icons relating to all firearm license holders' addresses. Expected implementation August 2022.

conditions in section 29, but not against the initial decision to impose conditions (Buckland v Cambridgeshire Constabulary).

Under Schedule 5 of the 1968 Act an appellant must give notice of their appeal to the administrator of the Crown Court and to the Chief Officer concerned within 21 days after the date on which they received notice of the decision of the Chief Officer against which they wish to appeal. The Chief Officer might want to consider any further evidence or representations at any time leading up to the hearing of an appeal. The administrator of the Crown Court is then required to enter the appeal and give notice to the appellant and to the Chief Officer of the date, time and place fixed for the hearing. Paragraph 5 of the Schedule provides that the Chief Officer may appear and be heard at the hearing of the appeal. The Schedule also provides for abandonment of an appeal by notice in writing to the administrator of the Crown Court and the chief officer not less than two clear days before the hearing.

The legal bundle will be completed by the date set by the court and it will be completed by the FLU Supervisor. Caution must be taken when managing a refusal (or revocation) of a licence based wholly or in part on intelligence that is deemed sensitive. Any case which contains sensitive intelligence must be reviewed by the Hub Intelligence Detective Inspector. Consideration must be made as to Public Interest.

The completed bundle will be sent to Evolve Collaborative Legal Services who will be responsible for checking content, legality, and submission to relevant parties. Evolve Legal Services will be responsible for updating Court proceedings and the appellants legal team or the appellant if representing themselves.

Any additional mention hearings will be attended by the designated barrister or their chosen clerk. Should the appeal not be upheld, the FLU will comply with the orders/direction given by the Crown Court Judge.

3.8 Variations once granted

A variation relates to firearms licenses only. Firearms are held by way of individual authority per firearm, therefore if a certificate holder wants to replace a previously authorised item, or request an additional item on their firearms certificate, a variation application must be made.

The FLU will prepare a working document for all variation requests. No background checks will be carried out because of a variation, unless identified as necessary by either the Firearms Enquiry Officer dealing, or decision maker. Variations will be authorised by the FLU Supervisors.

3.9 Renewals once granted

A firearms renewal application is the renewal of an existing license for a further statutory length of five years. Renewal applications will be subject to checks. The checks performed will vary depending on the circumstances of the individual, however as a minimum, checks will be conducted on Niche, PNC and PND.

Particular attention will be paid to any domestic incidents, specifically violence and patterns of behaviour by the applicant which give cause for concern. The results of checks undertaken will be recorded on NFLMS.

FLU Supervisors will authorise a renewal. Any cases considered high risk will be considered by the FLU Manager and/or the DCI Intelligence.

The onus rests with the certificate holder to ensure that they renew their certificate in good time prior to expiry. FLU will monitor late renewals, and ensure as far as possible, that no certificate expires whilst the holder is still in possession of firearms. This process will incorporate the issue of renewal reminder letter (s).

3.10 Temporary Permits

Temporary permits will not be issued to persons who have failed to supply a fully renewal application, unless this is due to unreasonable GP report delays where the holder has taken every step possible to progress, or for the purposes of temporary possession of weapons due to a death of a holder. For all renewal applications the applicant will only be subject to a home visit by the Firearms Enquiry Officer if they do not meet the criteria for a risk-based renewal. The home visit if required will follow the same process as for an initial application.

3.11 Action required when Certificate holders come to the attention of police

Firearm certificate holders can come to the attention of the police in a variety of ways, from intelligence, third party information (for example a partner agency such as Social Care or a Domestic Abuse service provider), but more generally from calls for service via the Force Control Room. This often may not involve the licence holder directly contacting the police but could be because of a domestic abuse incident or a concern for welfare for example.

3.11.1 Force Control Room actions

Staff based in the Force Control Room use Initial Contact Enquiry (ICE), Storm, PNC and Niche systems to research, assess (using the principles of THRIVE) and dispatch officers/staff to calls for service received. ICE provides an overview of data from Niche to assist call takers in validating the reporting persons identify in addition to providing information to assist with the THRIVE assessment.

ICE concentrates on the reporting person only (and therefore may not necessarily indicate a potential license holder if the reporting person is not one in the same).

Storm is configured with a link which presents summary information from NFLMS to identify and highlight addresses linked to firearm certificate holders. Further interrogation of NFLMS will reveal detailed information regarding the weapons, security arrangements the certificate holder has in place for the storage of weapons, together with other general information relating to past renewals and weapon transactions.

FCR staff are required to use this link for every incident involving a firearm certificate holder. Supervisors and EFCOs (enhanced force contact officers) should also consider conducting further research of NFLMS direct, where appropriate, to obtain more detailed information regarding the certificate holder and their associated weapons to inform the THRIVE assessment.

This places an emphasis on all staff within FCR taking proactive steps to identify any involvement a firearm certificate holder has in the event, particularly if they are not the reporting person. Once FCR staff do recognise a certificate holder is involved, this should be explicitly reflected in the THRIVE assessment and use STORM tagging to highlight to the duty FIMs. Where it is identified that officers could face significant risk from an individual, further action may have to be carried out in accordance with [College of Policing Authorised Professional Practice \(APP\) on firearms licensing](#).

If the event does not require an armed response, FCR staff will ensure that all relevant firearms licensing information is passed to the attending officer and supervision, with the incident logs endorsed accordingly. This allows for discussion and a THRIVE based assessment by the attending officer/officer in the case (OIC) and their direct line manager as to the actions required. The Force Incident Manager (FIM) will always have oversight of the initial response and consider any concerns or give advice. Once the FIM is satisfied that an appropriate response has been implemented and the event is updated correctly, the FIM tag can be removed thereafter. All incidents reported to the FCR involving a firearms license holder will be added to the daily Executive Log by the EFCO staff. All EFCOs will also routinely monitor the FLU Niche inbox to ensure notified events are cross referenced to the FIM list.

3.11.2 Vulnerability Desk

If a domestic abuse incident is reported to FCR, the staff within the Vulnerability Desk will add further scrutiny if a firearms certificate holder is identified as involved in the incident. An incident of domestic abuse taking place should trigger a need for police to review whether the certificate holder can be permitted to possess the firearm causing a danger to public safety or to the peace.

The domestic abuse question set has been amended to reflect the gravity of domestic abuse incidents involving firearm certificate holder. The Vulnerability Desk staff will drive the requirements needed from attending officers to provide live time updates and give advice and guidance to ensure they consider any risks posed if one of the parties is a firearms license holder.

It is stressed that the expectation is that robust action is taken whenever there are signs of domestic incidents involving a certificate holder. Furthermore, if a Chief Officer is considering the suitability of a current certificate holder, then any firearms, ammunition and certificate(s) should be removed from the holder until the review of suitability is completed.

Cleveland Police has a responsibility to ensure that any person is supported and offered support to break free from domestic abuse especially if police intervention

has increased any risks posed. Safeguarding should be considered after the refusal or revocation of a certificate or removal of a firearm, ammunition and certificate based upon unsuitability following concerns about domestic incidents. Each case must, however, be assessed by Cleveland Police on its merits, based on the strength of the evidence available and all the circumstances of the case.

The FLU will notify and work with the Specialist Crime Domestic Abuse Unit when relevant, after any intervention, refusal, or revocation of certificates to safeguard and prevent the certificate holder taking any retribution on his/her partner or those persons who have given information on the certificate holder. Any intervention will be discussed and agreed between the FLU Supervisors and DAST Manager or the on-duty Domestic Abuse Detective Inspectors.

The Vulnerability Desk staff will also ensure that a rationale for seizure of firearms (or not) from attending officers is relayed and recorded, with an aim to do so whilst still live and at the scene.

If post updates are only possible then a rationale for seizure (or not) will still be requested. FIMs will support the Vulnerability staff with oversight and scrutiny provided from the FIM list.

The Primary Crime Investigation Unit (PCIU) within the FCR will also consider relevant action and notification to the FIM if events come to their attention when dealing with scheduled events where license holders are not initially identified.

3.11.3 Attending officer and supervisor actions

As above, there are occasions when firearms certificate holders come to the adverse notice of police via a call for service to FCR and officers are deployed. Historically this has involved, for example, certificate holders involved in allegations of domestic abuse, drug abuse, threats to commit suicide or anti-social behaviour. Although in most incidents, firearms are not actually used in the commission of the incident, there is often information received making it necessary to remove the firearms from the individual causing concern. On occasions where calls to service do not identify a license holder in the first instance but officers deployed identify upon attendance, they must notify the FIM.

Dispatched attending officers (and supervisors) **must** make a risk based decision whilst at the incident and assess if there is a necessity for urgent action to be taken regards the suitability of the certificate holder to continue to hold firearms without danger to themselves or the public. This suitability assessment **must** be conducted by initial officers dealing with the incident and any urgent action **must** be taken before officers conclude the event and leave any material premises involved. Officer should make sure they have all relevant information to hand to inform this assessment and consider conducting or requesting further research of Niche, PNC and/or PND. Whenever practicable, officers (or FCR staff) can also consult with FLU Supervisors during office hours before any action is taken.

All assessments regard the suitability of the holder to remain in possession of any firearm **must** be discussed with a supervisor (including the Duty Inspector or FIM

if appropriate) with a full rationale recorded on the FLU Niche OEL template, irrespective of the nature of the call (e.g., if officers are dispatched to a domestic incident the fact one of the parties involved is a firearms license holder must be acknowledged and assessed as well as the nature of the domestic incident). There may be circumstances where the certificate holder is not the offending party but that, particularly in domestic incidents, the presence of weapons in the home could pose a risk to others.

If concerns are such that firearms **AND** certificates require seizure, this **MUST** be done before leaving the premises to ensure legal seizure there and then. If this is not completed at the material time, legal options to return and seize the firearms and/or certificates are limited and may not address the risk in a timely manner. The purpose of seizure of the certificates is to prevent a further purchase of any firearm. See Appendix 1 regards officer responsibilities.

If a decision is made that the firearms certificate holder is not suitable to have any firearms remain in their possession, it must be noted that there is no “standalone” power for a police officer to seize weapons and certificates unless the individual is personally in possession of a firearm in a public place. The following options, however, can be considered for search and seizure of the firearms.

3.11.4 Voluntary Surrender

Where appropriate, voluntary handover by the certificate holder should be the preferred option and any further action required will be dealt with by the FLU. The circumstances surrounding certain seizures however may dictate that alerting the certificate holder and arranging for a voluntary handover is not the most appropriate course of action. Experience has shown that early intervention to take possession of firearms and certificates normally results in the individual voluntarily surrendering their weapons and certificates.

3.11.5 Common law power

Officers have a common law power to seize firearms, ammunition, and certificates, if they believe that a danger to the public safety exists. If such belief exists, then steps must be taken at the earliest opportunity to seize such items. The purpose of seizure of the certificates is to prevent a further purchase of any firearm.

3.11.6 Legislation

S.19 PACE 1984

S.19 of the Police and Criminal Evidence Act 1984 creates a general power to seize property under certain circumstances whilst lawfully on any premises, which of course includes firearms and certificates.

Section 46 of the Firearms Act 1968

S.46 of The Firearms Act 1968 specifies the conditions under which search warrants may be issued. It also deals with powers granted to officers executing them and grants the power to seize firearms and certificates. If a Justice of the Peace is satisfied by information on oath that there are reasonable grounds for suspecting –

- That an offence relevant for the purpose of this section has been, is being, or is about to be committed; or
- That, in connection with a firearm or ammunition, there is a danger to the public safety or to the peace, they may grant a warrant.

3.11.7 If a certificate holder is arrested

Where a certificate holder is arrested, the arresting officer or the officer in the case must ensure that the Custody Sgt is aware that the detainee is a firearm and/or shotgun certificate holder. This should be factored into any risk assessment prior to release. Where possible the FLU should be contacted, and advice sought regarding seizure of certificates and associated firearms.

When this is not possible, and it is considered that there are risks, then steps must be taken to ensure that weapons and certificates are seized **before** release. This may result in contact between other forces.

Officers who become aware of medical conditions regarding a certificate holder whilst as a detainee in custody must liaise with the FLU for advice on seizure of firearms, ammunition, and certificate(s). It should be borne in mind that the FLU may already be aware of the medical condition and have assessed the continued suitability of the individual. NFLMS and Niche must be checked to confirm this. Where this is not possible then the above conditions should be used to guide the decision whether to seize.

3.11.8 Seizure and storage and Armed Response Unit actions

The seizure and making safe of any firearms will be the responsibility of members of the Armed Response Unit. Officers directed to seize weapons will be fully briefed by the relevant Duty Inspector (or FIM), regarding the nature of the incident and the number and types of weapons to be seized. Officers will be made aware of the powers under which they have been instructed to seize the weapons and certificates. Where necessary, the officers will be in possession of a warrant, issued by a magistrate, to enter premises and seize such items.

If necessary, there may be occasions where FLU Supervisors are required to create an event for ARV officers to attend an address to seize firearms. The FLU Supervisors (or the FLU Manager) will liaise with the FIM and CTFC to consider any requirement for a firearms deployment and then to ensure the correct grading and response is applied to the incident in a timely fashion. If there are operational challenges regards deployment, then FLU Supervisors/Manager will escalate to the DCI Intelligence.

Weapons will be stored appropriately at Middlehaven, to ensure they are adequately secured and will not suffer damage or deterioration of condition.

In some instances, the certificate holder may request that the weapons be stored with a Registered Firearms Dealer. In such cases the police must be in possession of the certificates and the Registered Firearms Dealer must be advised that the weapons must not be released without authority of the police.

In all cases, where ARV officers take possession of firearms, certificates and/or ammunition, the owner will be issued with a receipt detailing the quantity and types of weapons/ammunition seized using the "Surrender of Firearms and/or Ammunition" carbonated booklet (C07-19). Officers seizing weapons will be responsible for issuing a receipt. Accuracy is essential and any damaged or missing weapon parts must be highlighted on the "receipt".

The officers seizing must accurately record **ALL** property removed (including gun slips, cases etc.). Care should be taken to account for **ALL** weapons listed on the owner's certificate and NFLMS record.

3.11.9 Action required by FLU when Firearm certificate holders come to the attention of police.

Following any event involving a firearms certificate holder, FLU staff will be automatically notified via the flagging notification process. Upon review, if it is immediately obvious and apparent that there been a missed opportunity and a need to seize the firearms, and no action has been taken up to this point, the FLU Supervisors/Manager will liaise with the FIM to create an event for ARV officers to attend an address to seize firearms with advice on legal powers to use. The FIM will ensure the correct grading and response is applied to the incident in a timely fashion. If there are operational challenges regards deployment, then FLU Supervisors/Manager will escalate to the DCI Intelligence.

If there are apparent concerns but recorded actions taken are considered unclear by FLU Supervisors, and more information is required, the FLU Supervisor may require more information from Niche OELs to inform suitability from attending officers. The Niche FLU OEL template will be used to mandate a recorded risk assessment from officers. A specific Niche tasking process to the officer (and their supervisor) will be used after the event if no rationale by attending officers (and supervisors) have been recorded. During the FLU working days (Mon - Fri 8am – 4pm) any officer in the case can notify FLU at the earliest opportunity via email or telephone with details of the event and seek advice to any action taken or required.

Once all the information and evidence are available and relevant persons have been spoken to, the FLU Supervisors may still consider that an immediate response is needed as above. It may also be considered that although not immediate, there is still a need to seize the weapons in a timely fashion and may request the OIC to obtain a warrant to seize the firearms, supported by ARVs (see 5.20). If there are operational challenges regards this request, then FLU Supervisors/Manager will again escalate to the DCI Intelligence.

If there are no immediate requirements to seize any firearms the FLU Supervisors will record recommendations with a rationale as to options regards the individual's certificate(s). Dependent on the information triggering a need to review suitability and the NDM assessment of risk by the FLU Supervisors, there are varied recommendations that can be considered. This ranges from a decision that recommends no further action, to monitor and review, sending a warning letter to the license holder, or other bespoke recommendations to commit to joint action with staff from any other relevant department (e.g., the Specialist Domestic Abuse unit staff).

It may be recommended that the Firearms Enquiry Officer conduct further enquiries. Such enquiries could include liaison with officers dealing with the incident and interviewing the certificate holder usually at their home address to establish what offences may have been committed. On conclusion of enquiries, the Firearms Enquiry Officer will submit a report to the FLU Manager, outlining what action has been taken in respect of any firearms offences committed. The FLU Supervisors will also produce any relevant reports for submission to the FLU Manager to consider. A final recommendation could be to revoke as below.

3.12 Revocation

Shotgun and firearm certificates may be revoked, either by the Chief Officer of Police (under Section 30 Firearms Act 1968) or by a court (under Section 52(1) Firearms Act 1968). All revocations and refusals within Cleveland Police will be authorised by the ACC.

Section 30C(1) of the 1968 Act states that a shotgun certificate may be revoked by the chief officer of police for the area in which the holder resides if he is satisfied that the holder is prohibited by this Act from possessing a shot gun or cannot be permitted to possess a shot gun without danger to the public safety or to the peace.

Section 30A(2) of the 1968 Act states that the firearm certificate may be revoked if the Chief Officer has reason to believe:

- (a) that the holder is of intemperate habits or unsound mind or is otherwise unfitted to be entrusted with a firearm; or
- (b) that the holder can no longer be permitted to have a firearm or ammunition to which the certificate relates in his possession without danger to the public safety or to the peace.

There may, therefore, be limited circumstances where there is no danger to public safety or the peace, but the applicant is considered otherwise unfit to possess the firearm. In most cases, however, it is likely that evidence of unfitness, intemperate habits or unsound mind will have formed part of the assessment of danger to public safety or to the peace.

Where there is concern over an existing certificate holder or circumstances relating to them, but it is not considered necessary to immediately seize firearms,

a report detailing the concerns should be forwarded to the FLU without delay. Any potentially high-risk cases will be escalated to the DCI Intelligence prior to any report being submitted to the ACC.

It should be noted that offences do not necessarily need to be made out in law before a decision to revoke a certificate is made. There may be sufficient information to do this even if offence have been subject to no further action, discontinuance or found not guilty at court. The burden of proof regarding revocation or refusal is one of “on balance of probability” and is less than that required in criminal cases (beyond reasonable doubt). Decisions on revocations should not be influenced by the potential cost of a possible appeal. Decision makers must always put public safety first.

The police must inform the GP within one month if a certificate is revoked or cancelled, if it expires and is not renewed, or if the application is refused. The GP can then remove the firearm marker from the patient's record.

As with refusals, revocations can also be subject to appeals. This follows the same process outlined earlier for refusals. Any appeal received into the FLU will be allocated to the FLU Supervisor and the relevant Firearms Licensing barrister will be appointed, and Legal bundle will be completed by the date set by the court and it will be completed by the FLU Supervisor. All revocations appeals will require a preliminary meeting between the FLU Manager, DCI Intelligence, and appointed Force legal representative to discuss relevant issues regards the appellant and matters required for court. This will also ensure the FLU Manager is warned for court attendance in a timely fashion.

As above, the FLU Supervisor will investigate and manage all enquiries in relation to seized firearms.

3.13 Surrender of Firearms

Persons who wish to surrender either lawfully or illegally held firearms or ammunition should be encouraged to hand them over to the police as soon as possible. No obstacle should be placed in the way of a person who wishes to make such surrender. A disclaimer must be obtained for any surrendered firearms before being forwarded to the Property Store at Middlehaven for destruction. Any police staff member recipient must contact FCR to discuss considerations for an ARV safety assessment of the surrendered items prior to or upon seizure to ensure safe handling and subsequent storage.

It is a matter for the Force Armourer to request, from Chief Officers, permission to keep any firearm surrendered for the Force collection.

No employee of Cleveland Police shall make an offer to purchase the firearms or ammunition being surrendered or gain any pecuniary advantage from the surrender of firearms or ammunition.

4. Appendices

Appendix	Description
1.	Firearm and Shotgun certificate holders coming to Police Notice

5. Compliance and monitoring

The Head/Director of Intelligence is responsible for the accuracy and integrity of this document. This policy will be continuously monitored, and updated when appropriate, to ensure full compliance with legislation.

The Head/Director of Intelligence will review this process to ensure that all aspects are being adhered to in accordance with the framework of this policy.

6. Version control

This policy will be reviewed and updated at least every three years by the owner, and more frequently if necessary.

The Corporate Services Department will ensure this document is available on the Force intranet, including any interim updates.

The following identifies all version changes.

Version	Date	Reason for update	Author
1.0	06/12/2022	Policy published following approval at EMB	██████████ ██████████ ██████████

Firearm and Shotgun certificate holders coming to Police Notice

