



<b><u>Policy Title</u></b>	Firearms Certification – Refusal or Revocation
<b><u>CCMT Sponsor</u></b>	ACC Specialist Operations
<b><u>Department/Area</u></b>	Crime Support

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### **1.0 Rationale**

Firearms licensing scrutinise applications and renewals and make decisions for refusing and revoking certificates. This process has been based on professional experience. Following challenges on appeal at court this decision making would benefit from formalising the risk assessment process.

### **2.0 Intention**

The policy is required to formalise the current process by incorporating the force Risk Management policy.

This will improve our professionalism when faced with appeals and should enable Thames Valley Police to more ably convince a Judge presiding at an appeal of the merit and proper deliberation taken during the decision making process and thereby increase public safety.

### **3.0 General Principles**

The principle of the policy is to increase public safety and minimise the risk to the public from persons possessing legally held lethal weapons through a formal risk assessment process based on the professional experience of the firearms licensing team. Tragically legally held weapons have been used to fatally harm innocent members of the public. Since early 2005 a more robust approach in assessing the threat to safety has been implemented and this has resulted in five times as many revocations and refusals in three years. The assessment is that this is wholly justified as the number of appeals against our decision making has not significantly increased.

The aim of the policy is to formalise and clarify the decision making process to improve public safety through effectively managing the risk

posed from 26,100 shotgun and 5,800 firearms certificate holders across the Thames Valley. The scope of the policy covers all registered certificate holders.

#### **4.0 Challenges & Representations**

Challenges and representations should be addressed to:

Head of Crime Support,  
Thames Valley Police HQ,  
Kidlington,  
Oxon. OX5 2NX.

#### **5.0 Guidance, Procedures & Tactics**

##### **5.1 Remit to deliver the policy**

**5.1.1** The procedures are the responsibility of the Firearms Licensing Manager who is responsible for managing all matters relating to the management of shotgun and firearms certificates including refusals and revocations. The following roles ensure this process is successfully implemented.

Policy Owner – Firearms Licensing Manager  
Policy Management Unit  
Human Rights Auditor

**5.1.2** The procedures are –

- Identification of certificate holders and applicants who may pose a risk to safety and to the peace. These are identified by Firearms Enquiry Officers and office based Firearms Licensing Staff who flag concerns to the Firearms Licensing Manager.
- The Firearms Licensing Manager researches the information and when satisfied that further work or more detailed consideration is required passes a file on the matter to the Senior Firearms Enquiry Officer (SFEO) for the preparation of a file.
- The SFEO passes this file to the Force Intelligence Detective Chief Inspector who makes a decision recommending refusal or revocation and may request further work.
- The SFEO submits the file to the Assistant Chief Constable Specialist Operations for approval of the recommendation.
- The Firearms Licensing Manager implements the decision.  
See Appendix A - Firearms Certification Risk Matrix.doc  
See Appendix B – Force Risk Model

## **5.2 Remit for management of the policy**

- 5.2.1** The Force Intelligence Detective Chief Inspector will be responsible for the management of the policy.
- 5.2.2** The policy will be managed by the Force Intelligence Detective Chief Inspector as this role is critical to the decision making process and is involved in every case. Detailed guidance and tactics are owned by the Firearms Licensing Manager and are exempt from publication as they contain police tactics.

## **6.0 Communication**

### **6.1 Links to Police National Legal Database Other**

This policy will be published on the Policy Management Unit Intranet site. Because there is no known case law that affects staff other than firearms licensing there are no links requested to the PNLD.

The links that are required are to other Force and ACPO firearms policies.

### **6.2 Communications Strategy**

All staff within firearms licensing will be made aware of the policy. Publishing the policy on the Policy Management Unit Intranet site will ensure it is available to all staff. The policy will be promoted to tactical support as part of the ongoing liaison that currently exists.

Firearms licensing staff, tactical support and ACC S/O are the staff primarily affected by the policy.

Communication of the message will be through professional working contact and availability on the intranet. This is a reactive and considered assessment following information coming to light and so has limited operational urgency.

## **7.0 Compliance and Certification**

### **7.1 Human Rights Certification**

#### **(i) Legal Basis**

The legal basis for the exercise of the powers and duties outlined in this policy are:

- Explosives Act 1875
- Explosives Act 1923

- Firearms Act 1968  
(The legal basis for the administration of certificates (including grants, refusals and revocations) comes from the Firearms Act 1968 and subsequent amendments - specifically Part II of the Act, which encompasses Sections 26 to 45 inclusive).
- Health & Safety at Work Act 1974
- Wildlife and Countryside Act 1981
- Firearms Act 1982
- Firearms Amendment Act 1988
- The Firearms Rules 1989
- Control of Explosives Regulations (COER) 1991
- Health & Safety Executive/Local Authorities Liaison Document (HELA)
- Deer Act 1991
- Firearms Acts (Amendment) Regulations 1992
- Firearms (Amendment) Act 1992
- Firearms (Amendment) Act 1994
- Firearms (Variation of Fees) Order 1994
- Firearms (Period of Certificate) Order 1994
- Police and Magistrates' Courts Act 1994
- Armed Forces Act 1996
- Firearms (Amendment) Act 1997
- Firearms (Amendment) (No. 2) Act 1997
- Environmental Protection (Restriction on the use of Lead Shot) Regulations 1991
- Firearms (Variation of Fees) Order 2000
- Anti-Social Behaviour Act 2003
- The Firearms (Amendment) Rules 2005
- Manufacture and Storage of Explosives Regulations (MSER) 2005
- Violent Crime Reduction Act 2006

**(ii) Human Rights Articles Engaged**

This policy does not have the potential to engage any of the Articles of the convention.

**(iii) Prohibition of Discrimination**

This policy does not have the potential to discriminate against any persons regardless of their gender, sexual orientation, race or ethnic origin, religion, age or disability.

**7.2 Diversity Impact Assessment**

A Diversity Impact Assessment has been carried out and it the policy was graded as LOW relevance on all six strands of diversity.

**7.3 Diversity (Human Resources)**

In the application of this policy, the Force will not discriminate against any persons regardless of their gender, sexual orientation, race or ethnic origin, religion, age or disability.

**7.4 Data Protection**

Personal and sensitive personal data processed in compliance with this policy will be managed in accordance with the provisions of the Data Protection Act 1998. It is acknowledged that information relating to refusals and revocations are shared with the wider policing community and procedures and policies are in place to manage such disclosures.

**7.5 Freedom of Information Act**

This policy is suitable to be made available to the public and will be published on the Thames Valley Police Freedom of Information Publication Scheme website.

**7.6 Protective Markings**

This policy has been assessed for its correct level of protective marking and is NOT PROTECTIVELY MARKED.

**7.7 Health & Safety at Work**

There are no linked risk assessments carried out in relation to this policy. The implications of the Health & Safety at Work Act 1974 and associated legislation has been considered but because this is a reactive and considered assessment following information coming to light there is limited operational urgency.

**8.0 Monitoring and Review**

**8.1 Links to PPAF/Priorities/Performance Indicators**

This policy contributes to the following Strategic Objectives:

**NOT PROTECTIVELY MARKED**

- To provide an effective and timely response focused on the needs of the citizen
- To conduct our policing in a neighbourhood policing style
- To equip our front-line staff to deliver on our objectives
- To improve our performance – get better at what we do
- To better protect the public from the risk posed by predatory offenders
- To be ready and equipped to deal with major crime and critical incidents

**8.2 Review Process**

A full review will be carried out by the policy author and will examine:

- Changes in legislation
- Court rulings – Domestic, European and Human Rights
- Examples of good practice from other Forces or other organisations
- Changes in Home Office Circulars
- Developments with ACPO Policy Unit
- Representations made by individuals and relevant organisations
- Relevant Race Equality data

This policy will be reviewed every two years unless significant new legislation is introduced, when it will be reviewed at that time.

The policy will be reviewed in February 2009.

**APPENDICES**

**APPENDIX A**

**Firearms Licensing Risk Matrix**

Likelihood	Overall Rating				
Very High	5	10	15	20	25
High	4	8	12	16	20
Medium	3	6	9	12	15
Low	2	4	6	8	10
Very Low	1	2	3	4	5
<b>Impact</b>	Very Low	Low	Medium	High	Very High

**Impact** = how serious is the potential danger to public safety or to the peace.

**Likelihood** = what are the chances of it happening again.

<b>Acceptable</b>	Grant / renew – if score 1 or 2 no referral. Score 3 or 4 refer to Firearms Manager only.
<b>Moderate</b>	Consider revoke / refuse. Refer to DCI and ACC.
<b>High</b>	Recommend revoke / refuse. Refer to DCI only as non contentious.

**Firearms Licensing Risk Register**

**Date Completed:**  
**Date of last review:**

Ref	Risk Description	Risk Assessment		
		L	I	Total
01	Assault or other violence against the person (single offence)	3	4	12
01b	Assault or other violence against the person (second or subsequent offence)	4	4	16
02	Threatened or attempted suicide	4	4	16
03	Threats of violence (single offence)	3	3	9
03b	Threats of violence (second or subsequent offence)	4	4	16
04	Threat or actual violence of a domestic nature	4	4	16
05	Misuse or unsafe use of a firearm or shotgun	4	5	20
06	Drink Drive Conviction (single offence)	2	1	2
06b	Drink Drive Conviction (second or subsequent offence within previous five years)	4	4	16
07	Conviction for dishonesty (fraud/theft) (single offence)	1	3	3
07b	Conviction for dishonesty (fraud/theft) (second or subsequent offence)	5	2	10
08	Treatment for chronic mental or physical illness with potential to affect public safety (subject to medical opinion)	5	5	25
08b	Treatment for incident related (short term/single incident) depressive illness (subject to medical opinion)	3	2	6
09	Evidence that individual may not be considered to be a fit person (Firearms Only)	3	2	6
10	Firearm or Shotgun found to be stored such that it would not prevent unauthorised access (single incident)	1	3	3
10b	Firearm or Shotgun found to be stored such that it would not prevent unauthorised access (second or subsequent incident)	4	3	12
11	No good reason to possess (gun not acquired or not used) (Firearms Only)	1	3	3
12	Failure to notify a change of address or firearm/shotgun transfer (single offence)	1	2	2
12b	Failure to notify a change of address or firearm/shotgun transfer (second or subsequent offence)	3	3	9

Any of the above risks may be aggravated by the use, or suggested use, of a firearm and matrix scores should reflect this.

**Force Risk Model**

**Risk Classification**

<b>Source of Risk</b>	<b>Description</b>	<b>Abbreviation</b>
Service Delivery / Operational	Associated with all aspects of service delivery and operational policing activity.	Ops
Community & Partnership	Interaction with our communities and our partners including other public bodies. Ability to handle the expectations of the community and the effects of social changes and trends e.g. population.	Community
HR & Training	Recruiting, training, and retaining appropriate staff. Applying and developing skills in accordance with corporate objectives, employment policies, health & safety, and absence rates. Includes police culture and diversity issues within the Force.	HR
Leadership & Organisational	Relating to the direction given by senior management team, our ability to manage change and the systems and processes by which the organisation is directed and controlled. Including project and programme management.	Org
Finance	The ability of the Force to secure funding and meet its financial commitments. Associated with accounting and reporting, internal financial delegation and control. It also includes the failure to purchase adequate insurance cover, external macro level economic changes, or the consequences of proposed investment decisions.	Finance
Info & communication systems & data/knowledge management	Relating to ICT fixed assets and the effective management control and communication of knowledge and information including our adaptability and ability to use technology. Includes communication infrastructure. Ability to handle the media.	ICT
Infrastructure & assets	Relating to fixed assets such as land, buildings, and vehicles. The functioning of transport, and utilities infrastructure.	Assets
Legal & Compliance	Effects of change of government policy, UK or EC legislation, national or local political pressure or control, interaction with inspection bodies and the Police Authority.	Legal
Competition & Contractual	Affecting the competitiveness (cost & quality) of a service and/or ability to deliver best value. Procurement, contract relationship management including the failure of contractors to deliver services or products to the agreed cost and specification.	Contract
Environmental	The impact of storms, floods and pollution. Relating to pollution, noise or the energy efficiency of ongoing operations and the environmental consequences of progressing strategic objectives.	Environ

**Risk Likelihood**

<b>Frequency</b>	<b>Scale</b>	<b>Descriptor</b>
Very Low	1	Unlikely to occur
Low	2	Could occur
Medium	3	Likely to occur
High	4	Very likely to occur
Very High	5	Will almost certainly occur

## Risk Impact

Factor	Score	Performance	Objectives	Reputation	Financial	Personal Safety	Security	Human Rights / Diversity
Very Low	1	No discernable impact on service delivery. Minor effect on a support service area.	No discernable impact on objectives.	No discernable damage to reputation.	Up to £100,000	No injury	Single item of restricted information compromised.	No differential diversity impacts or HR interference.
Low	2	Impact on service delivery of limited concern to stakeholders. Inability to respond to incidents in a timely manner. Major effect on a support service area.	Minor impact on small number of key objectives.	Minimal damage to reputation. Adverse local publicity. Statutory prosecution of a non serious nature.	Between £100,000 and £500,000	Slight/minor injury	Significant volume of restricted information compromised.	Some justifiable impacts / interference.
Medium	3	Impact on service delivery affecting one BCU. Inability to meet national performance targets. Constant and prolonged inability to respond to incidents in a timely manner.	Significant delays to several key objectives in delivery plan. Loss of a key member of staff.	Limited damage to reputation. Adverse publicity in local or professional press of a persistent nature.	Between £500,000 and £1 million	Major injury	Confidential information compromised. Failures in vetting process.	Limited unjustifiable impacts / interference. Diversity ET against Force
High	4	Major impact on service delivery. Unable to respond to a major public emergency.	Major impact on several key objectives in delivery plan. Major project overruns (time and/or budget). Loss of significant number of key staff.	Major damage to reputation. Sustained adverse national media coverage.	Between £1 million and £10 million	Single fatality or multiple major injuries.	One or more ICT systems seriously affected by virus or unauthorised access.	Significant unjustifiable impacts / interference. Major diversity ET. Action by REC.
Very High	5	Catastrophic impact on service delivery. Unable to provide basic operational services across TVP. Parliamentary inquiry launched.	Complete failure of a significant part of delivery plan with major knock on effects to 3 year strategy.	Catastrophic damage to reputation. Total loss of public confidence. Adverse and persistent national media coverage. Adverse government response.	Greater than £10 million	Multiple fatalities	Secret information compromised. Complete ICT system failure due to virus or unauthorised access.	Serious unjustifiable impacts / interference.

**Risk Matrix**

Likelihood	Overall Rating				
Very High	5	10	15	20	25
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Medium	3	6	9	12	15
Low	2	4	6	8	10
Very Low	1	2	3	4	5
Impact	Very Low	Low	Medium	High	Very High

<b>Acceptable</b>	Monitor and review risk and control measures.
<b>Moderate</b>	Take practical measures to reduce impact and/or likelihood. Risks with a residual risk value (after all practical control measures are in place) at this level should be reported to the FRMG but managed at BCU/departmental level.
<b>High</b>	Take immediate action to reduce impact and/or likelihood. Risks with a residual risk value at this level should be reported to CCMT and the Police Authority through the FRM and be managed at Force level.