



Devon and Cornwall Police and Crime Panel

7th July 2023

Devon and Cornwall Firearms Licensing

1. Introduction

This report provides the Police and Crime Panel with an overview of the actions taken by the Police and Crime Commissioner as part of her duties to hold the Chief Constable to account since the shootings in Plymouth in 2021.

The report is delivered to the Panel alongside a separate report outlining the Keyham Recovery work which has been funded by the victim care grant and additional funding from the Home Office as part of the Commissioner's duties to support victims of crime.

2. Background

Devon and Cornwall's Firearms Licensing Unit (FELU)

- Devon and Cornwall Police manage the highest volume of firearms certificates and licenses of all forces due to the rural and agricultural nature of our communities, with around 40,000 licences managed across the two counties.
- The cost of a certificate is £79.50 for a shotgun certificate grant, and £49.00 for a renewal, or £88.00 for a firearms certificate grant or £62.00 for a renewal. A certificate usually lasts for five years, and the fees are set nationally.
- The department was brought into an Alliance Unit with Dorset Police in March 2015, previously having operated as two separate units in the two force areas.

In March 2023 the Coroner published a Prevention of Future Deaths Report following an inquest into the deaths of Maxine Davison, Lee Martyn, Sophie Martyn, Stephen Washington and Kate Shepherd, who were killed in August 2021. The Chief Constable issued a response to the findings of the Coroner which was published in May 2023, alongside responses from other Interested Persons: <https://www.judiciary.uk/prevention-of-future-death-reports/maxine-davison-lee-martyn-sophie-martyn-stephen-washington-and-kate-shepherd-prevention-of-future-deaths-report/>



Since August 2016 the Commissioner has been actively engaged with the Chief Constable and his team in ensuring that Devon and Cornwall's Firearms and Explosives Licensing Unit (FELU) was effective as an Allied department. Since 2021 the Commissioner has worked with the Chief Constable to ensure that the lessons have been learnt within policing and that processes and procedures are put in place to reduce the risk to the public of firearms held within communities.

The Commissioner has actively supported, encouraged and engaged in external review activity, which remains ongoing as we seek to deliver the improvements required to ensure a safe and robust licensing system, and future customer service improvements. A significant number of changes have been made in the management of licences through the FELU. Whilst the Commissioner recognises that delays in processing at this time continue to affect customer service, the service has delivered significant improvements in relation to risk and decision making.

The inquests have also examined issues which extend beyond Devon and Cornwall Police and a number of recommendations have been made to Government regarding national changes. The Commissioner and Chief Constable advocate national action to review legislation and processes and improve national training standards for firearms licensing.

3. Local improvements and oversight

The Coroner's Prevention of Future Deaths Report identified significant failings by Devon and Cornwall Police in the handling of the initial shotgun license issued to the perpetrator of the Keyham murders, and subsequent review of that licence. The Commissioner worked with the Chief Constable at that time to gain assurance that immediate necessary steps to ensure safety were implemented and has continued to hold the Chief Constable to account for delivery of service and improvements since this time.

The Commissioner appointed a new Chief Constable, Will Kerr OBE KPM, who joined Devon and Cornwall Police in late December 2022. The Chief Constable has spoken publicly and set out his view that Jake Davison should not have had a shotgun licence, that it was clear that he should not have been issued one when he applied in 2017, and that he should not have had it returned to him in 2021 following an assault the previous year.

As part of setting the budget for 2023/24 and beyond the Commissioner has invested an additional £750k to increase the resources in the Firearms & Explosives Licensing Team. Over and above this investment additional police officers have been deployed into the team to provide further resilience.

Improvement Journey

- During 2022 the Firearms Licensing and Explosives Licensing Unit were subject to reviews and inspections from Durham Police (Peer Review requested by the Commissioner), the Independent Office for Police Conduct (IOPC), and the South West Audit Partnership. In 2023 the Commissioner supported the Home Secretary to instruct a further HMICFRS inspection of the FELU, with further IOPC and local review activity ongoing.
- Both the Peer Review and IOPC investigation identified that FELU were not appropriately balancing demand management and risk management. This was

immediately addressed locally by the Chief Constable and reinforced through subsequent additional Home Office guidance, and the service has since rightly prioritised risk management and robust, safe decision making.

- The consequence of the application of this new guidance combined with the continued volume of applications is that a significant delay in workflow has been experienced, and there are now substantial delays in completing both grant and renewal applications.
- A Devon and Cornwall Police FELU Strategy is now in place and sets out further continuous improvements, in particular to address delays in the processing of renewal applications, whilst maintaining a secure level of robust and safe decision making.

Performance oversight

- The Commissioner has monitored the FELU improvement journey which is regularly reported to the Policing and Crime Joint Executive Board¹ and the Working Together Board². This has already demonstrated a level of acceptable service in terms of safety and risk management, but further improvements are required to deliver the required level of customer service standards on timeliness.
- The Commissioner monitors the numbers of delayed renewals and timeliness of firearms license via reports into her office from FELU on a monthly basis, and reports this to the Policing Minister.
- Devon and Cornwall Police identifies and forecasts key risks within its services through a combination of processes including the development of a Force Management Statement (FMS) and risk register. Prior to the events of August 2021 significant risks associated with FELU were not identified. At time of writing, firearms licensing remains a substantial risk due to the volume of workflow, rather than performance and capability.

Accountability

- The level of transparency to the Commissioner by Devon and Cornwall Police on the events of August 2021 was restricted due to the Coronial processes which have taken precedent, and the lack of a legal requirement for the IOPC to provide their draft investigation documents to the Commissioner.
- The time taken for the Coronial processes to conclude and the IOPC investigation meant that it was only by hearing the evidence given as part of the Coronial process that the Commissioner was able to have full oversight of the events and police actions.
- Since the events of August 2021, there have been three Chief Constables – two substantive and one Temporary Acting Chief Constable, all responsible for Firearms Licensing. Each Chief Constable retains operational independence from the Police and Crime Commissioner in accordance with the Policing Protocol.³

¹ Policing and Crime Joint Executive Board is the monthly meeting where the Executive Teams from OPCC and Devon and Cornwall Police come together. The Police and Crime Commissioner and Chief Constable are present at this meeting, which is alternately Chaired by the OPCC Chief Executive and the Deputy Chief Constable.

² Working Together Board is the primary board which oversees the Alliance between Devon and Cornwall Police with Dorset Police. All four corporation soles are present – both Police and Crime Commissioners and both Chief Constables. It is alternately Chaired by the respective Chief Constables.

³ Policing Protocol is made under section 79 of the Police Reform and Social Responsibility Act 2011 requires the Secretary of State to issue a Policing Protocol, namely a document setting out, or otherwise making provision about, the ways in which relevant persons should exercise or refrain from exercising functions so as to encourage, maintain or improve working relationships or limit or prevent the overlapping or conflicting exercise of functions.

- The Commissioner has jointly funded with the Policing Minister an inspection by His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMISFRS) for assurance purposes. This inspection is looking at the leadership and governance of the unit, the resourcing of the unit to meet its demand, policies, processes and training, and is expected to report to the Commissioner in July.

Public insight

- The Commissioner has maintained a dialogue with BASC and the Gamekeeper Association throughout and regularly receives updates from these organisations and other licensed firearms holders about the level of service and frustrations that there are from an applicant's perspective.
- The Commissioner receives and reviews regular correspondence from license holders seeking renewals and applicants, and particularly acknowledges the impacts that delays and temporary permit arrangements can have on businesses and sole traders whose industry relies on safe, legal use of a firearm.
- As Vice-Chair of the Association of Police and Crime Commissioners (APCC) the Commissioner led a national survey into the effectiveness of the firearms licencing regime in late 2021. This received 24,430 responses and established that most consultees were broadly assured about the effectiveness of the firearms licensing regime, and that many supported fee increases.
- In May 2022 the Commissioner led a local survey of Devon, Cornwall and Dorset FELU customers, alongside David Sidwick, Police and Crime Commissioner for Dorset. A total of 1,173 people from Devon and Cornwall took part in the survey, which concluded in June 2022. The survey showed that 43.4% of respondents felt the service had declined after it became an alliance department in March 2015, while 2.6% said they believed the service had improved in the seven years since it was formed.

Alliance arrangements

- The Firearms and Explosives Licensing Team is part of the Alliance delivery arrangements with Dorset Police and therefore some of the decision making to date has been made in this context as it is a single FELU covering both police force areas.
- The Alliance governance arrangements have not enabled the Commissioner to hold the Chief Constable to account in a clear and unequivocal way as the duty is shared between Devon and Cornwall and Dorset Police.
- Following extensive review and a public survey a decision has now been taken by the Police and Crime Commissioners and Chief Constables of Devon and Cornwall and Dorset to separate the Alliance Firearms and Explosives Licensing Unit (FELU) into a unit for each force area. The Commissioner is seeking to enact this change as swiftly as feasible following appropriate HR processes, in order to reaffirm local accountability for the people of Devon, Cornwall and the Isles of Scilly.

4. National improvements

The Coroner's Prevention of Future Deaths Report also identified a serious failure at a national level, but the government, Home Office and National College of Policing to implement previous learnings and recommendations in relation to firearms licensing. The College of Policing issued a response to the findings in April 2023 confirming that

professional practices and national training will be implemented. The Home Office have not yet responded to the Coroner's findings.

The Commissioner has written to the Minister for Policing to raise her concerns following the findings of the Inquest, and to advocate for national changes. The Commissioner has raised the following key areas for consideration:

Legislative Framework

- The existing legislation for firearms licensing is complex and fragmented. The legislation requires a legal presumption in favour of granting certificates for both firearms and shotguns.
- It is clear that there are many cases in which a firearm may be requisite for an industry or occupation, but in most cases possession should be a privilege rather than a right.
- The Commissioner has therefore asked the Minister for Policing to review legislation in order to better enable police forces to undertake more robust decision making where required, both in relation to initial grants and revocations.

National consistency and standards:

- The Commissioner has called for greater clarity and consistency on competency, practice and standards.
- This has including recommending to the Minister for Policing that the government should consider whether there is a case for moving to a new national licensing unit rather than the current force level model.

Firearms Licence Fees

- It is broadly accepted by the Home Office that the current licence fee structure for firearms and shotguns is not representative of the costs faced by police forces in managing firearms and shotguns.
- The fees for a licence are set nationally at £79.50, with a license grant lasting for 5 years. This fee level does not reflect the costs associated with assessing, granting, managing, renewing and revoking these licences and certificates.
- It is essential that the costs for obtaining a firearms licence or shotgun certificate are reflective of the true costs faced by police forces and the Commissioner has called for a national review of fees.

The role of wider agencies in securing public safety

- The Commissioner has identified the need for an improved system-wide approach to the societal risks arising from the legal possession of weapons.
- It is essential that wider agencies within the system are supported, empowered and in some cases required to provide key information to the police to enable them to assess risk and act upon that assessment, at the point at which initial grant is being considered and dynamically during its possession.

Following extensive engagement and oversight the Commissioner is assured that the Chief Constable has taken appropriate steps to respond to risk since the Keyham shootings and to the findings of the Prevention of Future Deaths Report. However, the Commissioner will

continue to monitor performance and improvement and ensure that Devon and Cornwall Police remain committed to learning from this tragic incident.

The Commissioner will continue to engage with Ministers and national bodies to advocate for national change and improvement in firearms licensing legislation and processes.

The Commissioner's thoughts and those of all representatives of the OPCC remain with the families who have lost loved ones, as well as those who survived this horrific incident. We must ensure that the legacy for all of those who have been so tragically affected is that we deliver effective and enduring changes both locally and nationally to firearms licensing rules, procedures and policies, and build a positive future for the community of Keyham.

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Report prepared on 29th June 2023