



WEST MIDLANDS POLICE
Force Policy Document



POLICY TITLE:	POLICY GUIDANCE: FIREARMS LICENSING UNIT
POLICY REFERENCE NO:	Firearms Licensing Policy

Executive Summary.

This document sets out the Staffordshire and west Midlands Police Firearms and Explosives Licensing Unit's policy guidance. It creates a defined structure with auditable processes to monitor, evaluate and quality assure the process. It identifies the service levels within both forces and the resilience required to meet demand

**Any enquiries in relation to this policy should be made be made directly with that of the policy contact / department shown below.

Intended Policy Audience.

(insert audience details)

Current Version And Effective Date.	Version 1.7
Business Area Owner	Operations
Department Responsible	Firearms and Explosives Licensing
Policy Contact	Firearms and Explosives Licensing Manager
Policy Author	Jonathan Cumberbatch
Approved By	ACC Operations
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Protective Marking	Restricted
Suitable For Publication – Freedom Of Information	Yes policy detail to be published on website for FOI

Supporting Documents

Evidence Based Research

Full supporting documentation and evidence of consultation in relation to this policy including that of any version changes for implementation and review, are held with the Force Policy Co-ordinator including that of the authorised original Command Team papers.

Please Note.

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UPTO DATE VERSION OF ANY POLICY, GUIDANCE or FORCE DIRECTIVE – ORDER, CAN BE FOUND ON THE INTRANET A to Z POLICIES SITE.

Force Diversity Vision Statement and Values

“Eliminate unlawful discrimination, harassment and victimisation. Advance equality of opportunity and foster good relations by embedding a culture of equality and respect that puts all of our communities, staff and officers at the heart of everything we do. Working together as one we will strive to make a difference to our service delivery by mainstreaming our organisational values”

“All members of the public and communities we serve, all police officers, special constables and police staff members shall receive equal and fair treatment regardless of, age, disability, sex, race, gender reassignment, religion/belief, sexual orientation, marriage/civil partnership and pregnancy/maternity. If you consider this policy could be improved for any of these groups please raise with the author of the policy without delay.”

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Introduction

The Firearms Licensing for Staffordshire and West Midlands Police will endeavour to provide a consistent service in line with the Home Office and the Association of Chief Police Officers (ACPO) Guidance on Firearms Law.

This policy sets out procedures required specifically for the Firearms Licensing Unit (FLU) to function alongside other policing areas within both force areas, and in situations where there is requirement for bespoke local delivery of Firearms Licensing.

The following areas are covered within this policy document:

1. Seizure of licensed firearms
2. Referral of certificate holders connected with domestic violence
3. Security requirements for certificate holders
4. Guidance to property officers on the release of licensed firearms
5. Delivery of 'all lawful quarry' condition for firearms certificate holders

1.0 Seizures of licensed weapons

Are categorised into 2 sections:

- The requirement to seize when there is a clear and identified risk to public safety and the peace due to a specific concern related to a certificate holder or the arrest of a certificate holder.
- The requirement to seize when a certificate holder is in breach of the conditions of his or her license(s).

3 solutions to seizing in these circumstances will be implemented are as follows:

- A **spontaneous seizure** of licensed firearms and ammunition immediately
- A **planned seizure** of licensed firearms and ammunition
- A **routine seizure** of licensed firearms and ammunition where there is no identified risk to the public and the peace

(In all cases the seizure of ammunition will only apply to section 1 firearms)

1.1 Spontaneous seizure of licensed firearms and ammunition immediately:

- All seizures of licensed firearm and ammunition from a certificate holder following a complaint or disclosure from a member of public, which places a question mark against that individual being a fit and proper person to legally hold a firearm, will be undertaken by an appropriate Police Officer resource. **Domestic violence committed by any certificate holder will be a trigger for the consideration of automatic seizure of any firearms, ammunition and certificate(s).**
- The Firearms Incident Manager (FIM: West Midlands Police) or Duty Officer (DO: Staffordshire) will require either an ARV crew or unarmed police officer (dependent upon risk) to attend the address to assist and/or seize before

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making the weapon safe at the site (if the police officer is unarmed an ARV crew will attend to make the weapon safe).

- The unarmed officer will then be responsible for transporting and booking the firearm(s), ammunition and certificate into property and informing Firearms Licensing of the incident* via an emailed report or a hyperlink on the website.
- Firearms Licensing will then take full responsibility for the suitability review and the potential return of property, warning or revocation thereafter.

1.2 **Planned seizure** of licensed firearms and ammunition:

When there is a need to seize licensed firearm(s), ammunition and certificate(s) following a disclosure(s) to Firearms Licensing regarding; medical issues, arrest, charge and/or conviction the duty FIM or DO will be contacted by Firearms Licensing to allocate

- Appropriate resources dependent on the circumstances to assist with the seizure and to prevent a breach of the peace.
- The resource will arrange to visit the address with the Firearms Licensing Enquiry Officer (FEO) at the address and assist with the seizure of the weapon(s), ammunition and certificate(s).
- The weapon(s) will be made safe at the address.
- The FEO will then be responsible for transporting and booking the firearms(s), ammunition and certificate into property.
- Firearms Licensing will then take full responsibility for the suitability review and the potential return of property, warning or revocation thereafter.

1.3 **Routine seizure**; of licensed firearms and ammunition:

Where there is **no identified risk** to the public and the peace: this may involve the license holder being in breach of their license or identified low level concerns regarding the certificate holder's suitability.

The Firearms & Explosives Licensing Manger or Senior FEO can authorise a FEO to seize the weapons, ammunition and certificate as part of a suitability review.

2.0 **Domestic violence seizure policy**

2.1 The policy will endeavour to implement the guidance on Domestic Violence within Chapter 12 of the Home Guidance on Firearms Law (2013 amendment).

2.2 Clear lines of communication will be made between Firearms & Licensing and:

- Public Protection Unit (PPU) – West Midlands Police
- Multi-Agency Safeguarding Hub (MASH) – Staffordshire Police

2.3 Where certificate holders come to notice in connection with domestic violence, a formal suitability review will be completed by firearms licensing in consultation with either the PPU or the MASH (to ensure it is undertaken whilst controlling any potential risk there maybe to the injured party).

2.4 The seizure of licensed firearms, ammunition and certificate(s) in connection with domestic violence in accordance with the procedures set out in [Spontaneous seizure](#); will reduce the risk of a certificate holder using firearms for criminal purposes.

2.5 Firearms licensing will play an active role when required within the Multi-Agency Risk Assessment Conference (MARAC) process when a certificate holder's is involved via:

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- Attendance at MARAC
- Issuing of reports to assist the MARAC review
- Verbal update(s) to the OIC dealing with the MARAC review

2.6 The PPU and MASH will endeavour to use the same (small) set of officers to deal with cases concerning firearms licensing. This requirement is to enhance consistency, quality of consultation and to increase the firearms law and appeal process knowledge base of the PPU and MASH officers dealing.

3.0 Security arrangements

3.1 Guidance in respects of security for Section 1 Firearms and ammunition, and Section 2 Shotguns can be found on the Home Office website at

- www.homeoffice.gov.uk, Firearms Security Handbook 2005, Firearms Security – A Brief Guide, Firearms Law
- Guidance to the Police alongside help and advice on the collaborated firearms licensing website (www.staffordshirepolice.gov.uk - @ info and advice and then Firearms Licensing.

3.2 The responsibility for the security of Shotguns, Firearms and Ammunition lies with the certificate holder, in consultation and negotiation with the FEO

3.3 The certificate holders are required to establish and maintain an agreed method of weapon / ammunition storage, based upon:

- the number of weapons
- the type of weapons
- the applicant's profile
- the premises
- the storage location
- the storage type*

**The method of security MAY range from a single gun clamp secured to the fabric of a building to a purpose built, alarmed steel lined gun room.*

4.0 Grant of certificates

From the 1st October 2013 individuals being granted certificates will be advised by the FEO regarding the Staffordshire and West Midlands policy on security when:

- The amount of firearms exceed 3
- The amount of shotguns exceed 4
- Any Section 5 weapons are authorised

Any of these 3 elements trigger negotiation with the FEO who may insist upon the introduction of one or more of the following:

- Monitored alarm for the premises
- Audible alarm for the premises
- Improved storage (i.e. purchase of larger/higher specification cabinet)
- Bespoke storage room
- Bespoke storage room with a monitored alarm

The recommendation of the FEO will be dependent upon an assessment of each individual case and will endeavour to retain consistency through the policy and all appropriate guidance.

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Certificate holders who wish to challenge a decision ascertaining to the security specification should outline their concerns in writing to the **Firearms & Explosives Licensing Manager**.

5.0 Renewal

5.1 It is accepted that certificate holders have historically been given inconsistent guidance and advice on what is and is not acceptable for the security of a large amount of firearms and shotguns, and/or a specific type of weapons (with regards to a section 5 firearms, a high calibre or a highly valuable firearm). As a result of this, within Staffordshire and West Midlands we will continue to renew on current agreements with certificate holders, unless an unacceptable level of risk is identified.

6.0 Guidance to police personnel

6.1 Release of firearms from store

Before releasing any weapon "firearm" from the property store, the decision to release must have been confirmed by email or an appropriate entry note on the property system by the case Officer, Firearms Licensing Unit or other authorised person.

Weapons fall into 4 main categories:

- **Air weapons** pistols and rifles under 6 & 12 ft/lbs, respectively (No license required) normally in either .177 or .22 calibres
- **Firearms** (Section 1): Rifles pistols and certain shotguns (able to load more than 3 cartridges). Calibre range from .17 HMR (Hornaday Magnum Rim fire) to .762mm calibres
- **Shotguns** (section 2): Smooth bored/ single or double barrelled. Gauges: 410, 20, 12 etc.
- **Section 5** Firearms, prohibited weapons, hand guns etc.

7.0 Release of air weapons

7.1 Un-licensed air rifles and pistols can be returned to the owner or any person nominated by them. That person should produce photo ID and be over 18 years of age. The method used to identify the recipient should be recorded on the property system (this is not a legal requirement but would be seen as best practice).

8.0 Release of firearms and ammunition

8.1 Persons able to collect firearms will be either:

- The owner
- Nominated person
- Registered Firearms Dealer (RFD)

The owner and nominated person must produce a valid firearms or shotgun certificate; RFDs will produce a Certificate of Registration as a Firearms Dealer.

8.2 Owner:

Section 1 Firearms: possessed by the owner can be found computer printed on the back of page 1 under section 1 and hand written on page 2, Table 1 Firearms. If the weapons for return on the certificate correspond, they can be returned to the owner. The Firearms Licensing Unit must be notified as above. Ammunition should correspond to the details contained on back of page 1 under section 2 Ammunition. The number of bullets returned should not be greater than "authorised to be possessed" in section 2(1)

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NOTE - Authorised sound moderators MUST be specified and listed separately. Ammunition must concur with the authority to possess and not exceed the maximum authorised, and ammunition transferred must be entered on the back of page 2 table 2 ammunition (detailed signed and dated by the Officer / Member of Police Staff).

Shotguns: The owner and nominated person must produce a valid shotgun certificate; RFDs will produce a Certificate of Registration as a Firearms Dealer. Details of shotguns possessed can be found computer printed on page 1 or hand written in Table 2 of the certificate. If the weapons for return and the certificate correspond they can be returned to the owner. The FLU must be notified in writing that this transfer/ transaction has taken place (copy property return document' or email)

Section 5 Firearms: On production of a valid Certificate of Registration they can be handed over and the FLU must be notified. There is no restriction on the type or amount of ammunition that can be handed to an RFD.

The owner and nominated person must produce a valid firearms certificate and will produce a Certificate of Registration as a Firearms Dealer **and** a Section 5 Authority issues by the Home Office

8.2 Nominated person

Section 1 Firearm: The only circumstances where firearms can be transferred to a "nominated person" are in instances where that person has been granted authority to acquire the specific weapon(s) (calibre and type). Details of the authority to acquire can be found on the back of page 1 section 1 (II). If the authority is present the firearms can be transferred. The specific details of the transfer must be entered on page 2 table 1 Firearms.

NOTE; - Authorised Sound moderators MUST be specified and listed separately. Ammunition must concur with the authority to possess and not exceed the maximum authorised, and ammunition transferred must be entered on the back of page 2 table 2 ammunition (detailed signed and dated by the Officer / Member of Police Staff).

Shotguns: On production of a valid shotgun certificate, it will be necessary for the Property Officer to record the transfer/ transaction in table 2 of the "nominated Person's" certificate. It is essential that the entry is accurate in respect of

- Date.
- Given.
- Description of shotgun.
- Officer / Member of Police Staff's details.
- Chief Constable.
- Signed and dated by the Officer / Member of Police Staff

**The FLU must be notified as above*

Section 5 Firearms: On production of a valid Certificate of Registration they can be handed over and the FLU must be notified. There is no restriction on the type or amount of ammunition that can be handed to an RFD.

The owner and nominated person must produce a valid firearms certificate and will produce a Certificate of Registration as a Firearms Dealer **and** a Section 5 Authority issues by the Home Office.

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8.3 Registered firearms dealer (RFD)

Section 1 Firearms: On production of a valid Certificate of Registration they can be handed over and the FLU must be notified. There is no restriction on the type or amount of ammunition that can be handed to an RFD

Shotguns: On production of a valid Certificate of Registration they can be handed over and the FLU must be notified. There is no restriction on the type or amount of ammunition that can be handed to an RFD

Section 5 Firearms: On production of a valid Certificate of Registration they can be handed over and the FLU must be notified. There is no restriction on the type or amount of ammunition that can be handed to an RFD.

The owner and nominated person must produce a valid firearms certificate and will produce a Certificate of Registration as a Firearms Dealer **and** a Section 5 Authority issued by the Home Office.

9.0 Approved sites

It is accepted that there are some sites that we do not wish the certificate holder to collect their firearms and ammunition from due to a city centre location, no parking, potential media at the entrance (for example Lloyd House, central Birmingham).

10.0 Any Other Lawful Quarry

The "Any Other Lawful Quarry" term is automatically included in all new, renewed and varied certificates for calibres up to and including 7.62mm calibre.

Certificates for larger calibre rifles will be conditioned for specific species based upon the applicant meeting the test of "good reason" for each quarry species.

11.0 Variations

All variations to firearms certificates will be delivered in accordance with paragraphs 10.63-10.67 (inclusive) of the Home Office Guidance on Firearms Law (October 2013). 'One for one' variations will be processed by the administration with no home visit enquiry. All other variations will be assessed by an enquiry officer via a telephone interview or home visit dependant on the nature of the variation.

12.0 Revocations and Cancellations

All revocations and cancellations will be processed in accordance with paragraphs 10.68-10.76(inclusive) of the Home Office Guidance on Firearms Law (October 2013).

13.0 Death of a Certificate Holder

When an officer is attending any premises following the death of a certificate holder, consideration must be given to leaving the weapon(s) and Section 2 ammunition safely and securely locked at the premises before seizing all the keys to the locked security and the certificates. Full details of the matter must then be sent to Firearms Licensing to allow the issue of a section 7 permit to the next of kin.

* All section one ammunition must be seized as it cannot be lawfully held on a section 7 permit.

14.0 Land Checks

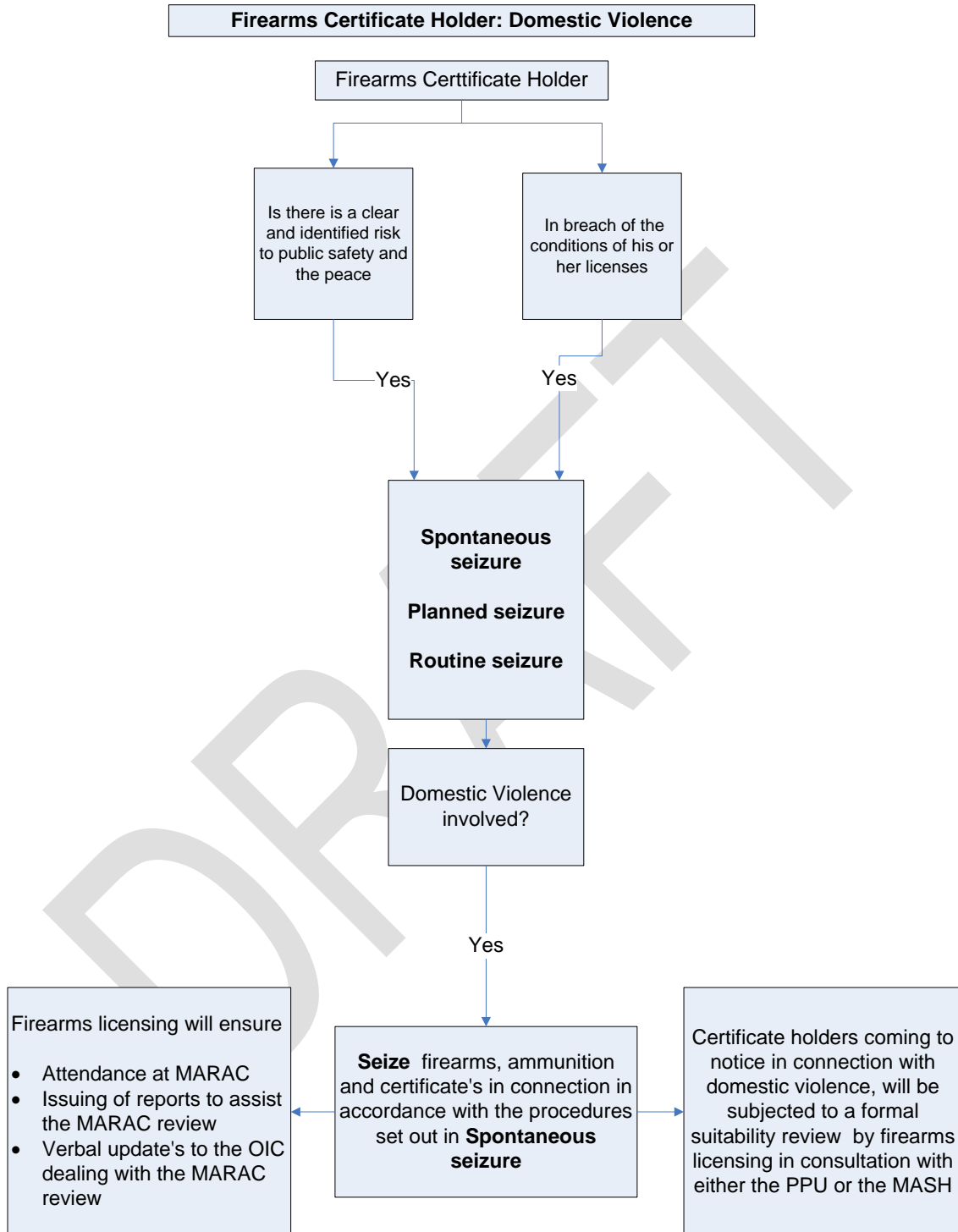
All authorised land will be checked by the police in accordance with chapter 13 of the Home Office Guide on Firearms Law (October 2013),If the police are informed of any significant changes to the land, or if the land is being used unsafely.

15.0 Version History

Version	Date	Reason for Change	Amended/Agreed by.

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Annex A



Annex B

