



Home Office

Rt Hon Chris Philp MP  
Minister of State for Crime, Policing  
and Fire

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Ian Arrow  
Senior Coroner for Plymouth, Torbay and South Devon  
HM Coroners Office  
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PL6 5QZ

29 June 2023

Dear Mr Arrow,

**INQUEST FOLLOWING THE DEATHS OF MAXINE DAVISON, LEE MARTYN,  
SOPHIE MARTYN, STEPHEN WASHINGTON AND KATE SHEPHERD IN  
KEYHAM ON 12 AUGUST 2021:  
REPORT TO PREVENT FUTURE DEATHS UNDER REGULATION 28 OF THE  
CORONERS (INVESTIGATIONS) REGULATIONS 2013**

I am writing to thank you for your Regulation 28 Reports which we received on 8 March and which followed the inquest into the deaths of those who were fatally shot by Jake Davison in Keyham, Plymouth, on 12 August 2021. I am very grateful to you for granting extensions to the deadline for the Government's formal response.

The Home Secretary and I are very grateful for your very detailed consideration of the controls relating to firearms licensing and for highlighting areas where changes may help to improve public safety. The impact of fatal shootings on the victims' families and friends, as well as the wider community, is devastating. It is right that we learn carefully from any such shooting incidents which occur to see whether and how we can strengthen the controls on access to firearms to try to prevent similar shootings happening in the future.

We have carefully considered your Regulation 28 Reports alongside the summary report published by the Independent Office for Police Conduct (IOPC), on 21 February, following its investigation into Devon and Cornwall Police's decision-making in relation to Jake Davison's possession of a shotgun and shotgun certificate. We have also been considering the report published by the Scottish Affairs Select Committee on 22 December 2022 following its review of firearms licensing regulation in Scotland. The Scottish Affairs Committee's inquiry was established following the fatal shooting of John MacKinnon on the Isle of Skye on 10 August 2022. Both of these reports cover similar ground to that addressed in your Regulation 28 Reports.

I provide an overview below of the Government's position in respect of the issues that you covered in your Regulation 28 Report for the Government. You will have seen today that we started a consultation for eight weeks on the recommendations made to the Government in your reports and those by the IOPC and Scottish Affairs Committee. I enclose a copy of the Government's consultation paper which was published today.

The consultation is to invite responses to the recommendations that have been made and on which we are consulting. However, if we decide that new legislation is necessary in response to any of the recommendations, we will bring forward a further consultation on the specific Government proposals on legislation, accompanied by assessments of the impact of those changes on all those potentially affected.

I now turn to the specific issues you raised.

#### *Legislative presumption in favour of grant*

We have noted your concern that the words 'shall be granted' in sections 27 and 28 of the Firearms Act 1968 may create a presumption in favour of grant, and that this should be reversed in future legislation. We have carefully considered the point you raised, but we have decided not to progress this particular recommendation as we do not agree with your interpretation of these specific provisions. Sections 27 and 28 are drafted to support consistency in police decision-making and give certainty to the applicant. Specific criteria must be met in order for a shotgun or firearm certificate to be granted, including the applicant meeting the required suitability checks to the satisfaction of the police. This supports public safety and the need for the applicant to only be granted a firearms or shotgun certificate if the police judge that person as fit to have a firearm.

#### *Aligning shotguns and firearms controls*

You were concerned that the criteria for issuing shotgun certificates are less stringent than those for 'section 1' firearm certificates and that they should be brought into alignment so that shotguns are subject to the same controls as firearms. Public safety is our priority, but the measures to manage the risk to public safety must be proportionate and balanced with the fact that the vast majority of licensed firearms holders are law abiding and cause no concern. It is for this reason that the Government has decided not to proceed with the recommendations made to align shotgun and firearms legislation. Shotguns are already subject to significant controls on their use and they are important in helping farmers control vermin on their land and in rural pursuits. We will keep this under review, but we are concerned that additional controls on shotguns are unnecessary and would have a negative impact on their legitimate use.

#### *Power of entry to seize firearms*

You were concerned that the police require a magistrate or sheriff's warrant prior to entering premises to seize licensed firearms which creates a potential public safety risk. We are therefore consulting on whether the police should be granted a specific power of entry, without a warrant issued by a magistrate or sheriff, to be able to seize shotguns, firearms and ammunition where there is a risk to public

safety or the peace and the certificate holder does not cooperate with the police and agree to voluntary surrender.

### *Mandatory prohibition*

You said the thresholds for prohibition of possession of firearms, provided by section 21 of the Firearms Act 1968, are outdated and should now relate to risk rather than length of custodial sentence on conviction. We are therefore consulting on whether the law should be amended accordingly.

### *Statutory Guidance to the police – balance of probabilities*

The Statutory Guidance for Chief Officers of Police came into effect on 1 November 2021 and was updated and re-issued on 14 February 2023.

You questioned whether its requirement that the police use a balance of probabilities test when assessing applications was the right approach. You considered that the Statutory Guidance does not clearly reflect that the issue of risk and suitability to hold a certificate should be based on the totality of the risk information available to the Chief Constable or Court, applying appropriate weight to that information on a case-by-case basis, and without a requirement that the facts need to be proven on the balance of probabilities. We are considering this matter carefully and this includes consulting on this issue. Following this, if we conclude that the Statutory Guidance needs to be changed on this issue, we will move to give effect to such a change.

### *Referees*

We have noted the concerns you raised about the system of referees in support of shotgun and firearms applications. We are therefore consulting on the changes that have been recommended to us in respect of the current arrangements on referees. This includes seeking views on whether two, rather than one, referees should be required as part of the shotgun certificate application process, whether the application form should include a checklist for referees on the information that they should provide to the police, and whether referees should be required to provide a written declaration that they have disclosed all relevant facts to the police. The consultation will also seek views on whether there should be more detailed guidance for the police in the Statutory Guidance about the information they should be looking to elicit from referees. Following this consultation, and in light of the responses received, we will give further consideration to making changes to the Firearms Rules 1998 and to the Statutory Guidance in line with the recommendations made.

### *Firearms Licensing fees*

We have noted your view that the firearms licensing process should be self-funding to ensure that police force firearms licensing units are properly resourced. The level of fees charged by police forces for firearms licensing is currently being reviewed. Work on this started in April 2022, and this has included an extensive data collection exercise held in 31 police forces across England, Wales and Scotland, in January this year, in order to collect data on costs and the time spent on licensing related activities by police forces. This work will inform proposals for new fees

which, in line with HM Treasury guidance, should enable full-cost recovery for the police. The intention is to consult on proposed new fees this Summer and to introduce a new set of fees by Statutory Instrument later in 2023.

### *Medical checks*

You looked at the system for medical checks for firearms applicants and the use of the firearms reminder code. There has been significant strengthening of the medical checks for firearms licensing in the past couple of years, including making it a requirement for all applicants to provide relevant medical information to the police, and the development and introduction of a new digital firearms marker to ensure that the police are notified by the GP if there is a concerning deterioration in the certificate holder's physical or mental health at any point after the grant of the certificate. We understand the point you made about the value of placing a firearms marker on all medical records within a unified records system, to ensure that the police are notified if a certificate holder begins to suffer from a relevant medical condition or a relevant medical condition worsens significantly and the individual is in contact with health professionals other than his or her GP. The Home Office is working with the Department of Health and Social Care, NHS England and medical representative bodies to ensure that the medical checks system operates as effectively as possible and can continue to be improved when necessary. We will therefore consider with the Department of Health and Social Care and NHS England how your concern about the visibility of the digital marker across all health service providers might be addressed. We will seek to develop any new solutions that may be required as quickly as is practicable in consultation, as necessary, with relevant medical representative bodies.

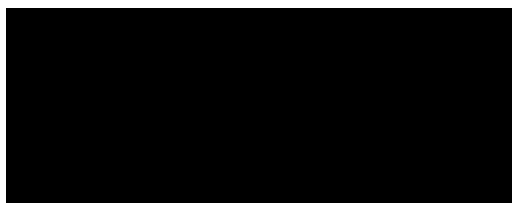
### *Training for firearms licensing staff*

We have noted your concerns about the lack of accredited training for firearms licensing staff and a mandatory requirement to undertake necessary training. The provision of police training is primarily a matter for the College of Policing and police forces, and a programme of work is already being taken forward since 2022 by the College and the National Police Chiefs Council to develop the required training package. The Government accepts the need for such a training package, and today I was pleased to announce that funding of £500,000 to the College of Policing has been made by the Home Office specifically to ensure this training is taken forward and adopted by police forces. The training will be reinforced and supported by the refresh of the relevant Authorised Professional Practice by the College of Policing, which was the subject of a consultation from January to March 2023. The finalised Authorised Professional Practice will in due course sit alongside the Statutory Guidance to provide support and guidance. In consultation with the College and the National Police Chief Council, we will determine how best to mandate and require firearms licensing staff to undertake the new national accredited training programme when it is finalised.

Once again, I would like to thank you for your reports, and I hope that this letter, and the accompanying consultation paper provides assurance that the Government is taking the action necessary to strengthen firearms licensing arrangements.

I will write to you again later this year to update you on the work that is being done.

Yours sincerely,



**Rt Hon Chris Philp MP**  
**Minister of State for Crime, Policing and Fire**