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By email:

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3 October 2024

Dear Mr Travers

**The Inquests Touching the Deaths of Emma, Ellette and George Pattison
NPCC National Lead on Firearms Licensing – Response to the Coroner's Regulation 28 Report –
Action to Prevent Future Deaths.**

I have very recently taken over as NPCC Lead for Firearms Licensing upon the retirement of former Chief Constable [REDACTED] last week. I have carefully considered the content of the Regulation 28 Report from the Coroner in the above Inquest and have liaised with colleagues in both the College of Policing (CoP) and the Home Office (HO) who are responsible for legislation and guidance in this critically important area of policing.

I note that, as NPCC Lead, I am asked to consider the following specific matters of concern:

1. An applicant for a shotgun certificate is able to obtain medication from an on-line doctor without the knowledge of their GP, giving rise to a risk that a licensing authority might grant a shotgun certificate to an applicant who has a relevant previous medical history about which the authority is not aware.
2. In consulting an on-line doctor, it is possible for an applicant for a shotgun certificate to avoid the current safeguards relating to full disclosure of their previous and current medical history.
3. Consideration should be given as to how a licensing authority can obtain full and accurate disclosure of an applicant's history of coercive controlling behaviour towards another / others.

Following the shootings in Keyham, Plymouth in 2021, the NPCC, CoP and HO have worked to significantly revise and reform the statutory guidance around firearms licensing and the nature and extent of checks which are made on both applications for a grant or renewal of a firearms licence. In particular;

- Firearms Enquiry Officers

Substantial changes are being introduced around training and accreditation of Firearms Enquiry Officers (FEOs) (who, in most cases provide the report to decision makers assessing the applicant's circumstances and comment on suitability following appropriate conversations and visits).

A new National Firearms Enquiry Officer's Course has now been designed and developed and will commence its first delivery in November 2024 to forces in Northeast England. This is an intensive programme consisting of pre-learn reading package, and which includes a variety of new training videos. FEOs will then attend a five day 'in person' course, which has formal testing scenarios to cross check knowledge and understanding. Following this the FEOs will attend mandatory online training sessions where certain subjects will be discussed in more detail especially around domestic abuse and family turmoil together with mental health and wellbeing. FEOs will then be required to complete a portfolio involving internal assessments, CoP and external moderation to ensure that learning and best practice are embedded in their day-to-day activities and enquiries.

We are also introducing a new FEO Report Form for national use which will require more comprehensive detailing of enquiries undertaken, information received (from in person interviews, police systems and wider investigations deemed appropriate on each individual application) and the rationale for their view on suitability. It is intended that this will act both as a prompt to FEOs to ensure all aspects of suitability are properly considered and also build on the increasing focus in more recent versions of the HO guidance around the importance of exercising professional curiosity in all cases.

- Medical Declaration and GP Report

Changes have been made to the medical declaration required from an applicant and the requirement for a specific GP report has been introduced – no licence is now considered without the opinion of the applicant's GP as to any relevant medical concerns or other medical issues which could affect an applicant's suitability to possess a licence.

Where an application or their GP disclose any instances of anxiety or depression (or similar) we would expect Firearms Licensing teams to exercise professional curiosity and interview applicants, family and friends and to follow up with the GP or other medical professional/specialist to enable any risks to their suitability to hold a licence to be properly assessed. It is also possible within the licensing framework to accommodate bespoke conditions to address an applicant's medical pathway if required.

There has already been a significant improvement in the medical information available to Firearms Licensing teams through the introduction of the mandatory GP report or medical report from a third party medical provider on application. However, it remains the case that where an applicant deliberately withholds relevant information – not only from the Firearms Licensing team but from their own GP – there is little that police forces can do in many cases to address deliberate dishonesty, save for revoking a licence (which is made clear on the application form and within the HO guidance).

Dealing specifically with the Matters of Concern raised in the PFD Report:

1 & 2 – Online GPs

It is, of course, outside the role and remit of policing to regulate or manage the health sector; this would be a matter for the Department of Health and Social Care and we understand that our HO colleagues are working with their counterparts in the DHSC to progress this issue. As the NPCC Lead, I would welcome any positive moves that are possible to regulate online GPs/prescriptions and require any relevant information to be passed to the GP with whom the individual is registered, so that it is accessible to Firearms Licensing Units when required, to enable a fuller picture to be available to support risk assessments and suitability assessments on applications for grant or renewal of firearms licensing. Exactly the same concerns arise where applicants use private GPs or consultants (outside of a GP referral) which may also remain unknown to firearms licensing teams.

I understand that the HO is intending to amend the firearms application form so that the applicant must provide details if they have consulted an online or third party/private doctor, enabling further enquiries to be made. It is hoped that there will be provisions for the police to require the applicant to provide a completed medical proforma from this doctor regarding any relevant conditions. Again, this is a step which the NPCC would support.

3 – Applicant's history of coercive controlling behaviour

On both initial grant applications and on renewal, checks are already required to be made on Police National Computer (PNC), the Police National Database (PND) and local policing records. This would disclose to Firearms Licensing teams any convictions, cautions, intelligence or pending matters/investigations.

The Statutory Guidance for Chief Officers of Police on Firearms Licensing (2023) at paragraph 2.4 states (our emphasis added) –

*“All applicants should be checked against the **widest relevant databases** to gather conviction, intelligence and counter terrorism data.”*

Guidance sets out detailed considerations for suitability assessments including, at paragraph 2.52 and onwards:

Additional checks

2.52 Chief officers should carry out additional, non-routine, checks if, following the initial enquiries above, they believe them to be necessary to assess suitability fully.

2.53 These checks may include, but are not limited to:

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

(ii) checks with other licensing or regulatory bodies or Government enforcement agencies;

(iii) a drug or alcohol test;

(iv) credit or other financial checks;

(v) information obtained from open source social media;

(v) interviews with individuals other than the applicant or their referees, for example, partners or representatives of shooting clubs attended by the applicant;

(vi) background checks on partners or other individuals living at, or with unsupervised access to, the applicant's address; and

(vii) checks where there is an indication of domestic abuse, as set out in paragraphs 2.54 – 2.59.

It is expected that FEOs speak with the applicant and, where relevant, family members and friends and others. In cases of suspected controlling and coercive behaviour, additional safeguards are found in the Controlling or coercive behaviour Statutory Guidance Framework at paragraph 51:

“In all domestic abuse cases, if firearms are held by the perpetrator or are in the home, the local police Firearms Licensing Team should be notified so that they can consider seizing the firearms or revoking any licence that the perpetrator holds. It is also important in terms of risk mitigation and intelligence to ensure officers attending future calls have this information. The [Firearms Licensing Statutory Guidance](#) for police was published in February 2023 and contains further information about firearms licensing in respect of cases involving domestic abuse”.

Conclusion

It is my view that improvements have definitely been made over the past couple of years in respect of the extent of enquiries and evidence gathering to fully inform suitability assessments in applications for firearms licensing. There is, in my opinion, much better joint working between NPCC, CoP and HO to expand the requirements around suitability assessments, medical disclosures, the expectation for professional curiosity to be displayed by all those involved in the licensing process and the introduction of a thorough and accredited national training programme for FEOs.

However, as the NPCC (working with the College of Policing) we remain of the view that there is more to do and that changes are still necessary to further improve the ability of the police to properly risk assess an applicant's suitability to hold a firearms licence:

- Mandatory mental health markers on GP files to prompt pro-active disclosures by GPs for licence holders where matters of potential concerns to public safety/suitability are raised.
- Neurodiversity must be added to the medical declaration on application for a firearms licence, to enable the police to seek specific medical opinion of the impact of that upon the particular applicant.
- Regulation of Online GP services and the introduction of a requirement upon those GPs working online to report to the registered GP any relevant information/disclosures/medications prescribed for inclusion on medical records.
- HO to proceed with implementation of the outcomes from their August 23 consultation, in particular we would welcome early implementation of
 - Mandatory requirements for GPs to support the licensing process and complete the medical proformas on every application,
 - Police being granted powers to enter properties to seize firearms for the purpose of reassessing suitability of licence holders,
 - A statutory prohibition on applying for a licence for 5 years for anyone who has been sentenced to serve 0-3 years in prison, including suspended sentences.
- More serious potential sanctions upon applicants who deliberately withhold relevant information or are deliberately dishonest on application

There is already expectation that deliberate failure to disclose criminal history or relevant medical evidence should lead to a refusal. The Statutory Guidance sets out that in the case of deliberately withholding relevant information, applicants should expect to be refused a licence:

3.30 In addition to the most serious factors above, evidence, on the balance of probabilities, of any of the following, although not exhaustive, will tend to demonstrate a potential danger to public safety or to the peace:

..... (iii) deliberate failure to declare relevant convictions or medical conditions, regardless of whether the certificate would have been refused if the appropriate declaration had been made;

However, given the potential consequences of dishonesty leading to firearms being held (lawfully) by those who are not safe to do so without causing a potential danger to public safety – as in this case – it must be arguable that stronger sanctions should be available for those who act in this manner and seek to obtain a licence when they are fully aware that, due to current health conditions, they should not be permitted to do so.

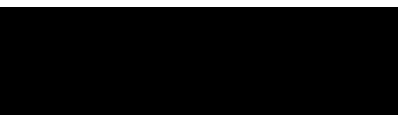
The difficulties posed by this case however appear difficult to legislate against;

- There were no records held of the licence holder's more recent mental health difficulties as he appears to have taken steps to deliberately by-pass his own GP, presumably recognising that obtaining medication via an online doctor would result in there be no traceable record of his illness.
- He has then lied on his application and medical declaration and failed to disclose relevant medical information.
- There do not appear to be any record of previous complaints or concerns being raised with police in respect of controlling or coercive behaviour. The licence holder's wife was apparently interviewed in respect of the licence application and raised no concerns. Systems checks did not disclose any prior reporting – save for a single incident prior to the previous renewal process, where the licence holder was the complainant.

Moving forward, national FEO training will further encourage positive engagement with the applicant and their family/others in their household. FEOs will be expected to ascertain the “domestic health and wellbeing” of the applicant on both initial grant and any renewal. We are hopeful that revised statutory guidance will require interviews and wider engagement with families and FEOs will be required to cover these matters on the new FEO report on suitability. We are also looking to introduce the right to draw adverse inference if an applicant is evasive about family/previous partners and so on.

As a police service, we will continue to engage with partners to improve upon partnership working and inter-agency information-sharing to ensure that those charged with determining firearms licensing applications have as much relevant information as possible to assess an applicant's suitability to hold a firearms licence in the context of ensuring public safety.

Yours sincerely



Deputy Chief Constable 
NPCC LEAD FOR FIREARMS LICENSING