Dear Sir/Madam

Air Weapons and Licensing (Scotland) Bill

The Scottish Police Federation are supportive of the need for stricter control of Air Weapon use and ownership in Scotland and after reviewing the Bill, the Policy Memo, Explanatory Notes and the Delegated Powers Memorandum we make the following observations, which are limited to the section relating to the licensing of air weapons as this area causes us some concern.

The Bill will introduce a system of licensing for air weapons in Scotland using the existing definition of an air weapon from the Firearms Act 1968 and broadly follows the existing principles of the licensing regimes in place from that act for Shotguns and Firearms; it also creates several new offences.

It is accepted that approximately 500,000 air weapons are believed to be in circulation in Scotland and it is further accepted that many of these weapons will be unused or forgotten.

At this time some 60,000 firearm and shotgun certificate holders live in Scotland and are all licensed within the current licensing framework having passed the test of their suitability to possess the weapons which they are authorised to hold. Many of these certificate holders will also currently possess an air weapon, the Government estimate this could be in the region of 40,000 existing certificate holders. It is suggested, without evidence, that many of these already licensed shooters will actually currently possess more than one air weapon and therefore make up a considerable amount of the 500,000 weapons in circulation. (In paragraph 54 of Part 1 Air Weapons of the Explanatory note)

It can only roughly be estimated of the air weapons currently in circulation how many of these will ultimately be disposed of, destroyed or come within the scope of the licensing regime. Any suggested figures with regard to cost can only be viewed as a rough estimation and it is apparent that within the Explanatory notes document that all estimates have been kept low.
In paragraph 40 of Part 1 Air Weapons, in the Explanatory note, it states that the Police have much of the knowledge, infrastructure and experience required to set up and administer air weapon licensing already in place. It further indicates that this is true of established shooting organisation and members of the legitimate shooting community. The Police do have the knowledge and experience however the capacity of the infrastructure to deal with the increase in workload cannot be accurately estimated at this time. It is our belief that without additional resources the service will struggle to deal with this additional demand.

In paragraph 41 it states the Chief Constable shall be the licensing authority for air weapons, with day to day responsibility falling on firearms licensing officers and staff across Scotland.

In paragraph 61 it states that the current Licensing and Violence Reduction Division of Police Scotland has a well-established, trained and experienced team who operate the current licensing system. Whilst this may be true the capacity of this team to deal with an as yet unknown amount of additional work without significant disruption is at best doubtful.

- **Highly likely that the increase in work that will be generated for the officers working within the Licensing system could not be delivered without significant disruption as suggest.**

In paragraph 62 it lists the current staffing levels of the licensing service across Scotland, the figures quoted seem higher than our understanding of the current staffing profile for officers and police staff directly involved in Firearms Licensing alone, the figures quoted may represent staff in total within the Licensing and Violence Reduction Division. It also fails to take cognisance of more remote areas of Scotland where existing firearms licensing enquires are still dealt with by local police officers. For example N Division have very few staff directly involved in firearms licensing but have some 22% of the national workload of firearms licensing, with the majority of all current enquires going to operational police officers for enquiry.

- **More accurate staffing figures for the licensing service across Scotland are required, clearly identifying only those staff, whether police or support staff directly involved in firearms licensing.**

This paragraph further highlights the Government view that it does not believe there will be a need for significant additional staffing to process new applications but does accept there will be an impact in the first 12 – 24 months. Again it is hard to balance how any increase in the workload for this group of officers in the licensing service or for operational officers in the remote areas of Scotland can be achieved without an increase in staffing.

- **Seek clarification on the number of operational Police officers currently carrying out firearms enquiries across the country and the volume of enquiries they deal with.**
- **Seek clarity over the potential increase in staff necessary to facilitate the introduction of this licensing system.**

In paragraph 63 it indicates that training costs will be minimal for existing staff who are simply adding to their current knowledge. If additional staffing is required then clearly there will be a significant training cost. Some additional training will have also have to be included all operational officers who currently carry out licensing enquiries, it is unclear if this has been factored into any cost analysis.
• An assessment of the training implications for both the new system and more likely for additional staff.

In paragraph 64 it refers to the current ICT system used by Police Scotland, this is currently the SHOGUN IT system. It will soon be the system used by all licensing departments across the country. It states that Police Scotland have indicated the system will be capable of being built on to include air weapon certification within SHOGUN but this has only been confirmed in principle with the software developer. It goes on to indicate that no formal discussions have taken place with the company responsible for SHOGUN and it’s not possible to state with any certainty the development costs, but initial discussions indicate the costs would not be high. It is unclear what this assumption is based on. The current system is operating separately in each of the legacy Force areas that operate Shogun, until the national system is populated then we cannot even be sure of the systems capabilities to deal with 60,000 database entries. The number of new air weapon certificates cannot be quantified as yet, so the ability of an untested national system to increase its capacity remains unknown. The potential costs to develop the system with suitable software and storage could not be estimated until far more detailed and formal work was undertaken by Police Scotland and the developer.

• More detailed and accurate work is required to confirm the ICT system will have the capacity and functionality required along with clear costs. It is not clear if the current work has undergone tendering.

The creation of Air Weapon licensing will put thousands of people onto the Criminal History System (CHS) as a firearms holders and it is unclear if the cost of creating these records has been factored into the calculations on overall costs.

• Confirmation that certificate holder’s details will be added to the CHS system and the costs of this work.

In paragraph 66 it identifies that the main costs will fall on Police Scotland from the initial certification of air weapon holders. It highlights that it has been agreed that extensive background checks and home visits will be necessary in a very small proportion of cases. Without the ‘Guidance Document’ which is yet to be published, it is unclear what criteria will be used to gauge when checks or visits will be necessary. It would therefore be impossible to gauge what volume of work will be generated until the guidance is issued. Only once you are able to identify what is suitable security for an air weapon, what is suitable land, what background checks or other enquiries are necessary could it then be established what actual work will be required in processing an application.

Paragraph 67 indicates that on average a shotgun or firearms enquiry takes an enquiry officer 5 hours with a further 2 hours of admin work and states that the air weapon enquiry should be dealt with in much less time. It highlights there is agreement with Police Scotland that checks of a level such as “disclosure” checks would be appropriate in most cases with relatively few requiring significantly higher level background checks, there is no evidence of how this conclusion is reached and it would seem reasonable that any person with previous criminal convictions will require further checks or where any other doubts arise.

• The number of applications requiring a full enquiry cannot be accurately assessed until the criteria for these has been established.
Within a table at paragraph 69 it details 98% of applications require only 1.2 hours of work by an admin officer along with a set figure of £60 for the ‘disclosure’ style background checks. Of the remaining 2% that require the more detailed process, then 1.75 hours of enquiry officer time is allowed in addition to the admin time and background checks as previously listed. It then draws an average cost of £85.55 per application and provides some figures in paragraph 70 per 10,000 applications.

Again there is no clear evidence of where a figure of only 2% of applications requiring full enquiry is reached and without the guidance document then no assumptions should be made about when full enquiry will be necessary. In the example quoted for 10,000 applications it provides an estimated cost of £855,500. If the percentage of applications requiring full enquiry is increased to only 20% then the cost per 10,000 applications increases by £125,000.

This increase in cost is only calculated using the produced figures of allowing 1.75hrs for licensing enquiry but at present for current firearms enquires 5 hours is seen as the accepted amount of time. In our more remote areas then 5 hours will not be unusual for the length of time taken when including travelling. It would also be necessary when full and thorough enquiry is required into an application.

If 5 hours is used to calculate the cost of an enquiry then the costs increase from the suggested £153.65 per enquiry to £225.65 and if you use a figure of 20% requiring full enquiry then the cost per 10,000 enquiries increases to over a million to £1,124,500 an overall increase from the estimate by £269,000.

- **The time allocated for enquiry requires to be accurately assessed and costed.**

Compliance costs in paragraph 76 makes it clear that Police Scotland should not pursue unlicensed air weapons as a significant new priority but rather deal with the licensing and identify and seize unlicensed weapons as part of wider policing responsibility and as such no additional officers should be required as a consequence of this legislation. Once the offences created in the Bill are in statute then officers will have to deal with the weapons and the owners and users without certificate or in breach of the certificate conditions as offenders. This will undoubtedly increase workload it is however impossible to make an accurate assessment of by how much at this time.

The subsequent costs quoted in paragraph 77 with regard to the cost to submit a report regarding an offence and testing of the weapon again seem low both in terms of the time involved and financial cost.

- **The costs of the submission of an offence report and specialist weapon examination require proper and accurate detail.**

Disposals of weapons is covered in paragraph 80 and highlights that many old or unwanted air weapons will be handed into the police for disposal or destruction and that Police Scotland will securely hold these weapons and destroy them in line with the existing arrangements. This section also suggests that owners can dispose of them by selling on the air weapon but it is likely that the market for such weapons in Scotland will be limited with an oversupply affecting any resale value of second hand weapons. This may increase the number of weapons being surrendered to Police for destruction even though they have some value.

In paragraph 81 it continues that the current arrangements for the disposal and destruction of firearms is cost neutral, with the private company benefiting from any scrap value from the destroyed weapons.
Again within this section rough estimates have been placed on costs associated with the disposal of weapons and a figure of £30,000 placed over the first two years of the scheme. There is no apparent supporting information to indicate that work has been done with the private companies, who currently dispose of the weapons, in the first instance that they wish to take on the additional work and then costs based on estimated figures of disposals in a year. With potentially many thousands of weapons to be destroyed this will be a significant increase in work for these companies who may no longer be able to deliver this on a cost neutral basis.

It is our understanding that the number of companies who carry out this work for Police Scotland is very limited and only a small number of weapons annually go for destruction as a percentage of the current weapons legitimately held. The lead-in phase to air weapon licensing would see an amnesty period where weapons could be handed into police for destruction. This will involve officers from all over the country having to physically take possession of weapons, securely store them, arrange for safe transportation to central storage areas and then for onward transportation to the approved disposal agents. All of this will involve many officer hours, transport costs, admin costs and none of the additional costs to the Police appear to be factored into the suggested figure.

- Clarity required that the current disposal system will manage to deal with air weapons, that providers have been asked to provide tenders or bids for the work and what the costs will be.
- The actual costs to police for the additional work in dealing with the surrendered weapons, storage, transportation and admin have not been included.

The creation of new offences will lead to prosecution in the courts and paragraphs 84-89 cover the suggested costs of dealing with offenders through the courts. The estimated number of offences seems low and in this section there appear no cognisance taken of the additional police time that will be required following detection of an offence, the necessity to take offenders into custody and the subsequent reporting of offences to the Procurator Fiscal. All of this will take considerable Police time not to mention possible appearance at court for Trial later. This again creates additional costs which fall from this legislation and have not been clearly identified nor can they be accurately assessed at this time.

In Section 5, subsection (2) of the Bill with regard to the Grant or renewal of an air weapon certificate the Chief Constable may when considering an application from an existing firearm or shotgun certificate holder be satisfied that the applicant is therefore fit to be trusted with an air weapon and is not prohibited from possessing such a weapon. It does however further require him to meet the test of subsection (1) (c) and (d) that the applicant has good reason and can do so without danger to the public. As these applicants have individually undergone such scrutiny to hold their existing certificate to possess far more lethal weapons it would seem logical to simply extend the authority of the existing certificate in that such a certificate holder is exempt from holding an individual AWC.

In Section 38, it goes on to provide the Transitional arrangements for an existing firearm or shotgun certificate holder which allows them to use and possess an air weapon and to do so without committing an offence during the transitional period. This would allow some current certificate holders to possess and use an air weapon for up to five years without having the need to apply for an AWC. It could be argued that the process for an existing certificate holder to obtain an AWC would simply be bureaucratic and unnecessary if there is already an assumption the applicant will meet the criteria and be granted an AWC. If the current 60,000 Firearms and Shotgun certificate holders were removed from the AWC by means of exemption this will have an impact on reducing the number of applications to be dealt with and could be up to 40,000 individuals if based on Government estimates.
This could go some way to help with reducing the initial cost of introducing such a system.

- **Current firearm and shotgun certificate holders should be exemption from holding an air weapons certificate as long as they hold a current firearm or shotgun certificate.**

In Section 6 of the Bill it introduces that every AWC will have conditions attached and further creates an offence in subsection (4) of failing to comply with a condition attached to a certificate. It is likely that a significant amount of work may be created by holders failing to comply with conditions, be that in connection with the storage of weapons or their use. This creates an anomaly when a current shotgun certificate has no conditions relevant to the use of the shotgun but an AWC will have such conditions. There is potential for offences to be committed by a lack of understanding of the differences between conditions that will apply to an air weapon and similarly to a firearm but not to a shotgun. This is especially relevant when transitioning a shotgun certificate holder may possess and use an air weapon but may not have an understanding of the likely conditions they should be adhering to. There is potential for one standard generic condition such as the weapon should only be used in a safe manner an in accordance with the law at all times.

- **A review of the necessity for conditions to apply to each certificate holder, with only a simple generic condition applying to each certificate.**

It is envisaged that the AWC will be similar in style to the existing certificates but it is unclear if the certificate will bear the holders photograph and it does not appear to be a requirement that any weapons owned will be listed on the certificate, whilst it is understood that not all air weapons have serial numbers there does not seem to be a process of any form of notification of sale from AWC holder to similar holder. Only on the sale by a Firearms dealer to a place outside of Great Britain does the Chief Constable require to be advised. It is unclear how it will be recorded for example how many air weapons an individual possesses at any one time and details of persons to whom weapons have been disposed.

- **An understanding of how sales/transfers will be recorded and weapons be identified is required.**

In section 13 there is a requirement for visitors to apply for a visitors permit to allow them to use, possess, purchase or acquire an air weapon while in Scotland. It is unclear how many individuals travel to Scotland currently from within the United Kingdom with an air weapon to use in this country and while an existing system for visitors permits for foreign nationals visiting the country with firearms or shoguns is in place this has not been for residents from other parts of the UK.

With no such licensing of air weapons in England and Wales it remains likely that individuals will travel to Scotland with air weapons without knowledge of the restrictions that will be in place. A significant amount of publicity will be required in a hope of raising an awareness within the general population of this restriction. Clearly if visitors are detected without a visitors permit then they will have committed an offence and will have to be dealt with accordingly.

- **To avoid unnecessary offending a far reaching media campaign will be necessary not only in Scotland but the wider UK.**
There may be a similar opportunity for holders of firearm or shotgun certificates not resident in Scotland to be exempt from requiring a visitors permit if travelling to Scotland with an air weapon.

- **Consideration to be given to firearm and shotgun certificate holders from outwith Scotland being exempt from AWC.**

In section 18 it provides power for the Chief Constable to approve air weapon rifle clubs and further states that in section 21 if the club is already a club approved as a rifle club in terms of the Firearms Amendment Act that its approval can run concurrently with its rifle club status and in a similar fashion to a current firearm or shotgun certificate holder it has already passed a test of its suitability and such a club could be exempted from the need for further approval during the time its approval as a rifle club in terms of the Firearms Amendment act continues. This would again remove some bureaucracy and a further tier of licensing and administration.

- **Consideration be given to exempt existing approved rifle clubs from the necessity of air weapon rifle club approval.**

In section 31 it creates further offences of failing to take reasonable precautions for the safe custody of an air weapon and in 1 (b) failing to report immediately to the Chief Constable the loss or theft of an air weapon. This again creates an anomaly as a shotgun or firearm certificate holder has as a condition of the certificate to report the loss or theft of any weapon within 7 days. Clearly such a report should be made immediately or as soon as is reasonably practical but this section introduces a higher level of requirement for the lower level weapon which seems disproportionate.

- **The offence at section 31 (1) (b) be amended in line with the current provisions for firearms and shotgun and be reported within 7 days.**

As stated at the start of this response the SPF are supportive of the need for stricter control of air weapons however we are concerned that the capacity of existing staffing and IT systems will not be able to deal with this additional workload and may have an adverse effect on the arrangements for licensing of firearms and shotguns also dealt with by these staff.

Yours faithfully

Calum Steele
General Secretary