



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Firearms Licensing Fees and Miscellaneous
Amendments

31 May 2012

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Paul Givan (Chairperson)
Mr Raymond McCartney (Deputy Chairperson)
Mr Sydney Anderson
Mr Tom Elliott
Mr Alban Maginness
Ms Jennifer McCann
Mr Patsy McGlone
Mr Peter Weir

Witnesses:

Mr Nick Cochrane	Department of Finance and Personnel
Ms Joanne Breen	Department of Justice
Mr Robert Kidd	Department of Justice
Mr Simon Rogers	Department of Justice

The Chairperson: I welcome Mr Simon Rogers, deputy director of the protection and organised crime division in the Department of Justice (DOJ); Robert Kidd, head of firearms and explosives branch in the DOJ; Nick Cochrane, consultant in the delivery and innovation division, Department of Finance and Personnel (DFP); and Joanne Breen from the protection and organised crime division in the DOJ. This session will be reported by Hansard. Simon, I will hand over to you to go through your report, and then I am sure we will have questions.

Mr Simon Rogers (Department of Justice): Thank you for your introductions. Before giving an overview of the document, I would like to place on the record that Nick Cochrane from DFP's business consultancy service, who did the consultancy work for us, holds a firearms certificate and that Robert, who works in the division, used to hold a firearms certificate. I am not sure whether you will hold that against them, but I just wanted to put it on the record.

The consultation paper before the Committee today covers changes to firearms licensing fees and a few other areas concerning firearms licensing, particularly in respect of young shooters, but also the recognition of the European firearms passes.

The central item is fees, and I will touch on that first. We commissioned a report from the Department of Finance and Personnel's business consultancy service to try to help us to identify appropriate fees. As you will have seen from the paper, those fees have remained unchanged since 2004. At that time, with the police beginning a process of civilianisation of the firearms and explosives branch and introducing a new IT system, it was decided, in effect, simply to introduce GB rates and not to undertake a more wide-ranging review, which was put on hold. That was against a background now

where we look at the fees with a view to recovering full costs. As you will have seen, the current estimate is that the police are recovering, on average, around a third of their running costs in the unit.

The fee structure contained in the consultation document is based on the principal recommendation — option C — in Nick's report, which you have before you, and we can come back to that. The levels reflected in the report are, therefore, based on the time for activities in firearms and explosives branch, not on the existing costs as such. So Nick looked at the time for each activity and the grade of the staff for the tasks in firearms and explosives branch. The costs of the firearms enquiry officers who undertake visits, and so on, and do other duties that are set out in the papers are then added to that.

Since Nick's report, the police have civilianised all the police posts, and that has had an impact on the figures before you. Because of that, there has been a fairly significant reduction in the costs. There are also some reductions because of the approach that we are proposing, for example, on medicals for some applicants. Against that, there are some steps that the police were not previously taking that we think need to be in the process, such as visits in all cases for new grants, visits for a re-grant — if I can call it that — or a further grant, and following a change of address. From our calculation, the fee of £120 for an individual case would have been around £140 or more without some of those changes.

Another significant point is that, for individual applicants, we are proposing to move, in the consultation, from a grant fee, which is the current arrangement, to an application fee. At present, people who are refused, which is around 1.2% of all applicants, do not pay anything on the refusal, and our view is that that is not a fair way to run the system. It is not fair, for example, to share that cost across those who are successful, and therefore we propose to move to a non-refundable application fee. Again, we can expand on that. However, it is important to note that the introduction of that, if supported in the consultation, would be in two stages. In other words, we can change the fee under the current legislation, but primary legislation would be required to introduce an application arrangement.

The paper also highlights the major area of fees for firearm dealers, of which there are a little over 100 in Northern Ireland. The paper proposes a significant increase for them from £150 to nearly £700. We see that as necessary to secure full cost recovery in that area, and it reflects the level of work that is undertaken by the police to grant those certificates and process those cases.

The consultation document highlights a few other fee areas. We are proposing to add a fee for museum licence variations and for one-on/one-off, as there is no fee structure for that at present even though it has been introduced. Aside from that, the main areas in the paper are on the banded system, which would allow shooters and dealers to vary firearms within a specified band as opposed to, as is permitted now, the same type of firearm. As you will have seen from the paper, it is not a straightforward area, and we have asked consultees to reflect on a number of questions to help us to determine how we can come up with as flexible a system as possible while keeping in mind public safety aspects.

There are also consultation questions on the access of young shooters to firearms. That issue arose in some detail during the passage of the Justice Act (Northern Ireland) 2011, and the Minister undertook to consult on the matter. We are trying to identify a means whereby we can give greater access, but in appropriate circumstances. In other words, as you will see from the paper, we have reflected on age limits, suitable supervision, and experience of the supervisor.

The final area that I want to touch on is the European firearms pass. We are seeking to enable a copy of the original European firearms pass to be submitted to the police to enable holders to secure a visitor's firearm permit more easily. At present, the original has to be presented. That change has happened elsewhere, such as in England and Wales, and we think that it makes sense. The current arrangements create a lot of difficulty for firearms holders who have to hand in the original for a period of time. One approach to doing that is by a designation order under the powers in the European Communities Act, which would enable us to make the change through subordinate legislation. We wrote to the Committee separately about that yesterday, and we can expand on the technicality of it.

Finally, subject to the Committee's views, we propose to launch the consultation in June, with the usual 12-week period. We then hope to report back towards the end of the year. Certain fee amendments can then be made by statutory rules, which will come before the Committee. The other changes that I have outlined would require mostly primary legislation, and we will look to bring that forward, if approved, through the Justice Bill.

Mr Givan: Thank you, Simon. There are a number of points that I want to go through.

The first is a very quick technical one. The report talks about the fee for a variation certificate from the Chief Constable to substitute one firearm for another being increased from £10 to £12.50. However, the annex states that the fee would go up from £10 to £15. What is the correct figure?

Mr Simon Rogers: We will check that while you are asking another question.

The Chairperson: Paragraph 11.2 entitled, "Further proposals", states that a fee of £12 will be charged for the substitution of one firearm. However, annex A says the proposed fee is £15. Could you check to see which is correct?

On fees and the full cost recovery aspect, as far as I am aware the police in England and Wales have allocated a certain percentage of what is in the interests of the public for which the taxpayer should bear some cost. That ratio is 85% cost recovery to 15% where there is a wider public safety aspect. Therefore, they are not recommending that the Home Office goes for total full cost recovery. On that point, is there a wider public issue meaning that the taxpayer should bear some of the cost?

Mr Simon Rogers: It would be fair to say that England and Wales are watching our changes on that. They are looking at making changes as well, and we anticipate them looking to full cost recovery.

As far as the public safety element is concerned, we regard that as a necessary part of the process of having a firearms licensing regime. We could not have a regime without it, and therefore we think it is reasonable for the shooters or dealers to meet the cost of that within the regime. There are one or two exceptions to that. For example, ballistic testing, which evidently is purely a security issue, is not part of the fee structure, and the police meet the cost of that separately. However, the public safety element is integral to the process here and should be part of the cost structure.

The Chairperson: There are other activities that you could say should bear a 100% cost, but whereby the police will provide a service that is not at full cost, and may have no cost at all. So some are asking why this should be subject to full cost recovery.

There is a question mark over what it costs the police to do this work. From what I am told, turnaround times are improving, but there is no clear breakdown of the police cost and how effective the police are at doing it. Are we being asked to pay for an ineffective service? Before we see increases in the fees, there needs to be confidence that you are paying for an effective system. What work has been done to identify the police costs? Some are questioning whether there should be a full, proper and independent examination akin to what has happened across the water to identify those costs.

Mr Simon Rogers: Nick will answer come in on that in a moment. As his report highlights, in looking at this we put to him effectively that point: we wanted to ensure that the fees are supported by efficient, effective and value-for-money services and are, therefore, tenable. Nick might explain how he went about the process, which was not to take what is there at the minute and then uprate it — he took a more in-depth view.

Mr Nick Cochrane (Department of Finance and Personnel): It was indeed. In the first instance, for the majority of the waiting time, or the turnaround time that you referred to, Mr Chairman, there is nothing happening. The certificate is sitting on a shelf somewhere waiting to be processed. I was looking at what they actually had to do, and the timings that were taken forward into the costings were the times for actual processing, so you are not taking into account the dead time when the application is sitting on the shelf or moving from one office block to another. It was the actual process time that was involved in the costings.

The Chairperson: So, it was not from the day of submission?

Mr N Cochrane: It started from the day of submission, but from when they started to process it. It was from when they opened the envelope, and it included the activities that they undertook to enable them to issue a firearms certificate out the other end.

The Chairperson: Did you know what the timing was?

Mr N Cochrane: From personal experience, I knew that it was probably between 12 and 16 weeks, and in some cases it was more than that.

The Chairperson: What was the dead time?

Mr N Cochrane: The dead time is not something that I was particularly looking at because I was only interested in actual process time, but I would estimate that, of a 12-week period, an application probably spent the most part of 10 weeks sitting around with not an awful lot happening to it. I would add that a colleague of mine has been working with them on a whole systems approach to enable them to process applications much faster, and I have heard recently of one particular case of a colleague shooter who submitted his application for a further Garand on a Monday and had his certificate back on the Thursday.

The Chairperson: How many applications are they processing in a year?

Mr Simon Rogers: Around 20,000 of the various types.

The Chairperson: You can understand why people will question the increase in the fee from £50 to £120 and the increase in the dealers' fee from £150 to £697 if there is a very clear view that the police have not been doing a very good job in all of this and people are being asked to pay for a bureaucratic and ineffective system that has been very poorly run for a long period.

Mr Simon Rogers: We would say that the system has improved a lot recently. The police acknowledge the constant need to review it. Indeed, part of the consultation is to look at what measures we could put in place so that the public, if they are paying as customers for this service, know what the turnaround should be in the average case, so they know what to expect. The £120 is for five years, it is not for one year, and, broken down, that is £2 a month, so we do not think it is a huge fee. The firearm dealer fee is a much more substantial rate for a different purpose.

The Chairperson: For the firearm dealers, it is the cost of everything else. Maybe in isolation, people will say that £120 is not a lot, but when you buy your gun and all the rest of it, it all adds up. Take away the full cost recovery; I know it is an issue in planning, for example, where periodically they had a review and, boom: you had an increase in your fee of 20% or 30%. You are going for substantially more; I think it is 140% and 365%. In planning, I know, the previous Minister changed that system and has now pegged it to inflation, and every year it will go up incrementally, as opposed to having a significant one-off increase every five years or 10 years. So, in moving to this type of proposal, it seems that the people in this industry are being punished for, first, an ineffective system that costs a lot, and, secondly, because the Department has not reviewed this in quite a long period and now people are being asked to stump up. Although I may accept that there is a need to increase the fee, and maybe £120 is an appropriate level, with such a significant jump, maybe the Department should bear that cost and introduce some sort of incremental increase in the fee over a longer period.

Mr Simon Rogers: Certainly, that might be something people put to us in the consultation responses, if we get to that. Our view is that it has been under-resourced and underfunded for a period, and now we need to put that right. Shooters and dealers have known that we have been looking at this for some time. They have been anticipating increases and are aware that, in some areas, those will be substantial. We feel bound to go for full-cost recovery as the appropriate model. However, that comment is the sort of thing that the Minister will want to consider.

The Chairperson: Yes. I appreciate that this is the draft and we will get the final consultation. The broad thrust of this is that you have been working in conjunction with the industry's stakeholders, and they have been assured by the Minister that the banded system is not in jeopardy. That is not what this is about, but the question:

"Do you think the existing provision which allows a FAC to exchange one firearm for another of the same type and calibre is sufficient?"

suggests to me that you are questioning the banded system. Will you elaborate on the purpose of that question?

Mr Simon Rogers: We looked at the banding system at the Minister's request, and we have been working on it with, for example, the police, and a lot of difficult questions were raised about how a firearm falls within the banding. I will not get too technical, not least because I am not a technical expert. However, if a first-time firearm certificate applicant has a field big enough for a weapon at the

bottom of the band, where are we left if the police receive a one-off application from the same person for a firearm at the higher end of the band with stronger power than allowed for that field? We want to get satisfactory safety answers to such questions through this consultation. If we do, a banding system is certainly possible, but we need to sort out answers to questions such as that, which pop up when you get into the detail of banding across different areas of shooting, from a farmer to a target range etc. We need consultees, stakeholders, etc to answer those questions. If we get satisfactory answers that do not pose public safety concerns, banding is certainly open.

The Chairperson: Yes, but the question seems to run contrary to the spirit of the banded system.

Mr Robert Kidd (Department of Justice): The current system is, obviously, for one-on/one-off applications. To use a car analogy: it allows you to change your Ford Fiesta for another Ford Fiesta. Typically, a sports user with a 12 gauge, double-barrelled shotgun will change to a newer shotgun. That is a straightforward, one-on/one-off application for a gun of the same type and calibre. Our concern about the banding system is that, for the guns that fall into the smaller banding for rifles — from .22 calibre to .243 calibre — there is a significant difference in the muzzle velocity and effective range of those rifles. As Simon said, a farmer with permission to use a shotgun or rifle on his own land who changes from something at the bottom of the band to a gun near the top, significant safety issues may arise. He may be changing to a firearm with a potential muzzle velocity and range well beyond his own property.

The same applies to somebody shooting on a target range. Target ranges are normally approved by the PSNI for weapons up to a certain calibre and of a certain type. We have identified issues where someone has a target rifle for a range — indoors or outdoors. However, although permissible within the proposed banding system, were they to change to something at the higher end of that band, an issue may be created because that range may not have been approved for that type of firearm. We are not saying that there are issues; we are saying that there are certainly questions that have to be answered, one of which is whether the banding system needs to be broken down into further bands. That is why we would like the views of the shooting fraternity.

The Chairperson: OK. The applicant will have to bear the cost of medical reports. How much work will that generate? Is that required of everybody at present?

Mr N Cochrane: It is not something that is asked of everyone at present. When you complete your application for a firearms certificate, you are asked specifically whether you suffer from particular types of illness. Generally, these will tend to be mental illnesses, and you tick the box as appropriate. Currently, that application goes to the police firearms licensing branch, which will forward it to the doctor. You will have signed a declaration that you are happy for the police to contact your doctor and retain extracts from your medical records. The police will send off that application and pay for the medical. They are being charged anywhere between £50 and £150 by doctors for that.

The Chairperson: So, the same process will apply, but the applicant will —

Mr N Cochrane: This time, when you declare that you have one of these illnesses, it is up to you to provide that medical evidence in support of your application.

The Chairperson: So, will there be assurances that this will not lead to a situation where individuals will decide that, because they are not paying for them, they will have a lot more medical reports provided? The concern will be that, if the police no longer have to pay for it, they will ask a lot more people unnecessarily for medical reports.

Mr N Cochrane: I am not sure that I follow you.

The Chairperson: The police are paying for it currently, so they will look at an application and decide that they need a medical report, and they are bearing the cost. They will apply a pretty strong test to that. When they are no longer paying for it, they might say that they will ask for it anyway.

Mr N Cochrane: The proposal would be that, whenever you submit your application, you submit the medical report, which you have obtained from your doctor, with that.

The Chairperson: Let me get this right. Will everyone have to submit a medical report?

Mr N Cochrane: No, only those who tick the relevant box on the application form.

The Chairperson: Currently, if that box is ticked, do the police always ask for a medical report?

Mr N Cochrane: Yes.

The Chairperson: OK. I have another couple of points to make; I will soon be finished.

The age limit has been reduced to 12. Why not 10 years of age?

Mr Simon Rogers: We have had different views on what the age limit should be. We spoke to the police about this, and their preference is 12. Certain shooting organisations suggested 10 and others said 10 to 12. For the purpose of the consultation, we have put 12 in, because that seemed to be the most favoured option, including by the PSNI. We thought that was the appropriate starting point.

The Chairperson: Is it 10 in England and Wales?

Ms Joanne Breen (Department of Justice): There is no limit in England and Wales.

The Chairperson: OK. Is there guidance?

Ms Breen: There are supervisory requirements, similar to those that we would introduce, but there is no minimum age.

The Chairperson: OK. So, just because, at this stage, the question mentions 12, that does not necessarily rule out it being 10, if that were to be the agreed view.

There is a need for more clarity at paragraph 12.6 of the report. It refers to:

"a supervisory requirement by an experienced shooter (a person who is aged at least 21 years and has held a FAC for the firearm in question"

However, paragraph 12.3 refers to the "type of firearm in question". I take them to mean the same thing.

Mr Simon Rogers: Yes, we will clarify that. We mean the type of firearm. If you have changed a shotgun for a different shotgun in the past six months, it would not preclude you.

The Chairperson: Thank you.

Mr Simon Rogers: May I go back to the point about the variation of fees? There are, in fact, two different fees, I am relieved to say. I thought that it was not the best start to our presentation to the Committee. There are two variation fees: one for £12 for a variation by a dealer and one for £15 for a variation by the Chief Constable.

Mr McGlone: What do you mean by variation by a dealer?

The Chairperson: It is in annex A.

Mr Kidd: It is £12 for variation by a dealer for an existing one-on/one-off shotgun of the same calibre.

Mr McGlone: So, the one is if a gun owner asks for an extra whatever.

Mr Kidd: Yes; if you were changing your single-barrelled shotgun to a rifle or a double-barrelled shotgun.

Mr McGlone: Or adding an extra gun.

Mr N Cochrane: Hold on, that is not quite correct. For clarity, changing a shotgun to a rifle is a variation. That comes under a variation. The one-on/one-off that is dealt with by the Chief Constable is for a similar type of firearm, excluding a shotgun. The one-on/one-off still has to be done —

Mr McGlone: That is the present system?

Mr N Cochrane: Yes.

The Chairperson: Where is that fee in annex A? My question related to number 3, the increase from £10 to £15.

Mr Simon Rogers: That is one of the new fees that is not listed. We could put it in for clarity; that might be helpful.

Mr McGlone: Thanks very much, Chair. You covered a lot of ground very comprehensively. *[Laughter.]* No; seriously. This is a big issue for a lot of people. I have had correspondence about it already. I do not know who to direct this to, perhaps Mr Kidd: I would like to pay compliments to your staff, Mr O'Loughlin and Miss Fox, for their efficiency and courtesy. I have always found them very helpful. That is by the by, but it is important that it be reflected.

One issue is the consultation itself. I have had a query about why the Gun Trade Guild has not been included in the last of consultees. That is just by the by.

Moving on, there are a few issues in the document. In paragraph 3.1 on the calculation of proposed new fees, a global statement is almost being made that PSNI firearms and explosives branch administers on average 20,600 firearm related applications every year. As far as I know, not all applications require a property inspection, a land visit or a land inspection. Quite often, it just involves replacing the certificate for one firearm with another on a computer. So, I presume that all such cases are included in that 20,600?

Mr Simon Rogers: Yes.

Mr McGlone: Do you accept the point that not all applications require — the document could be read this way by the unguided eye — as much time or activity on behalf of either a firearms officer or, indeed, the people based in Belfast?

Mr Simon Rogers: I agree with that. The costings are done on the processes for each type.

Mr N Cochrane: That is right. The costings for each type of application were based on the process for that type of application at the time of the review.

Mr McGlone: Perhaps we could move on to paragraph 5.1. This is a big issue as well: the rise from 50 quid to 120 quid. I note that, for some people, that triggered off a different theme. You mention that that is in line with passport fees. So, some people have asked whether you have given any thought to issuing a 10-year certificate as opposed to a five-year one, which would involve the same amount of work but lessen the administrative burden.

I made the point that not all applications require a visit. However, one issue I had not thought about was the Chair's point about medical reports. You made it very clear to me that, if the public purse pays for the medical reports, some people will be a wee bit more diligent than others in firing them out for a lot of the applications that come in. However, there is another aspect to it. Any of us who have been at tribunals or anything like that where you have to get a medical report know that you may or may not get the appropriate medical report that is fit for purpose; it depends on the diligence or commitment of the doctor to put down his or her details. So, before you go near even thinking about that, you would want to make sure that a pro forma of some description is thought about.

I am a bit reluctant to put sportspeople off their sport by introducing additional costs. The proposal of £120 is substantial.

Another issue is the dealers' licence. The amount has taken some people by surprise. One dealer wrote to me last night and stated that the inspections are done five-yearly. He said that it takes one day for two inspectors, and that is spread over 130 dealers right across the North. He articulated that

it does not add up; you currently have three inspectors, one EOI and a head of Department. In other words, he is saying that, by the time you count up the number of dealers and the number of days of inspections that are required in a five-yearly cycle, it does not tally up in your business case.

As for the introduction and the administration of the fee for the one-off/one-on, which already exists for the shotguns, air rifles and rimfire, who would be responsible for the collection of the fee? That £12 struck me last night. Where is that picked up at? Will there be an extra admin cost for the dealer? Where does that kick in? I am not saying that people would grumble a wee bit about £12 for a one-off/one-on; it is about who does the admin work and the paperwork around that.

The banding system is a good idea. At the moment, with the one-off/one-on thing, if someone wants to substitute a .177 air rifle for a .22 air rifle, they cannot do it because it is a variation. That is really stupid; it is one ilk for another. You know what I am talking about. The same goes for the rimfires and the difference between a .17 and a .22 magnum or a .22 rimfire.

I am intrigued by the highest point on the band system. I have asked people who know a lot about this whether the bandings are correct. They say that, by and large, your bandings are quite within reason. I think that Essex Police has introduced similar type bandings. I thought that what you meant by the highest point was the difference between the highest banding. I am looking at some of the weapons, such as the small-calibre centre-fire rifles. Whether you use a .17 Remington or a .223 on lands, given the velocity and whack of both rounds, it does not make a lot of difference. Likewise, the .243, which, if it is a Winchester .243, it is a very high velocity round. I asked others about the difference between that and the Marlin, and they do not get the point about the highest point in the band because the band incorporates correct weapons and correct velocity of weapons, so the lands over which they are being used would have already been inspected by someone. I do not get the point, and it tends to confuse me. I thought that I had it before I came in here, but when I hear you explaining it, I am not so sure that you are going the right way about it.

The paper asks whether increasing the calibre within a band should require a supervision period. I think that has already been introduced for someone who gets a .22 rimfire for the first time. I saw someone recently —

Mr Kidd: There are certain supervisions.

Mr McGlone: — where there was a six-month supervisory period. It is already in there.

Bear with me, Chair; I have one or two other wee items here that I need to go through.

Mr Weir: Chair, is it too late to get Colum Eastwood back in?

Mr McGlone: You better tell that to the dealers out there. This has generated a lot of heat already.

Mr Elliott: And that is only in here. *[Laughter.]*

Mr McGlone: Let me look at this to see if I have covered it all, or nearly it all. Yes, that is more or less it. The only other thing is the performance standards for the turnaround times. That has improved dramatically. It is probably down to increased admin, and there is a lot less paperwork now because it is computerised. OK, Chair, there will be a lot more of this stuff when it goes out to consultation and comes back. Thank you.

The Chairperson: I agree with you. It is technical.

Mr Simon Rogers: Do you want me to quickly try to respond to some of the headlines there?

The Chairperson: If you can.

Mr Simon Rogers: I think I can cover some of them very quickly. First, thank you for the compliments, which I think are directed at the police, and we will certainly make sure that they get there. For the consultation list, we have a named individual who we took as associated with that particular guild, but we will also add the guild. We know the individual associated. The 10-year period is something that we could certainly look at. We have to balance public safety and other issues, but we will certainly look at it. On the medicals, it remains the case that, if the police felt that they needed

an additional medical such as a psychiatrist's report or something like that, they will fund that, because it is additional. On your point about a GP perhaps not giving as much information as the police need, the police will retain, and have accepted that they will pay for, the right to seek a further report.

Mr McGlone: To clarify: my point is that some GPs put some detail in that is adequate, but some maybe do not. The information that would be required could be more than adequately provided by a GP. Therefore, it could necessitate the person going back to a GP a second time and having to pay a second time. If you are even going the route of the use of a standard pro forma — I am not saying that I would advocate going that route —

Mr Simon Rogers: We were thinking that it is the way to do it — to have, with the application form, a pro forma for the medical, which would then be completed. I think we are at one on that.

On the banding system, I do not think we disagree in principle with what you are suggesting. We are just saying that there were some concerns expressed about that issue. We are not saying that they are insurmountable, but we need to work through those. We have covered performance standards in the document. I am trying to think of what the issue was on one-on/one-offs. It was about who is responsible. We see that as being the responsibility of the firearm holder. They are the one having the additional change, and it is up to them, but we want to work with the dealers so that they ensure —

Mr McGlone: Sorry, when that person goes in to conduct that transaction, at the moment they fill in and sign a form, and it is faxed or e-mailed to you or to the police. Who is responsible for receiving that £12 and for making sure that it goes to the police firearms and explosives branch?

Mr Simon Rogers: Our expectation is that the applicant will pass money to the police.

Mr McGlone: It shows my ignorance, but, on the air guns with a kinetic energy of one joule or less, will someone explain that to me in foot-pound? *[Laughter.]*

Mr N Cochrane: From memory, it is about 0.5 foot-pound. It effectively refers to those imitation plastic pellet air guns.

Mr McGlone: OK, thanks for that.

The Chairperson: They hurt. The people I shot with them are sore. *[Laughter.]*

Mr McGlone: What were you saying about the banding issue?

Mr Simon Rogers: In principle, we have put banding in. We know that those bandings have been provided to us by the shooters, but, when looking at them, some issues of concern came up around the different velocities. I am not an expert in that, and I take what you say, but some people are certainly saying to us that, within those bands, there are some different velocities etc that could have an impact, and we need to just work those through in the consultation.

Mr McGlone: Thanks very much for that.

Mr Elliott: Chair, after yours and Mr McGlone's questions, there is not a lot more to ask.

Thank you for the presentation, folks. My main points are about the consultation and are probably more directed to Nick. Have you broadly looked at the costings for what is already in place? In your report, have you looked at any opportunities for efficiencies or ways to make things easier and more cost effective?

Mr N Cochrane: Primarily, what I was looking at when taking part in this consultation was the existing process. When we started, I agreed with officials, who were the predecessors to most of the departmental folks here, that, where it was apparent to me that there was something that could be improved or changed or was providing little value, I would make some comment on it in the report.

For example, when I was doing this work, I noticed the process by which certificates of approval were issued to visitors coming across from GB to Northern Ireland: visitors were submitting applications for certificates of approval but nothing was happening with the information. At the time, I was told that the

information was collected so that the police would have complete records of every legally held firearm in Northern Ireland. The question was, "When was the last time you used that?" The answer was, "We have never used it." Therefore, what was the point in retaining that information? So the recommendation was to do away with that process altogether.

Mr Elliott: So you did not see anything internally in the Northern Ireland process for applying for firearms certificates that could be made more efficient?

Mr N Cochrane: Not in the actual process. There were massive inefficiencies due to the amount of downtime or wasted time in the system whereby applications were reaching a certain point and sitting for a significant period of time before being moved on to the next part of the process. That fell outside what I was costing, because I did not cost that element of the time; it was only the actual work on the application that was costed.

Mr Elliott: I am amazed that no efficiencies and no way of significantly improving the process have been found. It might be helpful for the Committee to go through that in more detail at some stage. Anybody who knows the application process and has visited the headquarters would be surprised if there were no possibilities to make efficiencies.

I want to make the point that the significant hike in the fees will face huge opposition from the shooting and sporting fraternity.

Will you explain the current position with the legislation on the age limit? The legislation that went through over a year ago allowed young people to use firearms but did not specify an age. Is that right?

Mr Simon Rogers: Yes, there are a couple of provisions in sections 104 and 105 of the Justice Act (Northern Ireland) 2011 that remove any restriction on age for the use of shotguns. Section 105 covers low-powered air guns. Conversely, those provisions require that all under-18s be supervised. The Minister looked at those provisions and felt that they had been put into the Bill — now an Act — at a very late stage without there being an opportunity to seek views on them. He felt that they were perhaps contrary to some of the other age aspects of the legislation and wanted us to include them in this consultation. So sections 104 and 105 are on the statute book but have not been commenced, and the Minister wants to conduct a consultation through this document. We highlight that in the document.

Mr Elliott: So we have legislation that has been approved but not commenced, and now we are going to consult on it?

Mr Simon Rogers: We are consulting, in effect, on the wider issues that the legislation poses, but yes: that is effectively the position.

Mr Elliott: Thanks. That sounds unusual.

Mr McCartney: I have a technical point. At present, there is a charge only when the licence is granted?

Mr Simon Rogers: Yes. That is correct.

Mr McCartney: And then there is the premise of saying that all applicants should pay a fee. Does that make it possible for people to make multiple applications? It is in the document.

Mr Simon Rogers: The application fee is to recognise that those who apply and are refused, for whatever reason, do not currently pay a fee, and that cost has to be spread across all the successful applicants. So the idea is to have an application fee for everyone, in the same way that, in many other areas of public life, you apply for something with a fee. You may not succeed in your MOT, but you have to pay a fee regardless.

Mr McCartney: Yes, but I do not think the MOT and a firearms licence are equivalent.

Mr Simon Rogers: In processing your application, the police have several processes that they go through which cost police time.

Mr McCartney: Yes, but only 256 people are refused a licence. So somewhere in here is the suggestion that people just throw in applications. If your application is refused, there is no cost to you, so you throw in the application. It might be better to say that you can apply only once every year or every two years. At least with the MOT you get a service. Someone says at the end of it that you have failed because your break lights do not work. You get that fixed and come back for a retest. It is not as though it is the end of the process, and you come away feeling that you have received no service. For this process, the fee will now be £140.

Mr Simon Rogers: However, you might be refused if you sought a firearm that was totally disproportionate to any other firearm in existence; whereas, if you applied for a shotgun for a specific bit of land, you might be successful. So there can be different reasons for refusal.

Mr McCartney: I understand that. I am just saying that the figure is very low. Only 256 people have been refused.

Mr Simon Rogers: Yes; it is pretty low.

Mr McCartney: It says in paragraph 5.4 that, to cover the cost of refusals at present, £4.87 is added to every application. There are 19,000 successful applications and 256 failures, and that is the maths? It does not add up.

Mr Simon Rogers: As it stands at the moment, even increasing the licence fee to £120 would include an element of 65p per application which would be still required. It is not just a case of when an application is refused, everything stops. Additional work goes into it, over and above what a successful application will go through. That is why a refusal is effectively so much more expensive in respect of police time.

Mr McCartney: A refusal is more expensive?

Mr N Cochrane: It is more expensive than a successful application. It is also worth pointing out that, if you send in your application form and you have forgotten to include a photograph or to sign the form, the application is not refused on those grounds. In those cases, you would be written to and your application returned. You will be asked to include the photo, or sign the form, and return it. A licence is not simply refused on those grounds.

Mr McCartney: It is not just a straight refusal; you will be asked to supply what is missing. That is fine.

Tom Elliott has raised a point on paragraph 1.2. Are the first two bullet points already covered by the Justice Act?

Mr Simon Rogers: On the first bullet point, section 103 of the Justice Act is in existence for the one-on/one-off transactions, for which we are proposing the banded system. And the second bullet point, Joanne?

Ms Breen: No. That bullet point relates to reducing the age at which young people can use firearms. That is currently a proposal; it is not in the Act.

Mr McCartney: So if the consultation is successful in reducing the age to 12 years, there will be new legislation, or can the Act be added to? Has there to be new legislation?

Mr Simon Rogers: There would have to be primary legislation.

Mr McCartney: Thank you.

The Chairperson: Thank you. Quite a number of points have been made. Can you make the amendments to the wording in the paragraph on all the fee changes? You said that one of them was not in the annex. We have highlighted things that you will clarify. If you can send us a final draft, we

will, I am pretty sure, not have room for a public consultation. However, we obviously reserve our position on the outcome. I know that everyone is keen to get it out there, so that they can all get a look at it. Thank you.