



Northern Ireland  
Assembly

Committee for Justice

# OFFICIAL REPORT (Hansard)

Firearms Legislation: Department of Justice

18 June 2014

# NORTHERN IRELAND ASSEMBLY

## Committee for Justice

### Firearms Legislation: DOJ Officials

18 June 2014

**Members present for all or part of the proceedings:**

Mr Paul Givan (Chairperson)  
Mr Raymond McCartney (Deputy Chairperson)  
Mr Sydney Anderson  
Mr Stewart Dickson  
Mr Tom Elliott  
Mr William Humphrey  
Mr Seán Lynch  
Mr Alban Maginness  
Ms Rosaleen McCorley  
Mr Patsy McGlone  
Mr Jim Wells

**Witnesses:**

Ms Donna Giboney	Department of Justice
Mr Robert Kidd	Department of Justice
Mr Simon Rogers	Department of Justice

**The Chairperson:** I welcome Simon Rogers, deputy director of protection and organised crime division; Robert Kidd, head of firearms and explosives branch; and Donna Giboney — I am not sure that I got your name right. My surname is also pronounced in different ways, but excuse me for getting it wrong on this occasion.

**Ms Donna Giboney (Department of Justice):** You're OK.

**The Chairperson:** The witnesses are all from the Department of Justice. As usual, we are being recorded by Hansard, and the transcript will be published in due course. At this stage, I will hand over to you, Simon.

**Mr Simon Rogers (Department of Justice):** Thank you, Chair. Members have the detailed paper that covers the areas in which the Committee and Department have been engaged. I will take the opportunity to highlight some of the significant factors.

As the paper acknowledges, this has been an extended process, but we have undertaken exchanges to resolve the various issues, including through engagement with shooting associations, police and others. As the Committee will have seen from the paper, there are, essentially, four aspects of the package of proposals: fees for individuals, fees for dealers, the age for young shooters and a possible banded system. Further progress on the first three would require legislation, but our proposals for the banded system would not.

On individual certificate fees, we published previously a consultation, including a detailed consultant's report, on a fee of approximately £121 for a five-year period. The Minister has listened to concerns about this level, including from the Committee, and has secured agreement from the Department of Finance and Personnel (DFP) that, although full cost recovery is ultimately required under the 'Managing Public Money' guidance, an interim reduced fee increase may be introduced, and the proposal in the paper is for a fee of £100. This leaves the police with a significant shortfall, but they would welcome progress towards full cost recovery while providing a service to safeguard the community. We, therefore, propose to make the interim increase, but, at the same time, to commit to undertaking a further review of fees to secure full cost recovery, this time involving the shooting associations and others, as appropriate, at all stages, with a view to completion in about 18 months or so. We think that this different approach may help the process. We believe that the new proposed fee of £100, which would equate to £20 per annum, compares favourably with fees elsewhere and, indeed, with costs that shooters have generally. That includes the cost of ammunition but also the annual cost of association membership. We, and the Minister in particular, hope that the Committee will see this proposal as a reasonable and proportionate compromise on the way forward.

Similar points apply to the dealer's certificate. The Minister was particularly conscious of a number of pressures on dealers, including from the recession and the extra work that some had to undertake on security specification. Our interim proposal of £300 against the original figure of £528, which would secure full cost recovery, is subject to a review involving dealers that would be concluded in about 18 months or so.

On the age of young shooters, the Minister reflected on the position stated by the Committee and others, and officials engaged with the police and the shooting associations. I know that all want progress. The Minister's view is that 12, secondary school age and down from 16, is appropriate, although he is prepared, as the paper outlines, to agree to a review of the age in two or three years' time in light of experience. In addition, he thinks that it would be prudent, if the Committee and the Assembly agree, to put a regulation-making power in any primary legislation so that any further reduction could be made in secondary rather than primary legislation. The Minister, in reaching his conclusions, has taken account of the position in other jurisdictions and, in particular, the views of the police on safety.

Since we last were before the Committee, the Minister has received letters from shooting associations supporting the age of 12, which we have attached to the submission, and has had other representations on the age. Some support 12; some continue to argue for a lower age; and some people outside shooting associations would like no change. The Minister hopes that the Committee will agree with his approach of a reduction to 12 for shotguns for sport and clay use and air rifles for sporting purposes, with appropriate supervision and a commitment to review in the light of the experience of that reduction. One factor of this is that any change would require primary legislation. This brings us back to the briefing that you have just had on the Justice Bill. Again, with the Committee's agreement, this is a change that the Minister will seek to put through in the Bill, given that it will be a relatively minor change and also given the length of time that this issue has been under debate.

Next is the possible banded system. This issue, we argue, has taken the most time to progress. It is complicated by the range of firearms available and the different purposes that they may be used for. We already have in this jurisdiction, unlike others, a one-on, one-off arrangement for firearms of the same type and calibre: in other words, like for like. Also, we have a system permitting a shotgun licence to be exchanged for any other. The proposals being put before the Committee take our arrangements further and are, again, unique. There is nothing like them elsewhere in the UK or the Republic of Ireland.

Briefly, the elements are that the decisions would, and in our view should, continue to rest with the Chief Constable to safeguard public safety. We would introduce a shortened application form, and, in fact, we propose, after discussions with the police, to introduce that for any variation, not just for the banded system. In a banded case, the police have given an undertaking that, save in exceptional circumstances, they will turn these cases around in five working days from receipt. In other variation cases, they expect to turn around straightforward cases in a similar period, but, if the good reason for holding a firearm has changed, it may, of course, take longer. Cases involving a criminal record or medical situation would take longer.

We have been engaging with the shooting associations on a banded approach, but we have only recently concluded the same exchanges with the police. We have, therefore, brought the proposals to the Committee today. Our proposal is, subject to the Committee's view, to take these to the shooting

organisations. Our proposal thereafter is a pilot scheme to run in the autumn for a number of months. As I mentioned earlier, the scheme would not, unlike the other changes, require legislation.

That was a swift run-through the main points, Chair. We are happy to answer any questions.

**The Chairperson:** Thank you very much, Simon.

Mr McGlone.

**Mr McGlone:** Sorry, Chair, I thought that you were going to start.

**The Chairperson:** You are the expert.

**Mr McGlone:** I would not say that I am the expert, but I hope that these people are.

Your proposal is to introduce the higher fee in 18 months' time rather than immediately. That is the case, is it not? It is obvious to me. It will start at £100 and be bumped up in 18 months' time.

**Mr Simon Rogers:** We think that the process to arrive at £121 was appropriate. It involved consultants and a lean review, but we are not saying that £121 is the automatic result. We would start with a clean sheet, and, if the result is £80, the fee will be £80; if the result is £140, the fee will be £140. We will try to persuade the shooting associations of the process, which is their main concern, and arrive at a new fee.

I have to stress that the figures that we are using are based on three-year old data, so one would expect, even from the consultant's report —

**Mr McGlone:** Sorry, but what do you mean by three-year-old data?

**Mr Simon Rogers:** The fees that we originally proposed go back to 2011. Taking that into account, and taking £121 as being correct then, we expect that there might be some rises in the cost to the police of postage, staff costs etc. So I am not saying that the fee will be £121; we will enter into an objective, open process involving the shooting associations and arrive at the right fee for full cost recovery.

**Mr McGlone:** I am interested that you introduced a time frame. You will be aware that there is a similar process going on in GB, so you run the risk of reinventing the wheel a couple of times. Have you engaged in any consultation with GB? Is its process in any way complementary to yours? You might come up with a different conclusion from the one in GB, and we would be back to asking, "How can that be?"

**Mr Simon Rogers:** We recognise that we need to have contact with England and Wales. At the minute, we probably have weekly contact on what they propose. The difficulty is that their system is different from ours, but, in round terms, they are looking at an interim fee of in the region of £90 for a firearm, but they have a separate fee for a shotgun. So, if you have two holdings, you would, potentially, have two fees.

We are also looking at what the Republic of Ireland does —

**Mr McGlone:** Potentially or actually?

**Mr Simon Rogers:** Actually. In actual fact.

**Mr McGlone:** You can have multiple shotguns on a certificate.

**Mr Simon Rogers:** If you have one firearm and one shotgun in England —

**Mr McGlone:** Sorry, that was not my question. You can have multiple shotgun holdings on a certificate in England.

**Mr Simon Rogers:** As you can here.

**Mr McGlone:** That is a statement of fact; it is not a question.

**Mr Simon Rogers:** Yes, but, if you had a firearm and a shotgun, you could end up paying two fees. I am saying that we are not comparing like with like. In the Republic of Ireland, the fee is €80 per firearm for three years. We want to consider those relevant factors, but we also need to take it into account that we have our own system here. We need to pay for that system and make sure that it is efficient. The shooting associations have not been persuaded of that, and we understand that.

**Mr McGlone:** Chair, maybe you will bear with me. I have one or two further questions.

**The Chairperson:** Yes, by all means.

**Mr McGlone:** A lot of people from my part of the country are very interested in this.

Simon, you mentioned the DFP document, 'Managing Public Money', and it refers to the cost of enforcement. What might the cost of enforcement be for this?

Will you also go into some detail on the mileage cost referred to in your submission? The only mileage cost that I am aware of is when the police go out to scoop someone's weapons after an allegation has been made against them; a licence is void; or a firearms officer has to examine the suitability of land in deciding whether to give assent for the use of a firearm, usually a rifle. That must be an awfully high cost for you to place such great emphasis on it.

**Mr Simon Rogers:** Robert will come in after me on this. Enforcement is not part of the fee, and the mileage costs are those used to grant or renew a certificate — in other words, if officers have to inspect premises. For a dealer, for example, they would undertake a much more detailed inspection. Also, if they have to inspect where a gun safe or gun cabinet is, they cannot do that from the office; they have to see it. They try to combine visits to reduce the mileage, but there is an inevitable cost to the firearms branch and the police of travelling. We have incorporated that cost into the fees. We have not incorporated enforcement in the sense of including the cost of someone having done something inappropriate.

**Mr McGlone:** Can you give us a breakdown of the travel costs, please? I do not mean today, if you do not have them with you, but that would be very helpful.

What problems were identified with the 10-year firearm certificate? I am aware that there has been some discussion in the sporting industry, even about the five-yearly check of a 10-year certificate.

**Mr Simon Rogers:** An argument put to us is that we should move to 10 years. We have discussed that internally and with the Minister and the police, and the view is that five years, which was increased from three years in 2004 and is longer than the licence period in the Republic of Ireland and the same as in England, is a suitable point for reviewing the holding of something as serious as a firearm. The other element that we have tried to explain — I am not sure that we have always been successful in doing so — is that doubling the length of the certificate does not mean that the cost would stay at £121 because, inevitably, some police checks are annual. That is coupled with the fact that the check at the five-year point, which the police think appropriate and the Minister supports, would be more difficult, potentially, to conduct if the person knew that their certificate did not expire at that point. They might think, "It runs for another five years, so the police can come and chase me".

In addition, instead of the fee being £100, as the Minister proposed, the increase could be — I am making this figure up because we have not costed precisely a 10-year certificate — £180, or let us say that we will double it to £200. So, instead of paying £100 for five years, the upfront cost would be much more significant. I think that people have not taken that factor into account in our discussions. So, it would be £100 for five years, and it may be £200 upfront if 10 years, which the Minister and the police do not think appropriate, were agreed.

**Mr McGlone:** The banding system —

**The Chairperson:** Mr McGlone, I will bring you back in on the banded system.

**Mr McGlone:** If others want to come in, that is grand.

**The Chairperson:** I will bring you back in. I will allow other members to touch on the fees and the 10-year certificate. We will then come back, and you can start off again on the banded system.

**Mr McGlone:** Thank you, Chair.

**The Chairperson:** You said that your proposal is for an interim fee of £100, subject to a review a year and a half later. That review could lead to a reduction.

**Mr Simon Rogers:** I do not anticipate a reduction. Mr McGlone's question implied that an increase was a foregone conclusion. My answer was that it would be an open process to get the right fee, whatever that is. I was highlighting the fact that the fee could go down but that, within three years, it could well go up.

**The Chairperson:** I will not support any proposal for an interim fee. Without even getting into any more evidence, I will not put my hand up to vote for an interim fee that will be reviewed a year and a half later. If you want to get an appropriate fee, my perspective is that you need to do the work now and not have the approach of, "Here's an interim fee of £100, and now we'll crunch the numbers and examine how much an efficient PSNI explosives branch really should charge. Then, we will work out all the costings and come back to you a year and a half later". In my opinion, that is not how business should be done.

Other parties can speak for themselves. I will not vote for any increase in the fee — full stop. It is not happening, not with a rationale of working out, a year and a half later, exactly how much it should cost. If you want a reasonable fee proposal, you will get round the table with stakeholders and those who represent explosives users, and you will present to the Committee a clear rationale to justify any increase by stating, "Here is the cost to do this; here is the cost to do that; and here is what a reasonable increase in the fee should be". You do not state, "The Minister wants an interim fee, and, a year and a half later, we will do all the work necessary to justify what it should be". If that means that it goes down to £40, £60 or £80, which are, I think, the figures that you gave to Mr McGlone, we can do that.

Other members can ask questions and take a position, but I will certainly not put my hand up for an interim fee, given the rationale that I have heard for it.

Why have you not followed Home Office procedure for getting stakeholders around the table? Why have you not sat down with them? You brought in an independent consultant. I recall the arguments that were made about the independent consultant and the basis for that. A lot of stakeholder organisations did not give the independent consultant much credibility. So why are you not sitting down with people involved in the business and trade who know exactly how it operates? They have first-hand experience, which they have passed on to me through repeatedly providing me examples of individuals who have applied for a licence but, x number of months later, the job has still not been done? Why are you not seriously engaging with the people involved?

**Mr Simon Rogers:** If I may come back on the first point, I prefaced my remarks on the fee by saying that we felt that we arrived at £121 by an appropriate process. I do not think that it was, in any way, worked out on the back of an envelope or not worked through. An efficiency review was conducted at the time and a consultant was brought in. I accept that one option would have been to sit down with the shooting organisations. However, another and more common approach is to consult more generally, and that is what we did. We put the proposals, including the consultant's report, in the public domain and sought views on it.

A number of comments were made on the level of the fee, but fewer comments on the detail. Therefore, bluntly, it is quite difficult to pick out things to change. However, we looked at the fee for dealers and the individual fee, and we made some changes. We came back to the Committee with the revisions.

We have engaged with shooting associations and had discussions with them on a number of things. They sought, as their correspondence shows, reductions in the fees, and we accept that. However, some associations have written to you to say that they think that the increase is not unreasonable. From our perspective, this is £20 a month to run a service that provides appropriate safety to the public. So the Minister's proposal for an interim fee is to try to get past the situation of the police being expected to run the system on the basis of charging £50 per certificate, which was never a full-cost recovery fee and certainly is not now.

I am trying to say that we are more than happy to look at a different approach with stakeholders. Our difficulty, particularly taking into account the fee levels in England and Wales and the Republic of Ireland, is that we are asking the police to run a system on a lower fee, potentially for a long period. That is our concern. You made the point that you will not support this, and that is, of course, your prerogative.

**The Chairperson:** I will not support a fee for which a rationale has not been demonstrably provided for how the components of it are made up. I have not been given a rationale to allow me to do that. I do not have a sense of genuine engagement with the stakeholders, who are the ones having to deal with it, as opposed to the general public. That, to me, is not the way to carry out a consultation — to open it up to the general public and allow whoever wants to have a view to do so. I do not have a shotgun or a firearms licence, so, with due respect, what would I know?

I am being asked to look at a process and a rationale that can demonstrate why a fee should be at a certain level, but I do not see it. In dealing with this, my experience of the police — the service that they provide and their being held to account — has also been very poor. There is no accountability or efficiency, and I will not take the word of the police: for me, it is not a case of just because they said it, it must be the truth. It needs to be proved beyond reasonable doubt that there is a clear rationale for a fee increase. I am not ruling out being in favour of one, but I do not have the basis to take it forward. Such a basis needs to be put forward by you.

Let us look at the 10-year firearms certificate. Let us say that someone has a firearm and commits an offence. Is that not automatically flagged up on the police system? Is there not a red flag when it turns out that the individual concerned has a firearms licence and so the police need to take action?

**Mr Simon Rogers:** In the case of an offence, yes, that is what should happen. All sorts of other circumstances can arise: for example, a medical situation or a domestic issue. It should happen instantly, but there is a chance that it may not. In those circumstances, a five-year check seems relevant. I accept your point that it should happen instantly, and it should, but we do not think that five years is a short period for a certificate. It has gone up, as I said, from three years. England and Wales have five years. We have talked to officials there and see no sign of a change. It is three years in the Republic of Ireland. We think that five years is a reasonable point at which to check.

**The Chairperson:** You say that an incident such as I described may not be flagged up in the system. Is it not pretty alarming that, if someone commits a criminal offence, it may not be flagged up in the system that they have a firearms licence?

**Mr Robert Kidd (Department of Justice):** There are particular offences. There are automatic triggers for an act of domestic violence, an assault or a firearms and explosives offence but not for other offences that come to the police's attention, such as fraud or motoring offences. The firearms system with which the police are working has a different database. One of the offences that we are picking up is drink-driving. Clearly, drink-driving could be seen as an indicator of someone who shows a disregard for the law.

**The Chairperson:** Why does it take a five-year review to detect those? If you are telling me —

**Mr Kidd:** I am sorry for interrupting you, but it is not solely offences that we are looking to pick up at the end of the five-year period.

**The Chairperson:** Yes, but all the offences that you mentioned would rule someone ineligible to hold a firearms certificate. What I infer from what you say is that not all of those types of offences will necessarily be automatically flagged up, but, if the individual has a licence that expires at the five-year point and they need to reapply, they would not get a licence on the grounds of having committed those offences, such as fraud and so on.

**Mr Kidd:** Yes, but it goes wider than fraud or the committing of offences. We are also looking to pick up on things such as changes in personal medical circumstances. If someone has, maybe, gone through a bout of depression, there may be a concern about a person on medication for that having a firearm. Someone with depression who has a 10-year licence may not automatically rush to the firearms branch to tell the police that they are being treated, because they may fear their licence being revoked.

**The Chairperson:** Is there no other mechanism whereby a doctor could flag that up? Could a responsibility be put on GPs to alert the authorities?

**Mr Kidd:** Part of the consultation process involved some interaction with the British Medical Association (BMA). It has taken a very strong line on this, which is that its engagement does not involve flagging up suitability to have or not to have firearms. The BMA says that all it can do is assess an individual on a given day. A doctor might see Mr Smith one day and he is fine, but, the next day, because he loses his job, has a marital breakdown or his child or another family member takes ill, his circumstances have changed.

**The Chairperson:** To be honest, I am surprised that you allow anyone to get a firearms licence if this is the basis on which you can make a change. We are still talking about fees and the 10-year certificate, so I will bring in members who indicated that they want to speak.

**Mr Humphrey:** The Chair mentioned the working group, and, to be honest, I do not think that you adequately addressed the issue, so, if you do not mind, Simon, I will return to that. The Home Office's working group applies to England and Wales, but can you expound on the Department's position and set your face against that for Northern Ireland?

**Mr Simon Rogers:** We began our review significantly before England and Wales, and our process at the time to look at fees and other areas concerning firearms was to do it through the more established consultation process. England and Wales started after us and have taken this approach. We now recognise that the shooting associations would prefer that approach, and we have said that, if there is agreement to an interim fee, we would agree, and the Minister would commit to a further review following that style of approach in England and Wales. We did not set our face against it, but we just took a different approach. We recognise now that there will be value in having a more direct engagement. I note that, from reading through the consultation responses, there was not a great deal on the substance of the process and so on. I accept that that would benefit from a closer engagement.

**Mr Humphrey:** So, the Home Office — that huge department — started after you and has it in place but you still have not.

**Ms Giboney:** I am not aware that it has its fees in place.

**Mr Humphrey:** No, but does it have a working group in place?

**Mr Simon Rogers:** It has a process in place, but that was established after we had gone beyond that stage, in our view.

**Mr Humphrey:** Given the size of the Department of Justice compared with England and Wales, it strikes me that the Home Office, having started after you, is way out in front. So, do I take some comfort that you said that you will now give consideration to a working group for Northern Ireland, working with the various associations and bringing all the key players around the table so that you get to the position that we all want to get to more quickly and have everybody on board?

**Mr Kidd:** May I come in on that? In our consultation, we published the working papers from the Department of Finance and Personnel consultants. People were given the opportunity to comment on the process and the calculation of the fees. As Simon said, we had very few comments on the process. The costs are the costs because you are talking about a member of staff and an hourly rate, and you are working that down to the number of minutes in which they are handling an application process. We then arrived at the £121 fee.

GB has done an exercise in a slightly different way in that it formed a working group. We put the papers out in the public domain and allowed each group and the public to comment on it if they so wished. The Association of Chief Police Officers in GB, working alongside the Home Office, has come up with a figure. It believes that the actual cost of delivering a five-year firearms certificate is £196. That gives the Minister and the Department some comfort that £121 is probably fairly accurate and demonstrates a fairly efficient system. The Chairman mentioned the cases for which there are outstanding applications that run for a matter of months. There are circumstances in which someone will apply and, for whatever reason, whether it be criminal offences that show up, issues in their



background or medical records whereby someone has to be referred to a GP or consultant for specialist reports, and that can take a significant amount of time.

**Mr Humphrey:** My question is: "Will the Department set up a working group similar to the one on the mainland to look at the issue for Northern Ireland, get all the key people around the table and get to the position that you want to get to more quickly?" Yes or no will do.

**Mr Simon Rogers:** The Minister is committed to doing that.

**The Chairperson:** Only if we put the fee up.

**Mr Simon Rogers:** That is his proposal. His proposal to the Committee is that it is justifiable to put the fee up now, and then we work more closely with the groups.

**Mr Humphrey:** We had a discussion earlier, which you may or may not have heard, about the pressures on police time and the budget constraints that all Departments face, potentially even the Department of Justice. I think that lengthening the period for certificates makes absolute sense, because it will vastly reduce the costs as it will decrease the number of years that you have to revisit the issue. I think that these are efficiencies.

I agree entirely with the Chair that there are issues. Constituents come to our offices, and we deal with issues on firearm certificates, and we sometimes cannot even speak to the police. The police will not speak to us about the issues. You can see how difficult and frustrating it is for people who have firearms certificates when they see that their elected representatives cannot get access to the police. That is frustrating for them when they are running out of time and are not able to be involved in sports that they obviously enjoy. These huge issues are causing real frustration not only to members of the associations but to the thousands of people out there who have legally held firearms and are regularly under these pressures.

**Mr Simon Rogers:** The police do not support a 10-year licence; they support a five-year licence.

**Mr Humphrey:** Why do they not support that?

**Mr Simon Rogers:** They think that it is appropriate for a firearm to have a significant check at five years, as happens in England and Wales. It happens in the Republic of Ireland after three years. In addition, we do not think that it would vastly reduce costs, because annual checks would run right through the 10 years. There may be increased costs if there are difficulties getting people to cooperate with the five-year period, because the police will still want to do a check.

The police acknowledge that some cases have taken a considerable time, but, on the latest information that we have from the police, grants are taking 15 days on average, with variations taking around five working days. Some cases are very difficult and take a long time, but, equally, the vast majority of cases are turned around quickly.

**Mr Humphrey:** It seems that, in other parts of this jurisdiction and in the Irish Republic, there is a huge corpus of information that would surely allow us to get to the position that we need to get to more quickly than is currently the case, whereby everyone is frustrated.

**Mr McCartney:** This is obviously running into the sand. We are not getting any further forward on the issue today, so the proposed meeting with the organisations should possibly have taken place before you came here today. I note that you are going to meet them. Forgive me, because I have no doubt that you have covered this issue in the past, but DFP's business consultancy service came up with the figure of £121. Was it set a brief based on full cost recovery or just set a brief to come up with an appropriate fee for a licence?

**Mr Simon Rogers:** It was set a brief to achieve full cost recovery, as we were required to ask it to do under DFP 'Managing Public Money' guidelines, but it did so in concert with a colleague who was looking at the efficiency of the system at the same time. There was a lean review, and the consultant whom we engaged looked at that to arrive at the fees in our published paper.

**Mr McCartney:** So, it was only for full cost recovery. Was it not set a broad brief to come up with an appropriate fee when full cost recovery could have been part of that?

**Mr Simon Rogers:** It was to look at full cost recovery but to exclude certain things such as security issues, which we do not think that certificate holders should pay.

**Mr McCartney:** Was it given a projection of how long it was going to be in place? If there were to be a change of fee, you are saying that that should take us for the next —

**Mr Kidd:** The Department of Finance and Personnel's recommendation is that the fee should be reviewed between every three and five years. The normal period would be five years.

**Mr McCartney:** When was it last reviewed?

**Mr Kidd:** The £121 proposal is based on data that is now three years old, which is why, as Simon said, we propose to do the review. If we go for an interim £100 fee, 18 months would effectively allow us to reach a new fee and still be within the five-year review period as recommended by the Department of Finance and Personnel.

**Mr McCartney:** When was the last fee increase?

**Mr Kidd:** The current £50 fee has been in place for more than a decade.

**Mr McCartney:** Was there no three- to five-year review?

**Mr Kidd:** No, it has not been reviewed for a significant time. The firearms certificate period used to be £50 for a three-year licence. It was extended from three years to five years, but the £50 fee was maintained, so the last change was to lower the annual cost.

**Mr McCartney:** I am asking because the business consultancy service would have known that there had not been a fee change in 10 years, so it might have been projecting 10 years forward.

**Mr Kidd:** Its recommendation was based on 'Managing Public Money' guidelines. The £50 fee was never a cost recovery fee; it was simply an arbitrary figure that was arrived at at that time. It was originally £50 for a three-year licence.

**Mr McCartney:** I notice that the report was published alongside the consultation. Is that report available to us?

**Mr Simon Rogers:** It is online.

**Mr McCartney:** Why has the Minister decided on a reduction to £100?

**Mr Simon Rogers:** We have had a number of discussions with the shooting associations — in case I gave the impression that we have not had any discussions — through the police-led firearms engagement forum and through individual discussions. The Minister took the view that, to move it forward and get a fee in place to release resources in the Police Service for other operational factors, he would try to come up with a compromise figure based on the report but also looking at the figures in other jurisdictions. He thought that that was a reasonable proposal.

**Mr McCartney:** However, the sporting organisations and associations have not been told about the £100 fee. It would have been better if you had come here today knowing their views. If they had said that the fee is a wee bit high and should be £85 or £90, we might be —

**Mr Simon Rogers:** We understand that, but we were in a quandary in that the Justice Committee wanted to know what we were doing, and, obviously, the shooting lobby wanted to know as well. We have come to the Justice Committee first. I take your point. If we had come and said that everyone is happy, it would perhaps be easier today.

**Mr Elliott:** Thanks for the presentation. I wonder about the timescale. I am concerned that the fees and the age limit are being played off each other to try to get a deal. What is the Department's timescale for implementation?

**Mr Simon Rogers:** I do not think that it is wrong to say that the Minister wants to put all the issues to bed at once. They are all part of the same consultation process, and, bluntly, speaking as officials, it is frustrating not to be able to get agreement on something like this. We invested a lot in it, and we know that the shooting associations and the Committee have done likewise. We want to find a way to resolve it and move forward.

As I said, if we can get agreement on the age of young shooters and so on, the Minister wants to table an amendment to the current Justice Bill to bring that in at the earliest opportunity. The difficulty is that, if we do not bring an amendment in that way, you will be tied up in that Bill for a considerable time. The next vehicle to do that will be some way off. As the correspondence shows, people say that they want the change.

I spoke about a pilot for the banded system in the autumn. The sooner we can do the fees, the better, but they require legislation that would need to come through the Committee as secondary regulations.

**Mr Elliott:** You said that there had been a number of meetings with interested groups and stakeholders. How many meetings have there been? I think that the issue was first brought to us last October, which was some time ago. I am wondering why there has been a delay and no progress. We are talking about a couple of broad issues: age, fees and the banded system. Surely to goodness things can move more quickly if you are in a hurry to get them progressed.

**Mr Simon Rogers:** I can tell you about the meetings. We met individually on 3 September. We had an engagement forum on 27 November. We met the lobbies on 16 December and 5 February. On 14 April, we met in the forum again, and there have been meetings in May and June. So, there has not been an absence of meetings. It may be that there has not been a meeting of minds at those discussions.

**Mr Elliott:** Did you hear anything different in any of those meetings?

**Mr Simon Rogers:** We have gone into all those meetings with an open mind and to try to persuade the shooting associations —

**Mr Elliott:** Have you been open to persuasion?

**Mr Simon Rogers:** Absolutely. I think that the proposals today are very different, in many respects, from the previous proposals. This is the first time that we have come forward with a £100 fee. It is also the first opportunity to look at a banded system, with a shortened form applying to all variations, and with a pilot not a statutory scheme so that it can be done administratively.

For young shooters, we are saying that we should go for 12 years of age, although we know that that is not everyone's preferred choice, and we should review it. If it works, there might be scope to move again, but let us take a precautionary approach rather than a different approach.

**Mr Elliott:** On the fee structure, am I right in saying that, while the proposal of £121 and £500 or whatever for the —

**Mr Kidd:** It is £528.

**Mr Elliott:** Those were brought forward as full cost recovery, but that was done on the basis of the process that was in place and did not look at any efficiencies or changes that could be implemented in the process, allowing for efficiencies and a more cost-effective mechanism.

**Mr Simon Rogers:** I do not think that it is fair to say that about individual certificates, because two consultants were engaged at once. I am not saying that the system is perfect. Anyone saying that would be foolish. Two reviews of individual certificates were undertaken. On the dealers' side, there was not a lean review. We accept that that is a weakness in the system, but the consultant was looking not at downtime but at hands-on time in each case. In other words, he was not costing for tea breaks etc. He was costing for how long it should take: it takes three minutes for one process, it then takes this length of time for another process and so on. The report sets that out in quite a lot of detail. So, it was not a question of going in and saying, "What are you doing? How much does that cost?" It was a much more incisive —

**Mr Elliott:** However, it was still on the basis of what they were doing. Even though he was not costing downtime, he was costing the process as it was taking place.

**Mr Simon Rogers:** That was not the case with the vast bulk of certificates, which are individual cases.

**Mr Elliott:** What do you mean by that?

**Mr Simon Rogers:** A lean review was done, which coincided with our review. That looked at how the police dealt with individual firearms certificates and made changes to those processes to make them more efficient. He costed the more efficient process, not the process that existed prior to that.

**Mr Elliott:** Are those details in the report?

**Mr Simon Rogers:** Yes.

**Mr Elliott:** I note that there is a recommendation to bring the age limit for shooters down to 12, but that is only for clay pigeon shooting and, I think, air rifles. Is that right? It is not for vermin control. Why is that? Why have an age limit of 12? My understanding is that, in other parts of GB where there is no age limit, there are no problems with that. Am I right, or have problems been identified?

**Mr Simon Rogers:** That is right. In England and Wales, there is no age limit. In the Republic of Ireland, the age limit is 14, and, broadly speaking, it is 16 here. You can fire in a club without restriction.

The background to this are the changes to the Justice Bill in 2011, when Lord Morrow proposed amendments, which were accepted by the Committee, to alter the age to nought, if I can put it like that. I am not trying to be clever by saying that, but that was the effect. Obviously, we would not go with that age. There was supervision at the age of 18, and we all recognise the supervision element. In proposing that, Lord Morrow said that the effect of his amendments:

*"is to remove a significant barrier to sporting achievement in shooting sports disciplines at Olympic, Commonwealth, world and European games by facilitating the training of young people in the safe and responsible use of certain sporting firearms while under the strict supervision of an experienced firearms certificate holder". [Official Report, Bound Volume 63, p95, col 2].*

Lord Morrow goes on to talk about clay pigeon shooting, for example. We have taken what we thought was the exam question — if I can put it that way. In other words, we looked at sections 104 and 105 in respect of age. That was the scope that the Assembly was talking about.

**Mr Elliott:** Simon, you have not answered my question. What are the deficiencies or problems in other parts of GB where there is no age limit? Have you found any problems?

**Mr Simon Rogers:** We have not found those problems. We consulted on how it should look for Northern Ireland. Our system is different. All the shooting associations commented that they want an age reduction. Some said that they are satisfied with the age of 12 for now. They may want it to be lower, but they say that they are happy. Others referred to 10 as an age limit, and some organisations said that they do not want any reduction. Other representations were made to the Minister about not having an undue reduction, hence his proposal to go to some proportionate reduction and then to have a review. The responses that the Committee sent to us in November show that various groups would still prefer an age reduction to 10 but have proposed a phased approach. They have proposed that the Department include an enabling clause in the legislation to allow further age reduction. In a sense, that is what we are doing.

**The Chairperson:** What age did the Assembly vote for?

**Mr Simon Rogers:** At the minute?

**The Chairperson:** You mentioned that people are saying the age of 12 or different age limits. What age limit did the Assembly vote for?

**Mr Simon Rogers:** The Assembly passed section 104, which has no age limit.

**The Chairperson:** Exactly. The Department has set its face against the democratic will of the Northern Ireland Assembly when it comes to an age limit. You can say that we are considering the age of 12, or considering something else, but you have refused point-blank to implement the unanimous will of the Northern Ireland Assembly. There was not even a Division on the issue.. You are now going to consider different age limits, but you have defied what the Assembly voted on.

**Mr Simon Rogers:** The Minister has taken the view that a broader consultation is required on an amendment to the Bill that was brought to the Assembly at the eleventh hour.

**The Chairperson:** The Minister, however, is prepared to table an amendment now. A Member tabled an amendment, but the Minister could now table an amendment to deal with the age limit of 12.

**Mr Simon Rogers:** The Minister consulted on the proposal. He is bringing it to the Committee to give it due process, and he hopes to reach broad agreement.

**The Chairperson:** Do you recognise that Members can table their own amendments?

**Mr Simon Rogers:** Absolutely.

**Mr Elliott:** My point has been confirmed: there does not appear to be a problem. If there was a problem in other jurisdictions where there is no age limit, maybe there would be an argument, but I cannot see that. The officials have said that they have not found a problem and that they do not see a problem. I do not see a problem with our also implementing that to give our people as fair an opportunity as people in other jurisdictions.

Chair, I should have declared an interest as a member of the all-party group on country sports and as a firearms certificate holder.

**Mr Dickson:** Thank you for all the information received today. If the Minister were not to bring these proposals — in other words, if no change were proposed — we would remain with the £50 fee and the age limit as it is. We could move to full cost recovery for fees because DFP tells us that we need to do that, and I argue strongly that we need to move in that direction. We have a three-year-old full cost recovery figure. Inevitably, when you move to further analysis of the situation, given inflation, costs and everything else, it will be substantially more than £121 when we come to the next full cost recovery fee. We have to go with the fee figures that were proposed, which were £121, and I am ill-disposed to going against the PSNI's views on the length of the licence period. The response from GPs seems to me to be somewhat inconsistent with the GP who, at the same time, is not prepared to revoke a firearms licence on the basis of a medical opinion but is quite happy to revoke a driving licence on the same basis. That seems to be somewhat inconsistent on their part. Certainly, if they are prepared to revoke driving licences, I sincerely hope that their opinions are taken into serious account when it comes to revoking firearms certificates.

With time, I think that you could have come forward with a renewal at five years and a completely fresh licence at 10 years. The renewal at five years might have included a substantial medical check and other checks against the PSNI's database. It also concerns me somewhat that not every offence is taken into account and only certain ones are. However, we are where we are with regard to this. It seems to me that the options in front of the Committee are that the Minister does nothing and risks not achieving some of what he is setting out to achieve here; or that we come back and are faced with a full cost recovery figure that will perhaps be unpalatable to a lot of people; or we move with the compromise that is in front of us. To that extent, I would like to gauge how well accepted that compromise is by those in the gun dealership and sporting fraternity. In other words, do they agree that this is a reasonable way forward? Are only some of them agreed or is the majority agreed?

**Mr Simon Rogers:** I think that I said to Mr Elliott that, given the timing of some of this, we have come to the Committee first rather than go to some of the shooting associations. I am more than happy to do that extra work and come back, in writing or otherwise. The engagement that we had with them was that the system was inefficient and £121 was not justified. We took account of that in trying to come up with a compromise figure.

**Mr Dickson:** But it was justified.

**Mr Simon Rogers:** And we argued that at every meeting. They do not feel that the system is efficient. We were trying, as you rightly said, to come up with a compromise to move this forward in a way that everyone could buy into. It may be that not everyone would be happy, but they would be —

**Mr Dickson:** You are not able to tell us today, on the basis of consultation with those organisations, whether this is an acceptable compromise to them at this stage.

**Mr Simon Rogers:** We can tell you that some shooting organisations have told us that they are happy with £121, and you have those letters. Because of the timing, other organisations have not seen today's proposals, and we can come back to you with their views, insofar as they do not come back to you themselves.

**Mr Dickson:** Is there any value in suggesting to both sides in that discussion — which is not yourselves — to discuss that together to see if they can reach a joint view, before we take this matter forward at all?

**Mr Simon Rogers:** We can certainly try that.

**Mr Kidd:** I will add a couple of comments to those of Mr Dickson. You mentioned your concern that not every offence is flagged. Certainly, while someone is in the middle of their FAC term, not every offence will be flagged. At re-grant stage, the PSNI will do a full check and any offence will be flagged, not just those in the previous five years. So, the police will —

**Mr Dickson:** Does that include, for example, parking fees where you have had to pay a traffic warden? I have read evidence that that is important because there may be potential anger issues. *[Laughter.]*

**The Chairperson:** I should not laugh. We are all in trouble if that is the case.

**Mr Dickson:** We have all been there.

**Mr McGlone:** Pull the shotgun out and threaten the traffic warden.

**Mr Kidd:** Parking enforcement is obviously not an issue that —

**Mr Dickson:** There is a serious issue. Several parking enforcements may indicate a particular habit, and there are potential —

**The Chairperson:** Stephen Nolan would not get a licence.

**Mr Dickson:** Certainly not between 9.00 am and 11.00 am, Monday to Friday.

**Mr Kidd:** You also mentioned the idea of a 10-year licence with a renewal mid-term. Without getting into the semantics and the terminology, our firearms certificate issuing system used to work on the basis of grant and renewal. You had an initial grant process and then a renewal. The police have now moved to a system, which has been in place since the 2004 order, of grant and re-grant. A renewal was more of a high-level check, whereas, with grant and re-grant, every five years we are basically starting from scratch and saying, "Is this individual a fit person? Do they still have good reason to possess their firearms?". The police are very keen to maintain that system.

**Mr Dickson:** I would agree with that. You were trying to indicate that if it was just a check at the expiry of five years, people were hard to engage in that process. What I am saying is that you can have a licence for 10 years, but the five-year checkpoint includes an additional fee, and your licence expires if you do not go through that process.

**Mr Kidd:** We considered that alongside the PSNI. We said that if you are issuing a 10-year licence and doing the midpoint check and saying, "If you do not comply, your licence expires", realistically, you are no further on than having a five-year licence with a re-grant.

**Mr Dickson:** There is nothing that you would take out of the process.

**Mr Kidd:** The key thing we have at the moment is that, if your five-year licence expires on 30 May, and 30 May comes and you have not renewed, you are in breach of your licence conditions. If someone is written out to mid-term, their 10-year licence is still running. How long are the police expected to allow someone? Do you send out two reminders or three reminders?

**Mr Dickson:** A period of grace, in other words.

**Mr Kidd:** A period of grace.

I have one final point. You asked about engagement with some of the stakeholders and their views. One of the difficulties has been highlighted even in GB in the consultation process around a fee increase where they are engaging in the engagement group with stakeholders. To use the anecdote: we are asking turkeys to vote for Christmas. I think that, fundamentally, everyone, including stakeholders, accepts that the fee does not give anywhere near cost recovery. There is an acceptance that there is a need for the cost to increase, but it is very difficult for any stakeholder group to put its hands up and say, "Yes, we support an increase of a fee to £80, £100 or £120." I suspect that, if the Minister's proposal and the costs had come back at a fee of £80 or £85, stakeholders would still say, "Well, actually, that is an increase and we oppose it". It is a difficult position for those people who are expected to pay.

**The Chairperson:** That is not what I have been told from the stakeholders. I have not been told that they do not necessarily support an increase. With inflation alone — £50, 10 years ago — anyone can see that the current position is not a sustainable one. When there is a breakdown of relationships and trust and an inability for the stakeholders, the Department and the Police Service to properly engage on the issue — we get that consistently — it makes it very difficult for us to be able to vote for something and believe that a genuine commitment is being made by the different parties involved.

I want to move on quickly. Sydney has indicated that he wants to speak. Then I will go back to Mr McGlone because he wanted to raise other issues about the banded system, and then I will bring in Mr Wells.

**Mr Anderson:** Thank you for the presentation. It has been interesting. I am not so sure that I have figured out how the £121 has been arrived at, because there appear to be so many variables. Mr McGlone started off, and we heard about travelling expenses and everything that goes along with it. I am wondering whether every application has a fair amount of travelling allocated to that licence when it is maybe not particularly needed and is spread across all applications. Looking at the whole application process, I will ask a direct question. What do you see as being the main reasons or obstacles in the re-granting or renewal of a licence that are making the increase from £50 to £121 necessary? What is causing that? Where are the hold-ups or whatever goes with it that could be better worked on?

**Mr Kidd:** I think that the first thing —

**Mr Anderson:** You know the process, and, as my colleague said, all politicians get requests to deal with different types of licence. We see medical evidence being asked for. Are there hold-ups there? Are there hold-ups with getting information that is required? Where is the hold-up that is costing this amount of money?

**Mr Kidd:** I think that the first point to make, Mr Anderson, is that the hold-ups are not actually included in the costings. The costings process is based on actual handling time. So, if someone sends in an FAC application and they have declared a medical condition and the police have to write out to a GP or a consultant to get further information on that, what that will cost —

**Mr Anderson:** That increases the handling time, so it goes back to someone in the process, a GP or whoever, causing a logjam.

**Mr Kidd:** The handling time that is costed there is for a member of police FEB staff to write a letter to the GP to say, "Mr Smith has applied for a firearms certificate and has declared medical condition x. Can you please provide us with some background to enable us to facilitate the decision-making process?". Whilst that is sitting in someone's tray waiting for a response, there is no cost. The cost is picked up again when the response comes in and someone begins the processing.

**Mr Anderson:** Is that at the local police station?

**Mr Kidd:** It is.

**Mr Anderson:** Where are the checks done that everything is in order before it goes to headquarters for the issue of the licence?

**Mr Kidd:** The application process is entirely conducted at FEB in PSNI Lisnasharragh on Montgomery Road.

**Mr Anderson:** Would it not be possible for those checks to take place locally, where the person would go in with their application and have it checked off at the local station? It could be checked that everything is in order and the boxes are ticked, and nothing would have to go back. Do you see where I am coming from here? It is like me applying for my passport or anything else. You have a checklist and everything is there. You send it off, and, hopefully, everything should come back.

**Mr Simon Rogers:** I think that the timescale for what you are talking about is fairly small in the process. I think that you are getting at a situation where an applicant thinks, "Have I put everything in that I should have put in?". That is not, I think, where the concerns about delay are arising.

**Mr Anderson:** Where is that delay? That is what I am trying to find out.

**Mr Simon Rogers:** One reason for the delay is in the capacity of FEB to deal with the number of applications when they are under-resourced. Another delay is if they have to go for a medical check or something of that nature. I said a bit earlier that the figures that we have at the minute are that they are turning these around in about 15 days on average. That is not a slow process in our view, and there are variations in roughly five [*Inaudible.*] There are stories of the old days when it was taking an awful lot longer than that, and I think that the police would say that it was unacceptable in those days. The process has improved, but the costing is not about delays. The costing is about how long it takes for the person to deal with the application in front of them. If they have sent it off somewhere else, that costing stops on that until it comes back again. When they pick it up again, it is costed. So, we are not costing a delay.

**Mr Anderson:** It is because of people involved in the system. Is that what we are saying?

**Mr Simon Rogers:** I am not saying that.

**Mr Anderson:** The application could be handed around anywhere, and it can stay any length of time in any one part of the system. That could increase the cost.

**Mr Simon Rogers:** I am not saying that. I am saying that it has to go through certain appropriate checks, which, inevitably, require it to go to certain places. That will inevitably take some time, but that time is not charged as such.

**Mr Anderson:** It is not charged.

**Mr Simon Rogers:** No. It is only the time that members of staff in FEB are handling an application that is charged.

**Mr Anderson:** OK. There may not be a cost to the people who are handling the application, but there is a cost to someone, I am sure.

A lot of my points have been touched on. Licences for five years and for 10 years were mentioned. Robert, I think that you said that going to a 10-year licence would not bring significant savings. Why should that be? Did someone say that annual checks do take place, or did I pick that up incorrectly? Are annual checks done?

**Mr Kidd:** There are not annual checks, no.

**Mr Anderson:** Not annual checks. Every five years, is it?



**Mr Kidd:** The current process is called grant and re-grant. Effectively, every five years, you start from scratch. The police will do all the checks that they do the very first time that you get a firearms certificate. They will do a criminal record check, and they will do a house visit. There are a couple of reasons for the house visit. On the initial visit, the first thing that they want to check is whether you have a suitable place to store the firearm. The other thing is usually an interview or a discussion with the firearms enquiry officer. The sorts of things that they are looking for is to find out the temperament of the individual, whether there is any evidence of domestic violence or issues that may not have come to the attention of the police yet but may flag up a cause for concern. That is part of that.

**Mr Anderson:** A local officer would carry that out.

**Mr Kidd:** It is done by a firearms enquiry officer, which is now a civilianised role. Again, that is another method of reducing the cost.

**Mr Anderson:** When that check is done and nothing appears to be out of place, surely that re-grant should go through pretty quickly.

**Mr Kidd:** As Simon said, at the moment, it is around 15 days for the vast majority.

**Mr Anderson:** At that stage, you would want to re-grant that at a cost of £121.

**Mr Kidd:** Yes, for five years.

**Mr Anderson:** It would be £121 just to go out and have that half-hour discussion or whatever it is.

**Mr Simon Rogers:** It would be for checking criminal records, paying for transport, and paying for desk time that you take when you receive the application and look at it. Bear in mind that it is £121 over five years.

**Mr Anderson:** I understand that. Is it £50 now over three years?

**Mr Simon Rogers:** It is £50 over five years.

**Mr Anderson:** So, it is a substantial increase. If a civilian goes out and ticks the boxes, I am sure that it is not going to be a long exercise to inspect a gun cabinet or to assess the individual. Really, that is the work done, and it is only a matter of sending it off to those who issue the licence. We are saying that that is £121. In that case, it would be full cost recovery for someone to visit. Is that what it is? I am trying to see what it is. Full cost recovery would be £121 to carry out that exercise.

**Ms Giboney:** That is just the home visit. There are the exercises that are carried out in Lisnasharragh headquarters and in headquarters itself.

**Mr Anderson:** But if everything was to go in an envelope to say that the check had been carried out and that everything was fine, I just wonder what has to be done in Lisnasharragh.

**Ms Giboney:** For processing the application without actually knowing the detail of their work, I could not answer.

**Mr Anderson:** I think that we have got to the point that it is £121 for most applications. There may be some difficult ones. However, for most of them that have not come to the attention of the police or anyone else, to renew the application is a matter of ticking a few boxes, having the interview and that is it. That is how I see it, and I do talk to people. I wonder about us asking for £121 to carry out that exercise. We may not agree on this particular aspect.

**Mr Simon Rogers:** ACPO is saying that it thinks that the figure should be £196, and the Home Office appears to be moving to £90 for a firearm and another figure for a shotgun, which, combined, would be a lot more than £121. In the Republic, it is €80 for three years for each firearm. I am just trying to put it into context, which shows that it is not that different.

**Mr Anderson:** I accept what you are trying to say, and I hope that you accept what I am trying to say, which is about the work that needs to be done and how I see it progressing for that £121. Thank you for that.

**Mr Kidd:** Can I just add something, Chairman? Sorry, Mr Anderson. Under the current system, the police are working within a very constrained budget bringing in £50 and are currently experiencing a significant deficit annually on the firearms budget. One of the issues that is costed in is the way in which the system should run, and that also allows for interim inspection. The police can call out unannounced during your five-year licensing period to check such things as whether the firearm is being stored appropriately; ie whether it is locked in the firearms cabinet and not stuck in the kitchen cupboard or in the hot press. That is also part of the licensing process. It is not strictly a one visit out. We often hear that when the FEO goes out on the initial application, the person will not have acquired a firearms cabinet at that point, because they will say that they did not want to go out and buy a cabinet because they did not know whether they would get the firearm. So the police may go out and do the interview —

**Mr Anderson:** They may go out, but we do not have any figures to say whether they go out or how many times they go out within that period.

**Mr Kidd:** For every initial grant, there will be a visit.

**Mr Anderson:** One visit, but after that, Robert, you said that they could make a visit to check that everything is being carried out as it should. We do not know and have no record of how many visits they make and whether they make them or not. There are a lot of variables here.

**Mr Simon Rogers:** The consultants' report sets out what the money is for in that regard, which is to conduct those visits on a regular basis; they are to happen.

**Mr Anderson:** OK. Thank you.

**Mr McGlone:** I just want to pick up on a couple of things. Mr Kidd, you referred to the firearms certificate fee. From my recollection, it was hiked up to £50 from the previous level of £30 about 10 years ago, but the sweetener with that was that it was moved from a three-year licence to a five-year licence.

**Mr Kidd:** I would not question you on that, Mr McGlone. We know that, in 2004, it was a £50 fee and a five-year licence. My understanding was that —

**Mr McGlone:** It was changed from three to five years.

I want to go back over the ground. There is a concern about public safety. That is granted. I am just thinking of the process that an individual would have to go through if an allegation was made or there was a criminal conviction. An allegation is made, and there is a police investigation. If there is a case to be made, it is passed to the Public Prosecution Service and, if a conviction is upheld, to the Courts and Tribunals Service. I find it inconceivable that, in circumstances where a person's employment may be affected by the nature of the criminal conviction they might receive, there is not a system in place whereby if they are flagged up — red flagged — that automatically kicks in straight away. In these days of computerisation, a simple programme should do that. I know that, immediately on an allegation of domestic abuse or assault coming in, there is a system in the police that flags up that firearms are held at that address, and the police go out straight away and usually scoop any firearms that are held in that house. I find it difficult that that good and proper practice is not extended by way of some sort of computerised system that logs convictions and the like that could automatically be fed straight across to the firearms licensing branch. I find that rather unusual and bizarre, when it is done in cases of a person's employment. I find it odd that that system does not exist. That should be good practice as opposed to it being incorporated into the firearms fee licensing operation.

I sit with Mr Elliott on the all-party group on country sports, and there appears to have been some — how shall we put it — lack of progress on the dissemination of information from the consultation group. That has been reported to us. There have been numerous consultation meetings on the banding system, and I know that the organisations that attended asked what the difficulties were and whether they could be provided with those in writing. I think that there have been three requests and an agreed time frame of one month; yet, to date, that has not happened. Will you give me some sort of indication of why that has not happened?

That is the process. We will move it over. I have seen the handbook, and there is already a banding system in it for guidance for the police. Therefore, with the exception of a few amendments for new

calibres of ammunition that have been introduced — I see your amendment — what has taken us so long to get to this point?

In paragraph 15 of your note — the DALO has put his name to it — on the banding system, you state that a number of factors have been considered and that:

*"Principal among these are public safety".*

The banding system is for someone who has an established use of either an air weapon or a firearm. The banding system that you have eventually brought forward makes perfect sense. I am trying to establish where a person with an established use of a firearm or air weapon fits in if they wish to replace that weapon with another one in those bands of similar calibre. You have conceded that it could be an air weapon, and it could be a rimfire rifle or a centrefire rifle — whatever it might be. What are the public safety concerns around that? Maybe you could elaborate on what is meant by that. It is really one weapon in and another one out. I just do not understand that.

**Mr Simon Rogers:** The first thing to say is that we hope that the proposal will gain support. This has been difficult, and we flagged up in the consultation document that there were a number of issues with the banded system that needed to be answered before one could move satisfactorily. Those included the fact the Chief Constable decides on good reason and cannot delegate his authority to a dealer, for example.

**Mr McGlone:** Will you explain that to me? That authority has already been delegated for shotguns.

**Mr Simon Rogers:** Yes, but that is one shotgun compared to another shotgun. If you look at the bands, a firearm that could be used to shoot a rabbit might be in the same band as a firearm that is used to shoot a deer.

**Mr McGlone:** A person should not be using it to shoot a deer if it is just for rabbits.

**Mr Simon Rogers:** Indeed, and that is why we are saying that public safety is important.

**Mr McGlone:** Sorry, you picked me up wrong. You would not have a weapon to shoot a deer in the same band as one that is used to shoot a rabbit. I take it from what you are saying that you are talking about a very strong higher-calibre firearm. That is surely the logic behind your bandings.

**Mr Simon Rogers:** Yes, what I am saying is that, within the bands, there is a great range of firearms that you could use for different purposes. Therefore, we need to be satisfied of a few things. One is that someone is not taking a firearm that is used purely for small animals and using it for deer without the appropriate qualification — the deer stalking certificate.

**Mr Kidd:** May I highlight that point with an example? If you take band 4 as an example, without getting too technical —

**Mr McGlone:** Fire away.

**Mr Kidd:** You will be very familiar with it, Mr McGlone.

**Mr McGlone:** I want to hear what you are going to say.

**Mr Kidd:** Someone who possesses a firearm at the bottom end of the band and is perhaps shooting feral goat could decide that they want to change to something further down the band — a larger-calibre weapon — that could be suitable for shooting deer. At the moment, the PSNI would receive that application under a variation application, and they would want to know whether that person has completed the deer stalking certificate to demonstrate that they are competent.

**Mr McGlone:** Surely it is down to you to work that out with them.

Will you explain to me why the shooting associations have not received your concerns in writing? They are the practical people who know how those things work and have experience of firearms and all that sort of stuff.

I noticed that you picked the one that you would probably have the issue with — band 4 — but in the other bands it is rationale and common sense. I just do not understand it. If you want a problem you can always find one, but if you look for a solution you can find it too.

**Mr Simon Rogers:** We have put a solution before the Committee today. I said in my remarks that we needed to take the proposal to the shooting associations. It has taken us some time to resolve.

We highlighted that there were concerns about the banding system in the consultation. We then held a workshop, although those concerns were not resolved at it. In fact, if anything, more questions were asked. We asked some of the shooting associations to put their proposals on the bands to us, but those were not forthcoming. Ultimately, we have tried to resolve it by producing the banded system before you.

I have tried to outline the attractions of it, and the shooting associations are familiar with most of the points: that responsibility will still rest with the Chief Constable; it will be a short form application, which will be so much easier to complete; the police have given an undertaking that, all things being equal, they would expect to turn around applications in the bands within five days; and it is an administrative scheme. Going for a different type of scheme that involved, for example, the dealers you mentioned would require legislation.

Our proposal has always been to come up with proposals that we could trial and then do a pilot in the autumn. The piece missing was the set of bands. The problem with the bands is that it is difficult to brigade them exactly. There is a problem with those firearms that are in the margins, and there is also the issue of somebody having a firearm on loan from someone else — we had to look at that. We have come up with bands that we need to talk to the shooting associations about, and we have been upfront about that today.

As I said in my opening remarks, it has not been easy. I am grateful for your comment about the bands making perfect sense. I hope that that is right because of the work that we have put into them. We had to work with the police and others to come up with this, and we hope we have a system that is unique. This does not exist elsewhere, and it will assist shooters to move across different calibres within those bands in a more streamlined way.

**Mr McGlone:** I am just looking at band 4. You would expect that anybody who already has, say, a .236 or .257 or something like that would have considerable experience in the use of those weapons, usually for some of the heavier animals and heavier vermin control in any event. Usually, most of them would have done the training course as well. What I am saying is that you can pluck a reason out of the air for doing that, but where there is a will, there is a way.

**Mr Kidd:** It is not technically a requirement. You could apply for a .236 for feral goat and not deer, but then, because you are applying to shoot feral goat, the police will not require you to have completed your DSC1 course. That is just one example. To throw in another, one of the issues that the police would question is this. Say, for the sake of argument, that you had a .236 that you wanted to change for a .244. If you already possessed a .244 firearm and you were taking in a second, you may well have a very justifiable reason for having two firearms — one may be scoped and one may be wooden; there are different reasons — but that is something that the Chief Constable would have to determine: the good reason to possess two firearms of the same type. Some target shooters will have a reserve firearm in case something breaks in a competition shoot, for example. That is perfectly acceptable. However, we have to ensure that that decision is made by the Chief Constable and not a dealer, because it is important that the Chief Constable is satisfied that good reason exists for the possession of that firearm.

**Mr McGlone:** I am hearing that one, OK; so it appears that band 4 is the one where there will be most —

**Mr Kidd:** I think that band 4 is potentially the problematic one because —

**Mr McGlone:** There are a few complexities there.

**Mr Kidd:** — you are covering a lot. It is also very difficult. We looked at trying to split band 4, but the difficulty is that there is no clear break in it, which is why we decided to go for a single band. We would prefer to work with dealers and have guidance on that. You will see, beside the table, that we have highlighted just three or four examples of where checks may need to be carried out.

**Mr McGlone:** So, how soon will you engage with stakeholder organisations, such as the main shooting organisations and sporting bodies? Some of these will be target shooters as well as —

**Mr Simon Rogers:** We debated arranging a meeting before coming to the Committee; and thought no, we will wait to hear what the Committee has to say and then set up a meeting. We can arrange that quickly; if not next week, the week after.

**Mr McGlone:** Had Mr Elliott been here — and you, Chair, had been apprised of it — he would have had something to say about that. We have felt the frustration from many in the shooting community about the general lack of movement on this issue, and what appears to be inaccessibility.

**Mr Wells:** You have given us the full cost recovery for what you believe you are spending. We all know what the dead hand of bureaucracy and the Civil Service causes in expense. Have you any idea what it should cost in the real world, rather than in the vastly inflated bureaucratic system that the police and the NIO have? What would a private company do it for? And, in other parts of the world, are private companies doing it as agents on behalf of the state?

**Mr Kidd:** One of the best examples, Mr Wells, is to look at what is being done elsewhere. GB has ACPO recommending £196; the Republic of Ireland is charging €80 per firearm.

**Mr Wells:** More inflated bureaucracy in the state, but what should it really cost?

**Mr Kidd:** The £121 that we have arrived at has been calculated by Department of Finance and Personnel consultants. The business consultancy service works as an independent organisation. It is not there to demonstrate or arrive at a figure that the Department or the police want; its role is to investigate this as a private sector consultant would.

**Mr Wells:** Yes, but also taking into account that it will be done by a bureaucratic system, whereby it goes in one end, takes months to come out, and seems to be checked 72 times. What would a similar document in the private sector cost?

**Mr Kidd:** I think, given that the PSNI is now turning round 95% of applications within 15 days, it demonstrates that a grant or re-grant is not a bureaucratic system but an efficient one.

**Mr Wells:** I would love to meet the people who are getting their weapon in 15 days; they are not knocking my door.

**Mr Kidd:** They are the happy ones.

**Mr Wells:** I do not bump into any farmer or whatever who says that he is happy with the performance. I have a strong suspicion that, if an outside, totally independent business consultancy looked at the private sector, it could be done for a lot less. It is no good saying, "We want full cost recovery" when that full cost is exorbitant already. The firearm holder will have to pay way above what they would in the private sector, but we are stuck where we are.

Mr Elliott asked a series of interesting questions. Northern Ireland is clearly at a handicap, because some of the best skeet and clay pigeon shooters in the rest of the United Kingdom are starting younger than our talent. When it comes to the Commonwealth or Olympic Games — at the Commonwealth Games, Northern Ireland punches way above its weight in target shooting — we have a disadvantage because our rivals elsewhere in the Commonwealth start much earlier. In response to Mr Elliott, you could not identify a single good reason why it could not be younger, based on the experience in GB. There had been no accidents, mishaps or scandals. The only point you could make was that we are different. What is inherently different between a young lad in Ballymena and a young lad in Basingstoke on a clay pigeon range with supervision?

**Mr Simon Rogers:** We would rather take a precautionary approach. Having spoken to the police about the safe handling of firearms, and about safety at large, we think that moving to, say, 12 — secondary school age — is reasonable. The Minister has given an undertaking to review it. Indeed, the very organisation that, largely speaking, you are talking about — the Ulster Clay Pigeon Shooting Association — has written to us and, I think, the Committee, saying that it understands the caution taken by the Department and that it agrees that 12 is probably best for now. You can criticise the Department; that is fine. However, the very organisation that you are referring to is writing to us

saying that it is in support of 12. That is a proportionate starting point against a background where not everyone is universally supportive of young people firing firearms.

**Mr Wells:** I accept the caution about a young person going across a field and shooting at rabbits. However, we are talking about a strictly supervised situation. The club knows that, if it gets it wrong, it is in big trouble, as is the licence-holder supervising the young person. In my area of Rathfriland, there is a very strong tradition of clay pigeon shooting and young people who excel when allowed to. It worries me that you do not seem to have had any direct contact with your colleagues in the rest of the UK to identify a single problem that has arisen from young people shooting. Is that right? Have you had any contact with your colleagues across the water?

**Mr Simon Rogers:** We have not sought to raise that specific issue because we have looked at our own circumstances.

**Mr Wells:** There does not seem to be a halfpenceworth of difference between our circumstances and those across the water. I am surprised that it has gone so well in GB. You would think that mistakes were bound to have been made, but they have not been. I think that it is because they are under huge responsibility to make certain that things go right. They know that the sanctions are very severe if it goes wrong. I accept your point.

Just out of interest, what are the concerns of those who do not like the reduction of the age for ranges only? I am intrigued to know.

**Mr Simon Rogers:** I do not have the detail of all those who expressed concern. A couple of councils did. Another group said that it did not think that there should be a reduction in age from 16. It did not give a great deal of detail to us, but we published their responses on the website with the others. The responses were to the effect that, "We do not wish to see this reduction". Some people have a concern about people under 18, never mind under 16, having access to firearms.

**Mr Wells:** There is a concern that you will lure them into a false sense of security with £100, and, suddenly, the three-year review will be used to hike it up to something quite dramatic.

**Mr Simon Rogers:** We are bound to achieve full-cost recovery; that is the imposition on the Department. However, we are prepared to engage in the process with the shooting associations at the heart of it. That will lead us where it leads us. We will still have to come back to the Committee and others to persuade you to alter the fee at that time if an alteration is required.

**Mr Wells:** So, it would still require consultation with the Assembly and the Committee. It could not be slipped in through a negative resolution or something like that.

**Mr Rogers:** I am not sure if we would try to use negative resolution, but we would not go down that route without coming to the Committee on an SL1 basis, as we have done with these fees.

**Mr Wells:** You will be back here in three years' time.

**Mr Simon Rogers:** I suspect a lot sooner.

**The Chairperson:** You referred to the Ulster Clay Pigeon Shooting Association about the 12-year age limit. From memory, it would have accepted what the Assembly passed, but it was a case of, "If the Department won't actually implement it, we will go with 12."

**Mr Simon Rogers:** I was quoting from their letter of April this year. I am not disputing that there are others.

**The Chairperson:** Representatives came to me privately and told me, "Given the fact that the Department will not implement what the Assembly has done, we will take 12 if that's all that we can get. But, we would prefer it to be younger." So, to present it as though the association wants the limit to be 12 years and not younger is not right by my recollection of what they said when they came before us.

**Mr McCartney:** In the letter, their desire is to have no minimum age.

**Mr Simon Rogers:** I read it out. I hope that I read it all, because I certainly intended to. I directly referred to a letter that can be seen by the Committee and others. I am just reading into the record what they are saying. I accept that there are arguments from people for a much lower age limit. The other shooting organisations' starting point is 10. That is in the background note to the Committee's paper to us of November, so there are different views on the starting point.

**The Chairperson:** The Assembly could pass an amendment and a commencement. The reason that the Department was able to sit on the amendment the last time was because it did not have a commencement associated with it; it was put in the hands of the Department. You do realise that we can take that off you.

**Mr Simon Rogers:** Of course.

**The Chairperson:** So, if you are holding out on fees, and Mr Dickson touched on this, in hope of having a stalemate, you should know that it is not a case of, "If we do not get our fees, you won't get your age limit", because the Assembly can put an amendment forward and a commencement date that removes the Department's power to sit on it as you have done for the past three years.

Just bear that in mind in whatever tactics you are deploying on all these issues to try to get something through. It will not be me, but there are plenty of members who are very exercised that it was two years ago that this started. Mr Elliott said that it was October last year, but it was May 2012. So, for two years the Committee has had to deal with this. At some point, members will say, "We will put as much down in primary legislation as we possibly can to deal with it how we, not the Department, think it should be dealt with". Not everything is in your gift by way of trying to manage all these issues.

I make that as a point to bear in mind, because we have been trying to deal with this for two years.

**Mr McCartney:** Going back to the granting of the certificate, is it the same fee for all firearms? Is the proposal for all firearms?

**Mr Simon Rogers:** Yes.

**Mr McCartney:** So, there is no difference. When Patsy was speaking, he said that the profile of a deer stalker is not exactly the same as that of someone who is clay pigeon shooting. Is there no intent to make it different?

**Mr Simon Rogers:** The concern is that once you start to graduate the fees, you make the bureaucracy of the process more and more costly to administer. For example, you have a different structure for various fees. Therefore there is one fee.

**Mr McCartney:** I ask this in ignorance: do you have to do a deer-stalking certificate before you can apply?

**Mr Kidd:** Yes.

**Mr McCartney:** I would say that that costs more than the proposed tariff.

**The Chairperson:** Do members want to raise any other issues associated with this?

Mr Rogers, Donna and Robert, I appreciate your time. You are welcome to put your fee proposal to the Committee. I know how my party will vote; others can make their own mind up. I hope you engage with the stakeholders on all the issues. The Committee will have to engage with the stakeholders on the back of your proposals and invite their commentary on them. Nevertheless, we are where we are. Thank you for your time.