

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

OFFENSIVE WEAPONS BILL

Second Sitting

Tuesday 17 July 2018

(Afternoon)

CONTENTS

Examination of witnesses.

Adjourned till Thursday 19 July at half-past Eleven o'clock.

Written evidence reported to the House.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Saturday 21 July 2018

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The Committee consisted of the following Members:*Chairs:* MIKE GAPES, †JAMES GRAY

† Atkins, Victoria (<i>Parliamentary Under-Secretary of State for the Home Department</i>)	† Morgan, Stephen (<i>Portsmouth South</i>) (Lab)
† Foster, Kevin (<i>Torbay</i>) (Con)	† Morris, James (<i>Halesowen and Rowley Regis</i>) (Con)
† Foxcroft, Vicky (<i>Lewisham, Deptford</i>) (Lab)	† Pursglove, Tom (<i>Corby</i>) (Con)
† Haigh, Louise (<i>Sheffield, Heeley</i>) (Lab)	† Robinson, Mary (<i>Cheadle</i>) (Con)
† Huddleston, Nigel (<i>Mid Worcestershire</i>) (Con)	† Scully, Paul (<i>Sutton and Cheam</i>) (Con)
† Jones, Sarah (<i>Croydon Central</i>) (Lab)	† Siddiq, Tulip (<i>Hampstead and Kilburn</i>) (Lab)
† Maclean, Rachel (<i>Redditch</i>) (Con)	† Smyth, Karin (<i>Bristol South</i>) (Lab)
† McDonald, Stuart C. (<i>Cumbernauld, Kilsyth and Kirkintilloch East</i>) (SNP)	† Timms, Stephen (<i>East Ham</i>) (Lab)
† Maynard, Paul (<i>Lord Commissioner of Her Majesty's Treasury</i>)	Mike Everett, Adam Mellows-Facer, <i>Committee Clerks</i>
	† attended the Committee

Witnesses

Detective Chief Superintendent Jo Chilton, Head, National Ballistics Intelligence Service

Gregg Taylor, NABIS Ballistics Expert and Central Hub Manager, National Ballistics Intelligence Service

Assistant Chief Constable Dave Orford, National policing lead on firearms, National Police Chiefs Council

Mark Groothuis, Operation Endeavour, Counter-Terrorism Policing, Metropolitan Police

Christopher Lynn, Senior Firearms and Explosives Officer, National Crime Agency

Assistant Chief Constable Rachel Kearton, NPCC lead on acid attacks, National Police Chiefs Council

Deputy Assistant Commissioner Duncan Ball, NPCC lead on knife crime, National Police Chiefs Council

Vin Vara, Past President, British Independent Retailers Association

Graham Wynn, Assistant Director for Consumer, Competition and Regulatory Affairs, British Retail Consortium

Public Bill Committee

Tuesday 17 July 2018

(Afternoon)

[JAMES GRAY *in the Chair*]

Offensive Weapons Bill

2 pm

The Committee deliberated in private.

Examination of Witnesses

Detective Chief Superintendent Jo Chilton, Gregg Taylor, Assistant Chief Constable Dave Orford, Mark Groothuis and Christopher Lynn gave evidence.

2.4 pm

Q58 The Chair: I welcome you all to this meeting of the Committee on the Offensive Weapons Bill. We are taking expert evidence to better inform our detailed discussion of the Bill in Committee, which will start immediately after the summer recess.

Before I go on, I advise the panel that we will extend the session to half-past 3, for the simple reason that we have a Division then. Rather than start the new panel at 3.15 pm, we will continue with you until half-past 3, assuming that you are still being asked intelligent questions. We will add on enough time at the end of the day to make up for the change to our programme.

May I welcome the National Crime Agency, the National Ballistics Intelligence Service, the National Police Chiefs Council lead for firearms and explosives licensing, and the Metropolitan Police? Perhaps, for the record, you would be kind enough to introduce yourselves.

Mark Groothuis: I am Mark Groothuis. I work for Operation Endeavour, which is counter-terrorism policing in the Met. I am the national firearms licensing liaison officer for counter-terrorism policing.

Christopher Lynn: I am Christopher Lynn. I am a senior firearms and explosives officer with the National Crime Agency, and I work in the national firearms threat centre and the expert evidence group.

Detective Chief Superintendent Chilton: I am Jo Chilton. I am a detective chief superintendent and head of the National Ballistics Intelligence Service.

Gregg Taylor: I am Gregg Taylor. I am a forensic scientist for the National Ballistics Intelligence Service.

Assistant Chief Constable Orford: Good afternoon. I am Dave Orford and I am assistant chief constable in Durham constabulary and the National Police Chiefs Council lead for firearms licensing.

The Chair: Many thanks. Colleagues, who would like to take the lead on these matters? Minister, do you have questions of a useful nature?

Q59 The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): I do—thank you, Mr Gray. It is a pleasure to serve under your chairmanship. Good afternoon, witnesses. The Bill contains

a clause that relates to high-powered rifles. Could you please explain about what those rifles are, their range and their ability to penetrate protective clothing or other items?

Christopher Lynn: Yes, thank you, Minister—
[*Interruption.*]

The Chair: Don't worry. That musical guitar thing merely means that the speaker in the main Chamber has changed. Why we do that I don't know, but we always have done.

Christopher Lynn: The Bill deals with high-energy rifles that exceed 13,600 J of muzzle energy. On the capabilities of those rifles, there are shooting sports that deal with extreme-ranged weapons, and they fire at screen targets to register an extreme group at a range of about 2,000 yards. A lot of that sport has grown around weapons that originally had a military application. The most commonly encountered firearm on the domestic firearm certificate is chambered for the .50 Browning cartridge, which was developed between the wars for military applications.

We have engaged with and met the Ministry of Defence to take an objective look at the power of these weapons, and it has adopted two of those .50 rifles for anti-structure use in an MOD context. In order to get an idea of the power, we have identified that one of the MOD's user requirements for these weapons is for it to immobilise a light or medium-size vehicle or truck at 1,800 metres. These weapons have an enormous energy, and we would support the view that they are inappropriately energetic for a sporting application. The sport seeks to register a hit on a screen or electronic target at 2,000 metres, and the NCA's position is that there is no justification for a weapon of such excessive power to have such an effect.

Q60 Victoria Atkins: Let us break that down. You talked about distance, but are you able to give us a distance in terms of local landmarks, to help us understand how far these weapons can go?

Christopher Lynn: I am not a Londoner, so I am not sure if I can—I am sorry, Minister. The MOD has a requirement out to 1,800 metres and 2,000 metres, but the .50 Browning round—the prohibition would not deal only with that cartridge—is effective out to 6,800 metres, according to MOD data. That is 6.8 km, which is an enormous range.

Q61 Victoria Atkins: At the moment, how many licence holders are there?

Christopher Lynn: I think that might be a question for my colleague.

Mark Groothuis: According to the national firearms licensing management system, where firearms licensing in England and Wales is held for the police, I can identify approximately 129 weapons that would be affected by the prohibition, should it come in. There will be more in the trade. We do not have a picture of how many are held by firearms dealers, so it will be more than that. Certainly, on firearms certificates, a minimum of 129.

Q62 Victoria Atkins: In the United Kingdom?

Mark Groothuis: In England and Wales. We do not know about Scotland.

Q63 Victoria Atkins: Where can these weapons be fired?

Mark Groothuis: They tend to be fired on Ministry of Defence ranges because they are the only ranges that are large enough to incorporate this very long-distance target shooting.

Q64 Victoria Atkins: We heard concerns on Second Reading that none of the rifles that are proposed to be prohibited has ever been used in a crime before. Can the panel help us with that?

Mark Groothuis: Certainly, there is no example of their being used in crime recently. We have to go back to the troubles in Northern Ireland, when there was a suggestion that the .50 was being used to snipe members of the armed forces. So, we are going back to the '80s. Other than that, there is no suggestion that legally held .50 rifles have been used in crime.

Q65 Victoria Atkins: So, what is the risk and threat posed by these weapons, such that we should ban them?

Mark Groothuis: The threat, as I see it, is that we see an increasing trend of legally held firearms being stolen from certificate holders. The number of guns being stolen is going up. I can give you some statistics, if you like. So far this year, on the national firearms licensing management system, we have got 39 rifles stolen, all of a different range of calibres—none of them .50—and 165 shotguns have been stolen. Again, we are seeing an increase in the use of firearms in crime—mainly shotguns, as they are the volume guns that are being stolen, but there have been examples of rifles coming into use by criminals. They are using them in possibly gang-related shootings.

Q66 Victoria Atkins: So, why is banning them the answer to that?

Mark Groothuis: It is simply a question, I suppose, of removing the risk. In having licences for these hugely powerful guns in the community there is always a risk that they will be stolen. Most, in fact all, of these guns are being kept in private domestic circumstances. If I am a firearms certificate holder and I have got a .50 rifle for long-range target shooting, I will keep it at home.

Although we could say, “Let’s increase the security,” there is only so much you can do to protect these sorts of premises. There are no club armouries for these sorts of guns; they are all kept at home. It is whether we wish to take the risk of these things being stolen. There was one stolen in July 2016, together with ammunition, along with four other rifles that were stolen. One of those was actually used in crime—in a shooting. The .50 was ultimately recovered and, in fact, it had had its barrel sawn off.

That does show that maybe the crime gangs—the criminals—do have an appetite to use these guns if they are stolen. My concern is that, if one of these guns were to be stolen, again with the ammunition, and if it were to get into terrorist hands, it could be very difficult to fight against or to protect against. There is very little—nothing, as far as I know—that the police service have that could go up against a .50 in the way of body armour or even protected vehicles.

It is just a risk you have to make a decision on. Because of the nature of the sport—it is just long-range target shooting; there is no quarry shooting involved in this—do we want to take that chance?

Q67 Victoria Atkins: Moving on to the MARS weapons that are also in the Bill, could you please explain why we are seeking to prohibit those?

Mark Groothuis: Do you mind if I hand over to Gregg Taylor from NABIS on that?

Q68 The Chair: Could I ask a stupid question? What is MARS?

Victoria Atkins: I think the witness is about to explain.

Gregg Taylor: Essentially, it is a manually activated release system. With the cycle of a semi-automatic rifle, you would normally chamber a round, and it would fire and then recycle itself, ready to be fired again with another pull of the trigger. What the manually activated release system does is to hold the bolt back temporarily, so the firer essentially has to pull the trigger twice. It is building a delay system into the mechanism. The Firearms Act 1968 would then classify that rifle as a section 1 rifle rather than a section 5 prohibited self-loading rifle. It has been designed to get around the UK firearms legislation—so it can be classified as section 1 rather than a prohibited weapon. What the mechanism does, if you fire one of these weapons, is to give you quite a high rate of fire, nearly equivalent to a regular self-loading rifle, with a simple double pull of the trigger.

Q69 Victoria Atkins: Colleagues have voiced concerns about the potential impact this may have on disabled people. Can you help us with that point?

Gregg Taylor: Within the shooting community, if you have difficulty operating, say, a bolt-action rifle, I can see that something that would self-load might be an option for you, but the risk these weapons pose, and the fact that they were specifically designed to get around UK legislation, start to question the Firearms (Amendment) Act 1988, which came in specifically to ban self-loading rifles other than .22 calibre. There may be other options for disabled shooters. Again, it comes down to the risk that these weapons pose.

Q70 Victoria Atkins: To finish the section on firearms, we are also seeking to prohibit the possession of bump stocks. Could someone explain what bump stocks are and why we are seeking to prohibit their possession?

Gregg Taylor: A bump stock is an additional grip mechanism that is attached to a regular self-loading weapon. What that does, when you attach the bump stock, is to allow you, essentially, to have a simulated full auto weapon. It is another device that has been specifically designed to turn a regular self-loading rifle into something more akin to a full auto. There are videos online that you can watch, and the rate of fire is extreme. Given the risk they pose to public safety, I think it is correct that they are in this Bill.

Q71 Victoria Atkins: There was an incident, sadly, in recent years where we saw the threat posed by bump stocks, was there not?

Gregg Taylor: In the US, yes, with the Las Vegas shooting. I think 12 out of the 14 weapons that were used in, or recovered from, that event had the bump stocks attached. We are all aware of the rate of fire and the number of people who were killed in that event.

Q72 Louise Haigh (Sheffield, Heeley) (Lab): Can I just confirm something? When you said 129 licences, was that just for the .50, or was that the total number of licences?

Mark Groothuis: It includes two other calibres: 14.5 mm and 20 mm. If the prohibition went ahead at 13,600 J, it would capture not only the .50, but larger and more powerful calibres as well. I believe the 14.5 mm firearms are effectively Soviet anti-tank weapons and the 20 many might be a bespoke-built firearm. Most of them are from a military background.

Q73 Louise Haigh: What percentage of firearms used in violent offences—for example, last year—were firearms that came from the legal to the illegal route?

Mark Groothuis: May I hand over to Detective Chief Superintendent Chilton?

Detective Chief Superintendent Chilton: What I can say, from the statistics we look at, is that the increase in firearms lost or stolen last year, compared with the previous year, was 26%. There were 430 stolen from licensed premises. Because serial numbers and so on get erased, we cannot 100% say what ends up in the criminal market, but when we have looked at firearms recovered from policing, we recover just over 1,000 a year that have not been used in crime or are just recovered. About 30% of those tend to come from licensed premises as the result of a burglary or theft, but it is very difficult to sit and say what is actually used in crime, because the serial numbers and so on are eroded.

Q74 Louise Haigh: But none of the guns that have been stolen so far this year are those that will be prohibited by the Bill?

Detective Chief Superintendent Chilton: The ones we are looking at are shotguns and rifles. The .50 calibre that Mark spoke about earlier was stolen in 2016 and recovered in 2017, and there was evidence that it had been fired and had been stolen at the time that the .308 rifle had been stolen, along with eight others. The .308 had been used to shoot three people and the .50 calibre one was recovered in a bag on wasteland, which is a modus operandi for offenders to store firearms, so they are not caught with them in their properties. That one had not actually been discharged in crime.

Q75 Louise Haigh: And are most firearms stolen from domestic premises, which obviously have licensed conditions attached to them?

Detective Chief Superintendent Chilton: Predominantly, but we do see commercial properties affected; I am aware of one in my own area, from which 40-odd firearms were stolen. But they tend to be domestic premises.

Q76 Louise Haigh: Mostly farms, is it? I mean, how does an offender know that a licensed firearm holder is in a property and that there is a firearm there?

Detective Chief Superintendent Chilton: That is one of the things that we have been working with the shooting community about: making sure of people's social media; have they got stickers in their vehicles? Do they get regular post deliveries of magazines? Do they go to a club regularly, and can they be identified? There are lots of reasons and obviously it is one of the intelligence pieces that we are trying to work on, to improve our understanding.

Q77 Louise Haigh: You might not be able to answer this, but how did a legal firearm end up in the hands of Thomas Mair?

Detective Chief Superintendent Chilton: From the Jo Cox murder? It was stolen from a vehicle, and it was then cut down and used, with tragic consequences.

Q78 Louise Haigh: The MARS weapon has clearly been designed, as you say, to exploit loopholes in the current legislation. Is there any way that we could draft this legislation more widely to stop further exploitation happening, because—clearly—there will always be enterprising people who want to get round the very specific bans in legislation? Is there a risk that we are still keeping it too tight to allow further exploitation of loopholes?

Assistant Chief Constable Orford: I think the challenge with firearms licensing legislation is that it builds on a lot of previous legislation and some stated cases as well, and our experience of working with this practically is that there will probably already be people looking at this Bill and trying to think of ways round it, unfortunately. There will also be people who possess some of these items who are looking at other parts of legislation, to see if they would provide an exemption for them to still possess the firearm. Very often the proof is actually putting it to test.

We can apply a lot of expertise and, from the firearms licensing perspective, it is quite simple for licensing managers to interpret the legislation and apply it, but very often and for some time afterwards, once legislation hits the ground we still find little cracks and nuances in it. The advantage we have is that there is a national working group, and it covers Scotland and Northern Ireland as well. We try to apply consistency in some of the decisions that are made, and police forces now are a lot more robust in challenging and saying no, and in effect putting a case through the judicial process to determine whether it was appropriate for that decision to be made.

Q79 Louise Haigh: I understand that 30% of the guns used last year in crimes were of obsolete calibre. Is there anything we can do to restrict the availability of decommissioned weapons, and is it of concern to you how available decommissioned weapons are and the ease with which they can be recommissioned?

Detective Chief Superintendent Chilton: When we look at the statistics that we collect nationally, the number of deactivated firearms that have been reactivated is very small; converted and modified is different. That is converted as in Baikal firearms, which get converted from forward-venting gas blank-firing firearms to fire live rounds. The deactivated and reactivated firearms are a small issue, compared with modified and converted firearms.

As for antique firearms and obsolete calibre firearms, last year I think they counted for about 20% of the revolvers used in crime, and at the moment we have information with Ministers to look at the obsolete calibre list, to see what is relevant and what needs to be considered to be removed.

Gregg Taylor: I would just add that antique revolvers have never been decommissioned in any way that has deactivated them, so they are in full working order. Antique weapons are subject to exemption under section 58(2) of the Firearms Act 1968 if they are held as a curiosity or ornament, but obviously the gun itself is in full working order.

Q80 Louise Haigh: So how easy is it to get hold of an antique revolver at the moment?

Gregg Taylor: They are not subject to any licence.

Detective Chief Superintendent Chilton: Anyone can buy them. As we have seen in recent operations, people can buy them, or multiples of them, and the threat we have from crime now is that people are manufacturing ammunition to fit them.

Q81 Louise Haigh: So how quickly and easily would I find it to purchase an antique revolver and get ammunition to be able to use it?

Gregg Taylor: You could basically buy an antique revolver from your local antiques fair on a Sunday afternoon.

Q82 Louise Haigh: Could I get ammunition that easily as well?

Gregg Taylor: The ammunition is the issue. There are people out there who go to great lengths to make the ammunition to fit these obsolete calibres. As I have said, the gun itself is in full working order but is exempt as an antique under the Firearms Act.

Q83 Nigel Huddleston (Mid Worcestershire) (Con): These questions are probably more for the detective chief superintendent. Can you give us some idea of the scale of firearms in the UK? How many people have firearms at the moment, and what are the trends? Is this going up; is it going down?

Detective Chief Superintendent Chilton: NABIS collects data only on firearms that have been used in criminal offences. We do not collect data on the firearms that are held. With antique firearms, there are no restrictions, so there is no way of knowing how many people have an antique firearm. We look only at the criminal use of firearms.

In terms of the criminal use of firearms, from 1 April last year to 31 March this year—our performance year—there was a slight decrease in firearms discharges, compared with the previous year. However, from 2012, we are still high compared with previous years. In the last quarter of this performance year, from 1 April to the end of June, we have had 150 discharges, resulting in nine fatalities, compared with three fatalities from January to March, so at the moment we are seeing an increase in firearms offences.

Mark Groothuis: These are the statistics as of 31 March 2018 and as produced by the Home Office. There were 157,581 firearms certificates, covering 577,547 weapons on firearms certificates. There were 567,047 shotgun certificates, covering 1,359,368 shotguns; that is on a shotgun certificate.

Q84 Nigel Huddleston: Those are fascinating stats: there are far more firearms than I thought there would be in the UK. In terms of being a responsible firearm owner, what are the current requirements? If you have a firearm, what do you have to do to ensure that it is safe? What are the current rules?

Mark Groothuis: There are standard conditions on both a firearm and a shotgun certificate that require you to store, if it is a section 1 rifle, the weapon and ammunition securely so as to ensure there is no unauthorised access to it. If it is a shotgun, you just keep the shotgun secured; there is no requirement in law

to keep shotgun ammunition secure. I should say, however, that that is the only place where you will find a requirement to store guns securely. There is nothing in the Firearms Act that actually refers to the security of firearms. It is purely in the rules that set out the design of firearm and shotgun certificates that you get a requirement for security, and that is as far as it goes. There is a security handbook, which is currently being reviewed, but it is at the discretion of the chief officer of police—whoever has the jurisdiction you reside in—to decide whether you have met the requirements to keep a gun secure so as to ensure there is no unauthorised access to it.

Q85 Nigel Huddleston: In practical terms, what does “secure” mean? Under lock and key?

Mark Groothuis: Yes, generally. Again, there is nothing in law that sets out what security is. We do have the Home Office security guidance, and there is a British standard for approved gun cabinets—BS 7558. If you said to me, “I want to apply for a shotgun certificate,” I would point you in the direction of a BS 7558 cabinet. Those cabinets are readily available online. If you were coming to me for a section 1 firearm—say, a rifle—and ammunition, I would want the ammunition stored securely and separately, but there is no requirement to store shotgun ammunition securely or away from the gun.

Q86 Nigel Huddleston: On Second Reading, my hon. Friend the Member for The Cotswolds (Sir Geoffrey Clifton-Brown) said that actually we do not need to ban these things; all we need to do is to enhance security and storage. Do you think that that is practical?

Mark Groothuis: I think it is very difficult, because this is not statutory at the moment. One way forward might be to make it statutory. Then it is a question of trust. All firearms licensing is based on trusting the individual to store the firearm away securely. We do find sometimes when guns are stolen that they were not secure. The person has come home; they have been shooting. They may have left the gun out to dry and not put it away, and it is stolen. That is a breach of the conditions of the certificate. Again, it can be difficult to get to the bottom of what actually happened and how the gun was stolen.

Q87 Nigel Huddleston: What are the implications of breaching that certificate?

Mark Groothuis: It is a summary offence contrary to the Firearms Act, so you could be prosecuted.

Q88 Nigel Huddleston: What would that mean?

Mark Groothuis: You can be fined, although I don’t know the scale of the fines off the top of my head.

Assistant Chief Constable Orford: Summary only.

Mark Groothuis: Yes, it is only a summary offence, so it is normally just a fine.

Q89 Tulip Siddiq (Hampstead and Kilburn) (Lab): I want to probe a bit further on the use of antique guns. I was quite surprised that anyone can access one. In the Paul Edmunds case, which was very famous, he bought the guns, fitted them with ammunition and then passed them on to criminal gangs. What do you feel about his passing them on to, I think, 50 criminal gangs? Do you think the legislation around that is strong enough, and if not, what can we do?

Detective Chief Superintendent Chilton: We worked with the Law Commission and we provided evidence about the threat from obsolete calibre firearms in criminal hands. The Policing and Crime Act 2017 came into effect last year, and there is now an ongoing piece of work looking at removing certain firearms from the obsolete calibre list if Ministers make that decision. That would make it illegal to hold antique or obsolete calibre firearms that are currently used in crimes, unlike now, when anyone can hold them if they are not a prohibited person.

One outcome of our work with the Law Commission was to recommend the full codification of firearms legislation. Unfortunately, that has not come into effect because the legislation is complex. The definition of antique firearms and parts in the obsolete calibre list were brought in last year under the Policing and Crime Act. We are now waiting for decisions as to what will or will not be removed from that list. That is already in train; we are just waiting for outcomes, which I am told will not come before the summer recess.

Q90 Tulip Siddiq: Would you advocate that?

Detective Chief Superintendent Chilton: Yes, definitely, as well as an ongoing review of the obsolete calibre list, so that, as and when ballistics experts identify trends in the criminal use of firearms, we can put evidence forward so that those can be removed and the public can be kept safe.

Q91 Tulip Siddiq: Do you have any idea of the number of antique guns in circulation, or is that impossible to gauge?

Detective Chief Superintendent Chilton: As I say, you do not have to record them and you can pay for them in cash, so there is no record. You can take scrap metal, but you cannot get cash for it. There is an audit trail for scrap metal, but not for antique firearms. Anyone who is not a prohibited person can buy them and we would not know.

Gregg Taylor: In the Paul Edmunds case, it was impossible to know how many guns he was actually bringing in and transferring to criminals because there was no requirement to record the seal numbers. He also brought in guns and claimed that they were antiques, and were therefore exempt, but in actual fact they were not; they were being wrongly described. He was fooling the authorities to get the guns into the country in the first place.

The ammunition was actually key to that case. As I said, guns are exempt from the Firearms Act if they are kept as a curiosity or an ornament. If ammunition is made to fit the gun, that is when it reverts back to being a prohibited weapon, so the making of the ammunition is key. That is what we see in criminal use right now. People out there make ammunition to fit these obsolete guns, and there are no restrictions on the components of the ammunition. It is only when the ammunition is made as a whole round that it becomes licensable, but the actual components, and the sourcing of them, can be done freely on the internet.

Q92 Tulip Siddiq: Would you advocate strengthening the legislation around that?

Gregg Taylor: From what I have seen in criminal use, I think we need tighter controls on the purchasing or acquiring and the possessing of components of ammunition.

Q93 Tulip Siddiq: To slightly shift my line of questioning, I am a London MP and I am aware that the number of criminal firearms offences per head is highest in London. Can you shed any light on why it is different in the capital from the rest of the country?

Detective Chief Superintendent Chilton: Why it is—?

Q94 Tulip Siddiq: Why is it different from the rest of the country? Firearm offences in London are the highest per head of population. I am curious to know why that statistic exists.

Detective Chief Superintendent Chilton: We tend to see the metropolitan forces as the main ones having gun crime problems. It is a complex issue. I know from my previous role, before I was head of NABIS, having run the communities against guns, gangs and knives programme, that it is very complex and is a serious violence issue. Guns are just one factor.

Q95 Kevin Foster (Torbay) (Con): I want to draw back slightly to the discussion about bump stocks. The example given was the Las Vegas shooting, but how many of those weapons used would have been lawful here? One of the issues in the United States is the pairing up of assault weaponry that is lawful there—unbelievably, quite bluntly—with bump stocks to make fully automatic assault weapons. How many of those weapons, given that the NCA evidence cites that incident, would have been legal here?

Also, do you think the definition in the law is drawn tightly enough? Clearly, bump stocks are being developed to get round the law on automatic weaponry in the United States and here. Do you think the definition is tight enough to prevent some sort of modification that has the same effect as the bump stock, but is not a bump stock?

Christopher Lynn: To answer your questions chronologically, because of the Firearms (Amendment) Act 1988, which prohibited full-bore self-loading rifles, the impact in the UK is limited, although we still have .22 rimfire self-loading rifles on section 1 firearm certificates. We are aware of at least two designs of bump stocks in the States that would be compatible with certain patterns of .22 rimfire self-loading rifles that are legal here, so there is some carry over, although it is very much more limited.

In terms of definitions, I was involved in a definition, and we went to the Patent Office to try to identify how the items were patented and described in the patenting, but it is always a competition on the wording. You think you have wording that is robust, and then there are some other means of getting around that. I have spent 23 years in the firearms world and throughout that time it has always been a competition of exploring the letter of the law and sometimes undermining the spirit of the law.

Q96 Kevin Foster: Do you think the wording in the Bill is the best it could be in this area, or could it be sharpened to try and future-proof it?

Christopher Lynn: We have consulted quite widely on it—the National Firearms Centre—and there has been a lot of input around it. I am sure we would be willing to have any suggestions that could be addressed, but I am not sure that there is an absolute gold standard catch-all. That is my position.

Q97 Karin Smyth (Bristol South) (Lab): Slightly moving on, I have a particular interest in air guns, due to an incident in my constituency. Is there any information on the proportion of these sorts of weapons used around crimes?

Detective Chief Superintendent Chilton: The use of air weapons is captured by the Office for National Statistics around firearms offences. It is not something that NABIS captures, because they do not fall within our criteria.

Karin Smyth: Sorry, can you say that again? They do not require—

Detective Chief Superintendent Chilton: The use of air weapons is not captured by NABIS, but they are captured under the Office for National Statistics in the wider use of air weapons. They are not offensive weapons that we see in NABIS or collate statistics on. I am not sure we can answer that question.

Q98 Karin Smyth: Do you have a view about licensing?

Detective Chief Superintendent Chilton: It is not something on which, at the moment, we have an evidential picture to put either way.

Assistant Chief Constable Orford: We have replied to the NPCC consultation, and it is a bit like with some of the aspects in this Bill. I think a lot of it comes down to community tolerance, public tolerance and the tolerance of Parliament. There are a lot of arguments in relation to air weapon risks and dangers. If you look at what happened when Scotland changed its legislation, more than 20,000 weapons were surrendered for a population of 4 million. As with the antiques, we have no idea exactly how many air weapons are in the rest of England and Wales, but extrapolating that number from Scotland would indicate that there is a significant number out there. I think it is a matter for Parliament and its tolerance of risk.

From a licensing perspective, were those weapons to be placed on certificate for England and Wales, that would place a significant burden on firearm licensing departments, which are already processing more requirements and checks in order to ensure that the right people have what we have already established is a significant number of shotguns and firearms.

Q99 Vicky Foxcroft (Lewisham, Deptford) (Lab): Is there anything that you think should be included in the Bill to ensure that fewer guns are used in violence—gang violence, youth violence and so on? Is resourcing an issue for your different departments and areas? I have just been looking through the consultation document you submitted. What we have is quite vague, so I wonder whether you have more information to give us about that.

Detective Chief Superintendent Chilton: In terms of the criminal use of firearms, we obviously see quite a broad range of firearms used. We see firearms that we class as being of UK origin, which have been here since the war days and were here when the legislation was changed, and we see firearms that are smuggled in from abroad and used in crime. We see quite a mix around the criminal use of firearms. I do not have a breakdown to give you, but it is quite a mixed picture, and it changes daily.

In terms of resources—I can speak only for the National Ballistics Intelligence Service—I have just secured an uplift in resources from the National Police Chiefs Council, so we are actually growing to cope with the increasing challenge of the criminal use of firearms.

Gregg Taylor: I would only add what I have already mentioned about ammunition. Again, guns are useless without ammunition, so ammunition is the key to some of the problems we see. There is a lack of control and legislation around purchasing and acquiring ammunition components. People can freely acquire all the equipment they need to make ammunition; the offence kicks in only once you have made a round.

Q100 Vicky Foxcroft: So your feedback is that it might be useful to extend the Bill to cover all ammunition and other parts and components?

Gregg Taylor: Yes. Obviously, this is focusing on particular weaknesses and threats around certain firearms, but in my area of work—I see criminal use of firearms day in, day out—ammunition is a massive key, and it is not part of the Bill.

Assistant Chief Constable Orford: On your question about resourcing, on the legal side it is a matter for local chief constables to decide—with their police and crime commissioners, obviously—what resources they put into their firearms licensing departments. There are steps to go through in the issuing of a shotgun or a firearms certificate. As time goes on, those steps tend to increase because of external scrutiny, cases that have taken place and our access to information. One of the largest challenges we have at the moment is accessing medical records for people who apply. GPs' responses to their local police forces are very patchy, so that is a significant administrative burden.

There are quite a lot of steps to go through to actually acquire your firearm or shotgun, and then there is the renewal process that goes with that. Those administrative processes happen day in, day out in all your local police forces. As is often the case in this sort of area of business, it is very often only when something goes wrong or is examined by a coroner that we start to learn lessons, but we are constantly improving in this space. As we improve, the requirements tend to be extended because we look into more things. At the moment, we are working with Dorset police on how far we should go into people's family histories—how far we should interview people and go into those depths. There is an amount of proportionality to be put into it as well.

Q101 Vicky Foxcroft: Excuse my ignorance on that point, but somebody cannot have a firearm while they are going through those steps, can they?

Assistant Chief Constable Orford: If you are an initial applicant, no. You have to wait until you have been issued the certificate before you can go to a dealer and say, "I've been authorised to purchase the following firearms," and carry out your transaction.

Q102 Vicky Foxcroft: But in the case of reissuing, you can still have one until your certificate is reissued?

Assistant Chief Constable Orford: Yes, in essence. There are various protections, but it is that cycle over a five-year period.

Mark Groothuis: Could I just clarify something in relation to ammunition and component parts? There is a restriction on the sale of primers, which are one of the main component parts of ammunition. If you want to buy primers, you should be producing a firearms certificate or shotgun certificate, to show that the type of primer that you are requiring is suitable for use in the type of gun you have. In relation to the powder that is used in the ammunition—we refer to that as shooter’s powder—there are restrictions on the side of shooter’s powder. Retailers of shooter’s powder should be looking to see that the person buying it is the holder of a firearms certificate, a shotgun certificate, a temporary permit or a visitor’s permit, or is a firearms dealer. It is difficult to tell whether that is happening.

In respect of the ammunition, as Gregg has said, I think we need to go further, in so much as we find people with the primers. The possession of a primer is not an offence. Possession of the cartridge case is not an offence. Possession of bullet heads is not an offence. With the question of the powder, there probably is an offence, but it is one of those offences hidden in the explosives regulations and it is difficult to actually prosecute. If we had a new offence for possession of component parts with intent to manufacture, that would assist us greatly. We do not have that at the moment.

Gregg Taylor: If I can just add to that, there are some types of ammunition—one of those mentioned is shotgun ammunition, possession of which is actually exempt—which we have seen historically in criminal use. People will utilise the components of things like blanks and shotgun cartridges, which are exempt. Even though the sell and purchase of primers may be controlled to some degree, there are other ways around sourcing these key components, via things such as shotgun cartridges and blanks, and utilising the propellants from those as well.

Mark Groothuis: It is actually relatively easy to obtain shotgun ammunition. If you want to purchase it, you must produce a shotgun certificate, but I can give shotgun ammunition to a person who is 18 or above without a shotgun certificate. In theory anyone in this room could possess up to 15 kg net explosive quantity of shotgun cartridges, which is a huge quantity—probably in excess of 10,000 rounds—with no certification at all. The controls around shotgun ammunition are particularly loose. The control is there to purchase, but not to be given. As Gregg has said, if you have shotgun ammunition, you can take the shooter’s powder out of it and use it for other purposes.

Q103 Vicky Foxcroft: Mr Lynn, would you like to add anything?

Christopher Lynn: I am not sure I have anything to add.

Q104 James Morris (Halesowen and Rowley Regis) (Con): I have a slightly non-technical, subjective question. How easy is it in your assessment to obtain a gun for criminal purposes in this country?

Gregg Taylor: I keep mentioning the word “antique”, but I could literally find one on the internet tonight and buy one from a dealer. I will have a fully working firearm in my hand within 24 hours. The issue, as I have said, is finding the ammunition or making the ammunition to fit. As you have just discussed, there are ways around that. Again, you can buy all the components on the internet.

Detective Chief Superintendent Chilton: Two weeks ago I held the national annual criminal use of firearms conference. I invited a guest speaker, who is a former gang member, who has been convicted and sentenced for firearms offences. He came and gave a presentation. His view was that it is very easy to obtain firearms and ammunitions. He thought he could go and obtain them, no problem at all. From a street perspective—for a criminal, or someone who is aware of that world—the perspective was that it is very easy.

Christopher Lynn: I think it is about exploiting opportunities, and criminality is very good at identifying and exploiting weaknesses. That is why we see a lot of conversion of signal/alarm pistols, which are lawful in a lot of European member states, but unlawful in the UK. The criminal perception is that they can convert these, and we have seen many examples of conversion of those sorts of things. Those involved exploit the conditional exemption on antique firearms. They are looking for weaknesses, really. With the uplift in the use of shotguns, the presumption is that that is a theft issue. We have talked about the ease of acquisition of shotgun cartridges and ammunition, which is an exploitation of vulnerability.

Q105 James Morris: This question is more about sentencing, which I do not know if you have a view on. We introduced a mandatory sentence for the possession of a gun. Do you think that has been successful?

Detective Chief Superintendent Chilton: In terms of the five-year possession feedback from my colleagues, I don’t hear anyone saying it hasn’t been, but I am aware that there is a piece of work at the moment by the Sentencing Council to look at sentencing guidelines for all firearms offences. We have been involved in that consultation process to look at the wider firearms offences.

Q106 James Morris: Do you think that the mandatory five years for possession has had an effect on reducing the number of guns available? Has it had that kind of an impact? Do we have evidence around that?

Detective Chief Superintendent Chilton: I do not have any evidence to present to you here that that is the case. We are still seeing an increase, at the moment, in the criminal use of firearms. However, although we have an increase at the moment, we are still significantly down from 2005. As I said, what we see fluctuates—from things that are here in the UK and things that are smuggled in.

Q107 James Morris: There was reference made earlier to the licensing regime and the potential for prosecution for non-compliance. How many prosecutions were there last year for non-compliance on licensing conditions?

Mark Groothuis: I have no statistics around that, but, from over 40 years’ experience, I would say very few.

Q108 James Morris: And the reason for that?

Mark Groothuis: Possibly a lack of resources, training and understanding of the Firearms Act.

Assistant Chief Constable Orford: Combined with priorities in the local force and, potentially, the Crown Prosecution Service taking a view that it might not be in the public interest, in that if somebody has lost their certificate because they have been shown not to be fit and proper in relation to the security, then that may be perceived as “punishment enough”.

Q109 Victoria Atkins: Just to clarify the point that Mr Groothuis made in answers to Miss Foxcroft, you made the point about there not being a requirement to show ID or the licence when sharing shotgun cartridges. It is not uncommon when people are using their shotguns lawfully on a shoot, in accordance with their licence, that they might hand shotgun cartridges to each other as part of the shooting.

Mark Groothuis: Yes, they may do, and there are exemptions within the Act that allow non-certificate holders to participate in such shooting. It just seems odd—or certainly weak, from my point of view—that it is so easy, as a matter of law, to hand over a very large quantity of ammunition to someone who has had no vetting or background checks. It puts so much shotgun ammunition into the public domain.

Q110 Victoria Atkins: So your concern is about volume as opposed to the act on the shoot of people handing cartridges to each other to help while they're shooting.

Mark Groothuis: The volume is a concern, yes—the fact that it is just so easy to transfer shotgun ammunition. You shouldn't be transferring shotgun ammunition to a prohibited person, but how do you know whether the person you are standing next to is prohibited or not? They could be prohibited by virtue of a suspended sentence or a custodial sentence. You would probably know about the custodial sentence if you are a close friend, but there might be someone who has got a suspended sentence, and they may be prohibited. I would also ask how some people who have got suspended sentences know they are prohibited because, as far as I know, there is no mechanism for educating them on that at the moment.

Q111 Louise Haigh: Can just come back to the points about the firearms licensing teams in the police? How big is the team in Durham, for example?

Assistant Chief Constable Orford: We are just over 10 people, and different forces will have different requirements. One thing that surprises a lot of people outside of this world is that the size of the force does not necessarily indicate the amount of work involved. North Yorkshire police is a small force but has a significant amount of firearms licensing and will have a bigger department, commensurably. That very often goes with the rural side of policing. As you have heard from the statistics, shotguns are a lot more prevalent than firearms.

Q112 Louise Haigh: Has that team shrunk in the past few years?

Assistant Chief Constable Orford: Yes.

Q113 Louise Haigh: From what to 10?

Assistant Chief Constable Orford: I could not tell you what it used to be in 2008, but it certainly was subject to a lot of closer scrutiny. Generally, in forces, you will have a mixed economy team between police officers and police staff. That is where a lot of the savings have been made. So you have police staff members rather than warranted officers doing a lot of the inquiries.

We have now seen that start to change in a number of forces, with the work that is being done with NABIS, the National Firearms Centre and the NCA. We are getting better sharing of the criminal intelligence and the indicators that would show whether somebody is

not approaching the use of their certificate and their firearms appropriately. That is coming to the fore more with firearms dealers. The same teams are inspecting firearms dealers, and we have the lessons from the Edmunds case. While, again, this is anecdotal—you made the comment about sentencing—there was significant feedback from the Gun Trade Association to me personally that the sentencing in relation to the Edmunds case had sent a ripple around firearms dealers. This is certainly an area where we are now working a lot closer with the operational side of policing and firearms licensing than we ever have done before.

Q114 Louise Haigh: I think it was you, Detective Chief Superintendent, that said that there was already a lot of pressure on these teams. Does that pressure manifest itself just in longer waits for people wanting licences to get those licences? Or is there an increased risk of people who should not have licences retaining their licences or, indeed, of people gaining licences when they should not have them in the first place?

Detective Chief Superintendent Chilton: I think David Orford will answer that. I do not have anything to do with the licensing side—I deal with the criminal side.

Assistant Chief Constable Orford: I would not say that there is increased pressure per se, but the volume does place an increased demand. Forces have to look at the breadth of their information systems and what is proportionate. Some forces have moved to telephone renewals, and in certain circumstances that might be absolutely appropriate. If you have held a shotgun certificate for 30 years and there has been no issue on any of your certification at all—our information systems are a lot better than they were 30 years ago—then it is probably appropriate that you receive a telephone renewal, because you get a better service and you are a more satisfied customer. It means we can move our resources on to the people where we should actually be lifting up a few more stones. Previously, we would apply a one-size-fits-all approach.

When I was a beat officer, I was the one who used to get the firearms inquiries, with no training and no requirements. It was an automatic assumption: "You are a police officer, and therefore you will know." It would consist of trying to pull the cabinet off the wall. That was the limit of my firearms inquiry knowledge then. Now, we have the College of Policing training programme coming online, we have continuing professional development, and we have closer working with the operational side of policing and much better access to information systems. Forces are having to flex and adapt, but it would be fair to say that the increased volume and numbers in terms of the types of checks has put quite a bit of pressure on them.

Q115 Vicky Foxcroft: In terms of serious violence, we often talk about preventive early intervention and so forth. Are there any early intervention or preventive measures that you think we could put into place that would help reduce the number of firearms in circulation?

Detective Chief Superintendent Chilton: As part of the criminal use of firearms portfolio, we have an independent advisory group. At our last meeting a few weeks ago, there was quite a discussion on serious violence. The members of the independent advisory group feel that there is quite a lot to be done around

tackling serious violence—they may be the people we could point you in the direction of for their views. They come from a wide background, whether it is youth work, academia, community safety or working in schools. They have quite a few views and suggestions around the prevention side of things.

Q116 Vicky Foxcroft: I have probably done quite a lot of work on this in terms of stuff with the Youth Violence Commission. Are there areas where you could have extra support and so forth, so that, rather than having to always be taking things out of circulation, you are actually getting in there early to make sure we do not end up with them there?

Detective Chief Superintendent Chilton: One of the key issues the independent advisory group were discussing was the lack of consistency. Programmes start, things dwindle as offences drop, and then it is like a cycle, with things increasing and interventions being put in place. It is very much about getting in there at early ages in schools. We spoke to the ex-offender that came to present at the CUF conferences. He was saying, “Get to them at age 10 and 11.” In terms of that prevention work and those life choices, I know there are good packages out there that can be delivered to educate people and try that Prevent side.

Q117 Vicky Foxcroft: Sorry, I am referring to the 70% of firearms that are legally in circulation, and whether or not there are ways and means of getting in there to ensure that they are not in circulation.

Detective Chief Superintendent Chilton: We have carried out national surrenders to try to get people to surrender firearms, and they are quite successful. The last national surrender, which was part of the Prevent tactic, was in November last year, and we saw a 74% increase in firearms surrendered by the public across England and Wales. There are those sorts of preventive measures, but my experience with serious and organised crime investigations is that if offenders have firearms and ammunition, that is a commodity that they can either sell on or trade, or that they want to keep for their own business. We do have national tactics such as surrenders, and we try to encourage people to hand firearms in.

Christopher Lynn: I presume you are talking about measures aimed at targeting populations rather than the commodity itself—is that the case? These measures are largely threat reduction and vulnerability reduction measures in their own right. I would be talking outside my expertise if I talked about people management and criminality.

Q118 Vicky Foxcroft: I am talking about whether there is enough joined-up working with border agencies and so forth. I am not an expert in this area, which is why I am reaching out to you to see what you think.

Detective Chief Superintendent Chilton: In terms of intelligence, we act—whether that is the police in the National Crime Agency or Border Force—to take firearms out of hands on the street. That intelligence-led activity takes place, but the wider Prevent programme is to try to stop people getting into gun violence in the first place.

The Chair: Are you content, Vicky?

Vicky Foxcroft: Yes.

The Chair: Unless there are further questions from other colleagues, let me say thank you very much to our panel. Your evidence has been extremely useful and will add a lot to the understanding and intelligence that the Committee applies to the Bill during its detailed consideration.

Christopher Lynn: I just want to clarify some of the material that I provided earlier about high muzzle energy rifles. You may hear, quite rightly, from the shooting community that the MOD has access to a specialist natures of ammunition, such as exotic armour-piercing ammunition, that provide for their target effects—taking out vehicles and so on. The quote that I took from the user requirement required a system that can immobilise a vehicle with all UK in-service .50 calibre ammunition. That is not the exotic stuff; that is standard ball ammunition. It is enormously powerful, even with standard ammunition that is not of a specialist nature.

The Chair: Thank you for your clarification—that is very useful. I thank you all very much for your evidence. The next panel are here, so I think we will crack on, if we may. I thank you for your efforts.

Examination of Witnesses

Assistant Chief Constable Rachel Kearton and Deputy Assistant Commissioner Duncan Ball gave evidence.

3.4 pm

Q119 The Chair: May I welcome our next witnesses, who come from the National Police Chiefs Council? Before I ask you to introduce yourselves, I want to let you know that at 3.30 pm strange bells will ring, which means there is a Division in the House. The Committee will be suspended for a quarter of an hour for one Division, or a quarter of an hour plus 10 minutes for each subsequent Division. There may be two or three, which could mean quite a long suspension. Do not be alarmed if the bells ring—it just means that we have to go and vote. Perhaps I could now ask you to introduce yourselves.

Deputy Assistant Commissioner Ball: Good afternoon. I am Duncan Ball, Deputy Assistant Commissioner in the Met, and I am the National Police Chiefs Council lead for knife crime, gang crime and county lines.

Assistant Chief Constable Kearton: Good afternoon. My name is Rachel Kearton. I am the Assistant Chief Constable at Suffolk constabulary and the National Police Chiefs Council lead for corrosive substances.

Q120 Victoria Atkins: Good afternoon and thank you for joining us. My first question is to Deputy Assistant Commissioner Duncan Ball. Could you help us understand why we need to crack down on online sales of knives?

Deputy Assistant Commissioner Ball: Knife crime as a whole is hugely challenging, not just for police but the public sector and voluntary organisations in general. One thing we have been able to do, particularly over previous years, in addition to enforcement is to look at the retail sector within the high street. That is certainly a more traditional area for policing and other agencies to operate in.

One particular challenge we found over the past two or three years is the availability of knives and the access that young people in particular have to knives online. Although it is not a completely ungoverned space, clearly the opportunities are there for young people in particular to get hold of knives that they perhaps would not be able to across the normal shop counter. They are quite prevalent; one look through the internet will show the huge array of knives on sale.

We do quite a lot of regular test purchase operations, both with the police and trading standards. There are quite a number of fails, which mean in a shop sale context that the retailers are selling knives to under-18-year-olds, we also see that as a quite significant area as well online. We do see a number of cases where children, young people, are getting knives online. Certainly from a policing perspective, there is a real need to try to put some regulation and legislation around that, to try to restrict that access.

There is one point I would like to make. Because knife crime is so complex for so many different measures that we have to put in place, we certainly recognise that there is not a one size fits all; there is no one solution. In terms of marginal gains, every opportunity that we have to limit access and prevent the sale of knives to young people, particularly people under 18, is certainly an opportunity we would look to take hold of.

Q121 Victoria Atkins: To put those comments in context, could you give us an idea of the other things that the Metropolitan police and other constabularies across the country are doing, such as Operation Sceptre?

Deputy Assistant Commissioner Ball: You will be aware, Minister, that we ran Operation Sceptre earlier in the year, so we had all 43 forces, plus British Transport police, involved in that. That was a national knife crime week of action. We looked at a whole range of activities, from the most important part, clearly, of engagement with schools and prevention activity, through to test purchase operations with retailers, which I have just mentioned. It also included other preventive measures, such as weapons sweeps, so trying to remove knives from playgrounds and parks, where young children have ready access to them.

There was also a very strong enforcement message. Clearly, when people are using knives, we would rather they were not doing that in the first place. We had a strong enforcement drive, particularly round those who continually carry knives and use them with impunity. We see on a regular basis the absolute tragedy—we have seen a number of murders in London and nationally this year—that each of those crimes represents.

That was our week of national action but underlying that there is the daily work that goes on within forces, local communities and neighbourhood policing to reach out to young people in the prevention work that we do. There is also really robust enforcement around those people who do not choose to put their knives down and those who are obviously causing significant violence and harm to communities.

Q122 Victoria Atkins: Thank you. Assistant Chief Constable Kearton, could you help us with how these measures in the Bill will help you and your colleagues police the sale and use of corrosive substances in violent attacks?

Assistant Chief Constable Kearton: There has been a lot of activity in the last 12 months on what can be done to moderate the use of corrosive substances and to make sure that they are in the right hands and are used for legitimate purposes. One point I would like to make is that the substances used are often legitimate household goods, which brings a number of difficulties and challenges around their control. However, the data return shows that they are being used by young people, and similar constraints on sale to under-18s will work alongside and in tandem with constraints on the sale of knives and other objects to help to control young people's access to these substances, the use of which can cause significant psychological and physical harm.

On access and use in public places, the onus has previously been on police officers to identify those liquids, which is a challenge in itself; they have often been decanted into other containers and are not held in their original sales vessels. The onus is also on the police officer not only to say that something is a corrosive substance—it may just be a clear liquid—but that there is intent to use it for grievous bodily harm or in an offensive attack. This change will put the requirement on the individual on the street to explain the circumstances in which they are in possession of these corrosive substances.

Q123 Victoria Atkins: We obviously want to stop young people using acids in the first place. Are there any emerging thoughts on how we can prevent young people—or anyone—from using corrosive substances in such a vile manner?

Assistant Chief Constable Kearton: A lot of work has been put into a preventive strategy in the last 12 months, working very closely with the British Retail Consortium, which represents 170 or more retailers across the country. That activity has included voluntary agreements with those retailers to restrict sales to individuals that they have concerns about, communication to young people through education projects, and multi-agency work to emphasise the impact that these attacks can have. I again emphasise that psychological and physical impact, which I believe—based on the research done in recent months—has not been fully understood by a lot of our young people.

One example I want to highlight is Project Diffuse, which has been carried out by the Metropolitan police—working with the Institute of Licensing and the Security Industry Authority—in the context of nightclubs and licensed premises. It engages security personnel in the identification of liquids before they enter an entertainment premises and in taking appropriate action to remove substances that may cause harm. A lot is being done around prevention to address this emerging problem.

Q124 Louise Haigh: What is your analysis of why, particularly over the last four years, we have seen such a rise in knife, gun and acid-related crime? Why is it suddenly so prevalent?

Deputy Assistant Commissioner Ball: I will start with knife crime. There are obviously huge challenges in the knife crime picture at the moment. We have seen a 20% increase in knife crime nationally in the last calendar year. It is a hugely complex issue and there are a huge number of contributory factors.

One real issue with younger people coming through at the moment is their frame of reference and how they view knives. It could be argued that there is a social

acceptance in some circles of the legitimacy of carrying knives. We can look at, for example, the impact of social media; people being anaesthetised to violence and sexual violence on the internet; pornography, which is readily available to young children; or video games. All those things end up anaesthetising them and with a certain acceptance of that sort of violence, or a predisposition to violent activity. They also play into a potential fear of crime in young people in particular; that is certainly something we hear from young children. We know that a lot of children or young people do not go out carrying a knife specifically to use it, but they will carry it for self-protection. The more that knife crime happens, the greater the risk of young people perceiving that the issue is worse than it is, and therefore going out with a knife and continuing to arm themselves.

There are some challenges with availability of diversion services for young people on knife crime. With austerity in general it is important that money is focused toward the right areas, and we have certainly seen some good initiatives for doing that. More than that, though, we see the rise in knife crime as being quite cyclical. If you look back over the years, it tends to rise and fall, and what is important in stemming that rise is recognising that it requires a whole systems approach.

Everybody has a part to play; it is not enforcement, because realistically, by the time the police get involved and somebody has actually picked up a knife it is perhaps too late. It is a multi-faceted challenge, and the answer is not one particular channel, but all agencies, charities and communities working across the sectors bearing down on that. The way I view knife crime is that every particular stabbing could, but for the skill of a surgeon's knife, end up in murder and absolute tragedy.

Q125 Louise Haigh: Do you have anything to add to that, Assistant Chief Constable? In particular, do you believe that neighbourhood policing is an important factor in tackling knife and acid crime?

Assistant Chief Constable Kearton: From the point of view of corrosive substance attacks, they are an emerging crime and I believe we were previously not fully aware of the extent. Recording practices in the police is one area that I have been concentrating on in the last 12 months. As you are probably aware, there is not a specific offence in the sense of delivering that acid in a form of attack, so it has been recorded as grievous bodily harm. Part of my work is looking into which of those have been a consequence of an acid attack. My data goes back to an increase from 2015, in the region of 400 offences per annum, to 700 nationally across England and Wales. Compared with knife crime, it is significantly smaller.

Taking your question more broadly on the increase in violence as a whole, and talking as somebody who oversees local policing in an area of the UK, when I talk to youngsters there is a decreasing sense of hope. A number of teenagers feel that there is no hope for them. In personal conversations that I have had, mid-teens have said that they have reached a point where it is too late for them. There is almost a sense of hopelessness, which I would relate to the comments previously made by my colleague on diversion activities. The concentration of some of the youth offending schemes has been on mid-teens. I believe there is a requirement for us to look at a younger age range—work that is being undertaken in Suffolk, my home county.

As with all these complex issues, there are a number of impact factors, but the approach to social media and understanding the position of violence, what is acceptable, the impact and the increase, and, from a police perspective, understanding some of the data, are all important in order to be able to take preventive action.

Q126 Louise Haigh: On online sales, I was recently shown some pictures from an app called Wish, which is a platform that enables sales from private sellers. There were prolific sales of items such as bracelets and credit cards that disguised knives. There were lots of different ways to conceal weapons, which were as cheap as 99p. Does the Bill sufficiently cover that app? My concern is that the Bill will wiggle around it, given that it is a platform, and that it will be very difficult to enforce the Bill against those who sell through such platforms.

Deputy Assistant Commissioner Ball: We know that sale is made illegal by the Criminal Justice Act 1988. The Bill will bring in a defence around that, which applies particularly to online sales. Where you attribute responsibility or culpability will always be a challenge with those platforms. From an evidential perspective, you will need to prove a sale from the point of delivery all the way back to where there is knowledge, or at least recklessness in terms of people being aware. Such platforms will always present challenges compared with over-the-counter sales, where you have a direct relationship. As I said earlier, the Bill is not the be-all and end-all, but the way I view it is that it is preventive, because sellers may look at it and say, "It's illegal if I'm not able to rely on that particular defence," and we will have the opportunity to tackle online retailers, which we did not have before.

Q127 Louise Haigh: Are there any offences that cover concealing a blade as something else—as a credit card or a bracelet, for example—or would that be covered by possession of a bladed article?

Deputy Assistant Commissioner Ball: It would be covered by possession of a bladed article. If it is a made offensive weapon, it could fall under the previous legislation too, but clearly you would need the mens rea—the mindset—to prove its intended use as well. My personal view is that they should not be for sale, full stop, because they do not serve a purpose.

Q128 Louise Haigh: Would you support the locking up of knives in retail premises?

Deputy Assistant Commissioner Ball: Absolutely. If I may expand on that, the first thing I would say is that we have done a lot of work with retailers. There are a huge number of responsible retailers out there, who take their responsibilities very seriously. They do lock knives in cabinets and put blister packaging around them. The big companies—the ones you would expect—do very well at that. Some of the challenges we have concern some of the smaller independent retailers—but not all of them. My view is that if a young person cannot walk into a shop and get fireworks, why should they be able to walk into a shop and pick up a knife? Look at the relative harm that is caused by knives and fireworks. I just think it is quite disproportionate that there are not opportunities to put knives in a point of sale where they cannot be reached.

Q129 Mary Robinson (Cheadle) (Con): Clearly, whenever a person is injured with a gun or a knife or with acid, that is a horrible crime. The rise in acid attacks is

shocking, because they tend to be disfiguring crimes—often to the face—that blind people and leave them scarred for life. You mentioned that there was a social acceptance of carrying knives. Is there a social acceptance of carrying acid now, or is that still not as acceptable?

Assistant Chief Constable Kearton: I actually think we might be seeing a slowing of the escalation, and I believe some of that is a consequence of the social inacceptance of carrying acid. We have talked about trends, and I have talked about the low numbers we have previously seen. There are a number of reasons for the increase. I recognise some of it as a consequence of better reporting by police officers about what they are finding. Another reason is that I have encouraged a lot more victims to come forward to report crimes that occur. However, last year's figures were in the region of 700 and this year's—it is difficult to understand whether they are precise—indicate in the region of 800, which is not the escalation seen two years ago.

You ask about social acceptability. I have emphasised through the communications strategy and the prevention strategy the psychological impact as much as the physical impact of some of these offences. Some offenders say—we have received feedback anecdotally—they did not realise it would have quite the effect it did. We are talking about a lot of young people—not all young people—using something they have never seen the impact of and they have never known anybody who has done this before; it is something they have tried out.

Time will tell. A piece of qualitative research is under way by the University of Leicester, talking to offenders about why they used and chose that mode of attack. I hope that when that reports at the end of the summer, I will have a better understanding of some of those reasons why, and we can then form the strategy around that.

Q130 Mary Robinson: If the mindset of young people could be changed now, that could be timely, because often these things escalate and become more and more acceptable. Do you see that as an opportunity to effect results for the future?

Assistant Chief Constable Kearton: I do. There is a huge opportunity to feed in now, early on. There is a good multi-agency strategy, with all the emergency services working well together alongside retailers and other interested partners. This is the opportunity we have to nip this one in the bud before it escalates even further.

Q131 Mary Robinson: Just to go back to the sales point, you are having conversations on this with the British Retail Consortium. I would like to know a little more about those conversations. Is there active discussion and consideration of limiting the strength of drain cleaner? Sulphuric acid can be produced in other ways, such as from powder or granules, which may be less easy to deal with. Is that being actively considered? Around those discussions, what activities will lead to changes?

Assistant Chief Constable Kearton: Another group of partners I have not mentioned yet are the manufacturers who provide the substances to the retailers, and they are looking to see whether they can separate some of the chemicals out into less harmful components that, when brought together, have a chemical reaction, to deliver the necessary legitimate requirement of that product.

Retailers have been working to advise people in the retail consortium on storage and sales, with voluntary restrictions on who they sell to and questioning on the purpose for the sale. However, the important element is that these are legitimate products and there is a commercial reason why they are being sold. Everybody in the room probably has some of them at home, so a big part of this is prevention and education: how we keep these products safe and what the purposes are for which they are used.

The Chair: I think there is about to be a Division. Stephen Timms, you may start, but I think you will be interrupted.

Stephen Timms (East Ham) (Lab): I want to ask you about the corrosive substance aspects of the Bill. I am a bit puzzled about why there are two different definitions of a corrosive substance in the Bill. One is the list in schedule 1 and the other is in clause 5, which defines it as something

“capable of burning...skin by corrosion”

From a policing point of view, which is the more useful definition? *[Interruption.]*

3.29 pm

Sitting suspended for Divisions in the House.

4.12 pm

On resuming—

The Chair: If it is agreeable to the Committee, I think we should take another 10 minutes or so of evidence from our current panel—perhaps a quarter of an hour, depending on how it goes—and then move on to the third panel of the retailers, aiming to wrap up by 5 o'clock. There are more votes at 5 o'clock and I cannot see any point in going away for more votes and coming back. We will need to constrain ourselves a little bit in order to get things dealt with by 5 o'clock.

Q132 Stephen Timms: I was asking about the two different ways in which the Bill defines corrosive substances. There is the list in schedule 1, and then clause 5(9) states,

“‘corrosive substance’ means a substance which is capable of burning human skin by corrosion”.

From a policing point of view and arresting people carrying out these crimes, which is the better definition for you to work with?

Assistant Chief Constable Kearton: It depends on the policing function and the offence being considered at the time. The first is very specific; it defines the corrosive content of a liquid that is being sold. In that instance, if the offence was the sale to somebody under the age of 18—so we are considering the retailer as having committed the offence—it would be necessary to know the content of that specific substance, whatever it might be: the drain cleaner, the bleach, the product. In terms of operational policing, I suppose the most likely place for most police officers in terms of interaction would be out on the street in a public place. Those offences are likely to come to light through local intelligence, through a stop and search driven by those reasonable grounds to believe that somebody is going to commit an offence and to be able to identify that liquid, which we know from previous offences is often decanted into a container

that is completely different from the original one. It is important to be able to seize that liquid and take it back for a degree of analysis, which is the second definition around whether it is capable of burning skin—in other words, is it offensive. Part of that police officer's requirement would be to identify the malicious intent of holding that liquid in a public place.

Q133 Stephen Timms: Is the list in schedule 1 the right list? Are there things that you are aware of that are problematic and perhaps ought to be on the list, or does the list seem to you to be complete?

Assistant Chief Constable Kearton: I would not confess to being the best chemist in the room. I have learned a lot about the content of chemical substances, but that is the list that I have been advised on and has been put forward. They are the most harmful, but also the most prevalent substances that have been used in previous offences.

Q134 Stephen Timms: A welcome aspect of the Bill is making it an offence to have a corrosive substance in a public place, just as, for a long time, it has been an offence to have a knife in a public place. The Bill also develops the offence that has been there for a while of having a knife in educational premises by extending it to further education. Do you think there ought to be a parallel offence around having acid in a school or educational premise? Would that be helpful to the police?

Assistant Chief Constable Kearton: I believe there is a requirement to consider the context of that liquid. As was said earlier, the very stark differences between knives and corrosive substances are that corrosive substances will be in all our properties at home in domestic circumstances. They will be present in schools. The question then is, why is it there and what is the intent in having that liquid there? I can see potential difficulties about identifying in an educational setting the difference between having something that is there for a legitimate purpose and having something that is going to be used, or is intended to be used as an offensive weapon. That is a challenge.

If one is in a public place, I believe it is harder to say that it is being owned for or carried for a legitimate purpose, especially if it is concealed and within the context of other information that supports the hypothesis that it may be used for an offensive weapon.

Q135 Stephen Timms: In a sense, you could equally have a knife in a school for a perfectly legitimate purpose. I wonder whether there is an analogy between the two.

I would like to raise another issue. It struck me for a while that there is a bit of uncertainty about the number of acid attacks taking place because we have not focused very much on them. They have risen very suddenly over the last few years. The figure you gave us earlier sounded a little different from the figure that Mr Shah from the Acid Survivors Trust gave us. Can you tell us the state of play on producing reliable, accepted numbers on how many acid attacks there are?

Assistant Chief Constable Kearton: Mr Jaf Shah and I have communicated quite a lot over numbers. He receives his information from different sources and has been one of the very useful supportive partners trying to encourage those who are victims of this particular crime to come forward and report what is happening.

As with many offensive assaults against victims, there is an understanding by the police that we do not always have a true record because, for various reasons, people do not want to come forward and report to us. An area of policing strategy has been to focus on information sharing between health professionals. For example, we would see a victim go to A&E rather than come to the police service, and it would be for us to try and gather that data and share that information so that we can have the most accurate information possible.

In 2015, the data return that was carried out on behalf of the National Police Chiefs Council by the Home Office was 408. In 2016, the number was 700 and the most recent number, which is based on the last six months of last year but extrapolated to an annual figure, came back at 800, so there is a slight increase. It is important to understand how much of that is an increase in offensive incidents and how much is better recording practice by the police service alongside more confidence among victims to come forward and, potentially, more awareness of and use of such offensive attacks.

There is also the question whether that 800 figure is a true and accurate record, or whether some people are still going to A&E and not coming forward to report to the police service. There will always be some difference in reported figures, but they indicate a trend and I am having further analytical work carried out to identify any indicators that will help us understand this offence better.

Q136 Stephen Timms: Are we going to see more systematic, reliable and accepted figures in this area in the future?

Assistant Chief Constable Kearton: Yes. For the future, I have been able to gain some agreement from the Home Office that offences of corrosive substance attacks will form part of the annual data return to the Home Office. All 43 forces across England and Wales will be mandatorily required to report their instances to the Home Office on an annual basis.

Q137 James Morris: I want to ask Commander Ball about sentencing for knife crime. To what extent do you think the threat of a mandatory sentence is important as a deterrent? Has that made a material difference to your ability to deal with the problem?

Deputy Assistant Commissioner Ball: The issue of sentencing is quite complex. We recently saw the two-strikes legislation, and we have seen an increase in sentencing from that. On the question of mandatory sentencing, I would probably draw a distinction between someone who is potentially a first-time offender, where it is necessary to look at the circumstances behind an arrest and a potential conviction, and someone who we would call a habitual knife carrier, who carries knives regularly and has multiple convictions. My view is that we need a stringent sentencing regime, certainly for those who habitually carry knives and have previous convictions. I think it is entirely appropriate to have a robust position in terms of the two strikes.

Let me bring this back to some of my earlier comments about why a young person might pick up a knife. They might do so not because they are going out to use one, but because they are in fear of crime—it might be for self-defence. That does not make it right to carry one, but there is a balance between getting really robust sentencing and not criminalising young people for the wrong reasons.

Q138 James Morris: Do you think, though, that robust sentencing, including the threat of a mandatory sentence, sends a strong signal that actually has an impact on behaviour?

Deputy Assistant Commissioner Ball: I think it does send a robust message. I would question whether it is accepted across the spectrum. Again, it is not one size fits all—it might be a very robust deterrent for certain people but not more broadly. I guess it comes back to whether you can prevent it from happening in the first place. One of the things that needs to be actively considered alongside sentencing is what other opportunities there are, for example, to channel young people into diversionary activities and remove their need to carry knives in future.

Q139 James Morris: I want to ask you about clause 26, which changes the definition of an offence. Will that help you to get more convictions?

Deputy Assistant Commissioner Ball: Sorry, I will have to familiarise myself with that clause.

Q140 James Morris: Clause 26 amends the existing offence of threatening with an offensive weapon in public. It changes the definition from

“in such a way that there is an immediate risk of serious physical harm to that other person”

to

“in such a way that a reasonable person...who was exposed to the same threat as”

the victim

“would think that there was an immediate risk of physical harm”.

In a sense, it defines that threat in a slightly broader way.

Deputy Assistant Commissioner Ball: Yes. Sorry, I am with you now in terms of threat. Yes, it definitely provides further opportunities. The current definition can be quite limiting, but this gives other opportunities to prove ability, so I wholeheartedly support that area.

The Chair: I can fit in two more before we wrap up at 4.30 pm.

Q141 Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): Assistant Chief Constable, we heard evidence this morning about how the Bill covers the sale of corrosive substances but not their supply. On the one hand, one witness expressed concern that you might have an adult purchase a corrosive substance on behalf of someone under 18 and not be guilty of any sort of criminal offence. On the other hand, another witness pointed out, as I think you did, that you would have to be very careful about criminalising perfectly innocent domestic circumstances. Do you have any views on how we can square that circle? Are other provisions already in place that would criminalise someone purchasing a corrosive substance on behalf of someone under 18?

Assistant Chief Constable Kearton: Yes—it is very similar to the licensing laws we have for alcohol purchases. I presume it would depend on the circumstances as well. There would be that criminal possession in a public place, potentially. It is a very valid question.

The issue behind it for me is to try to emphasise that we do not want young people to be buying this with intent, or for any reason. We want to manage the use of offensive weapons rather than to over-legislate. For me,

it is more important to try to get that understanding that this is something that needs to be sold legitimately as a commercially viable product to the right people, who will then use it for the right purposes, rather than something that can then be misused with that malicious intent as an offensive weapon, than it is to rely on heavy legislation as the only answer to preventing this crime.

Q142 Stuart C. McDonald: This question is for you both. There are various obligations in the Bill on companies and businesses selling corrosive substances or bladed weapons remotely. Is there any risk that all their checks could be undermined if the delivery company is negligent or reckless? Is there enough in the Bill and existing legislation to ensure that delivery companies can be held accountable when they are careless or reckless about, for example, delivering a bladed weapon or corrosive substance to someone under 18?

Assistant Chief Constable Kearton: Controls are in place for corrosive substances to take into account that a lot of sales are now online and that there is that opportunity to purchase. That needs to have restrictions, such as a requirement to take reasonable precautions that the person buying is of an appropriate age. The requirement is on the seller to prove that—whether online or through a premises. There must also be appropriate packaging that makes it clear that it is a corrosive substance, that it is harmful and contains something likely to cause harm, and that it must be delivered to someone responsible above the required age, not just handed over to a child on delivery.

Q143 Stuart C. McDonald: For example, you could have a delivery driver at the end of his final shift on a Friday who goes to a house and there is not anyone there who is 18 years old or over. So rather than going back to the depot and extending his shift by an hour, he decides to hand the delivery over. He is completely independent of the seller. Is there a loophole there that you are worried about?

Assistant Chief Constable Kearton: My understanding is that that delivery has to be passed to a responsible person of an appropriate age. I would not say that leaving it on the front doorstep or in a back shed would be handing it to someone of an appropriate age.

Q144 Stuart C. McDonald: Any thoughts, Deputy Assistant Commissioner?

Deputy Assistant Commissioner Ball: It is an interesting point, particularly when you look at the responsibility on the seller in terms of the supply of knives. One of the biggest challenges is from suppliers overseas—websites—which we have no governance or control over. So I am particularly pleased that responsibility for that is placed—under clause 18, I think it is—on the delivery company to ensure that it is carrying out the right checks. There is a responsibility on those delivery companies in those circumstances, and presumably in terms of the contracts they would have with the companies that are selling, to ensure that they know what is in those packages.

Q145 Stuart C. McDonald: You mention clause 18, which would create an offence if the deliverer of the product hands it to somebody under 18. As I understand it, that applies only where the seller is from outside

the UK. Why not have some provision for where the sale occurs in the United Kingdom as well? Why is that not necessary?

Deputy Assistant Commissioner Ball: It would be beneficial as well. The main responsibility is on the retailer to meet those particular conditions with what they are actually selling. Obviously, responsible retailers would have appropriate contracts with the delivery company. I guess, in the circumstances you describe, when the issue is about the delivery driver not delivering these things, something along those lines would potentially be of benefit.

The Chair: I want a good half-hour to hear from retailers, so, very briefly and lastly, Stephen Morgan.

Q146 Stephen Morgan (Portsmouth South) (Lab): I will ask just one question because I am conscious that our good Chair wants to conclude this hearing. I am conscious that we have seen an increase in violent crime yet a fall in the number of police officers. What do you expect this Bill will look like in terms of success? What difference will it make, and what might it mean in terms of a reduction in crime?

Assistant Chief Constable Kearton: I will start from my perspective. I hope I have stressed throughout the evidence given today that the policing strategy that I have been driving through is a collective response. It has been a multi-agency approach. I do not for one moment believe that policing has the answer to the rise in violent crime that we are experiencing in the country. It is collective, from our youngest children and their parents, to everybody who interacts with their young lives, influences their activities and development, and deters them from committing crime.

There is a reduction in policing resourcing, as you mentioned. That is something that we need to accommodate within the delivery of the strategy to combat the use of corrosive substances as an offensive weapon. I believe it is possible, as long as we do it alongside everybody else's approach.

Deputy Assistant Commissioner Ball: I support Rachel's comments. One of the initial points I made was that there are marginal gains in everything. The Bill would provide us with the opportunity to deal with offences in different circumstances. The retailers, and the responsibility there, is something that we have been speaking to the Home Office about, and is something we are particularly keen to see.

There are obviously lots of other provisions in there, such as how flick knives are defined. Educational premises is another area. There is also, in particular, private possession, around some of the more dangerous offensive weapons. There is a huge amount of opportunity there in how we can deal with those things. We take the view that every knife that we can take away from somebody who is potentially going to use it makes every little step worth while.

The Chair: Thank you both for your extremely useful and interesting evidence, which will inform better the consideration of the balance of the Bill. We are grateful to you for it. I apologise for the long gap in the middle when we were voting, but that is democracy for you. I ask the next panel to come and join us.

Examination of Witnesses

Vin Vara and Graham Wynn gave evidence.

4.34 pm

Q147 The Chair: As you arrange yourselves, I will explain that you are from the British Retail Consortium and the British Independent Retailers Association. May I ask you, starting with Mr Wynn, to introduce yourselves for the record?

Graham Wynn: Graham Wynn, from the British Retail Consortium. I am assistant director for consumer and regulatory affairs.

Vin Vara: Vin Vara from the Tool Shop Group and past president of the British Independent Retailers Association.

Q148 Victoria Atkins: First of all, may I thank your different sets of members for signing up to the voluntary commitments to prevent the sale of corrosives to under-18s. Can you please tell the Committee how effective these voluntary commitments have been and what the response has been from staff members?

Graham Wynn: Retailers tell me the response has been to educate and train better, and that, ideally, it has worked. Of course, a legal requirement always brings an extra dimension, but retailers have been willing—because they realise the overall aim—to sign up to these voluntary commitments, both on knives and on corrosives. They cause some problems because they are voluntary; nevertheless, my understanding is that, in the companies that have signed up, to a large extent—I am not saying 100%—they have focused attention.

Vin Vara: The vast range of members in our association have generally welcomed the idea of this, and we had quite a few people sign up for it. Again, we gave “Oohs” and “Aahs” with it, asking, “Why do we need to do this?” and “Is it law yet?” They are asking far too many questions for us at the moment, but we do not have the right answers. We are trying to educate them. As Graham said, it is a process of getting education to them and the reasons why. It is working slowly.

Q149 Victoria Atkins: How are you going to work with your members if these voluntary arrangements become statutory?

Vin Vara: We have got a channel of communication—normally it is emailing and texting—but we also have a publication for our members, and we will be sending out guidance from the Home Office to all our members and other retailers on our target list.

Graham Wynn: The main desire is to be clear about exactly what people are supposed to do. That is one reason why we would particularly like to see clause 17—the requirements there, and what you can and cannot deliver to a residential address—be perhaps a bit more precise, either in guidance or in the Bill itself. That's knives, of course. We largely represent larger and medium-sized retailers, so they have their own processes for ensuring compliance with the law. Our role is to make sure they understand as far as possible what is required so that they can comply.

Q150 Louise Haigh: Do you share the concerns of the USDAW trade union about the criminalisation of shop workers and shop owners? Do you agree there should

be an offence for attempting to purchase weapons, and what implications will the offence on shop workers and shop owners have for your members?

Graham Wynn: I understand from our surveys that there are probably about 50 offences a week—attacks—on shop workers. That is extrapolated from some research. We do share the USDAW view that carrying out an attack on a shop worker in the course of their employment should be a specific offence: either a generalised offence, or one that relates to age checking, but certainly some sort of specific offence. At the moment, people feel under threat, and that is one reason there is general support for the overall objectives of the Bill.

Q151 Louise Haigh: What about a specific offence for attempting to purchase?

Graham Wynn: We believe that age-restricted sales apply only to alcohol currently. One would think that the attempt to purchase a knife should be classified as more dangerous even than alcohol, because it is a weapon. We certainly believe it would be wise to make attempting to buy an offence because, at the moment, a shop worker who sells is criminalised. They are taken to court and they get a criminal record, but the person who attempts to buy or who does buy goes off—I was going to say scot-free, perhaps I shouldn't. They go away without a blemish.

Q152 Louise Haigh: In the last session, we heard from a senior police officer that they would welcome the locking away of knives in retail environments. We heard in a session this morning that a significant proportion of knives that end up being used in violent offences come from shoplifting. I assume that shoplifting has increasingly been an issue for your members in recent years. How would you feel about legislation around locking away knives in stores?

Graham Wynn: Generally, members do not want to have to do that. They would rather have other things in place. That is why the voluntary commitment talks about retailers ensuring that knives are displayed and packaged securely as appropriate to minimise risk, including sometimes proportionately restricting accessibility to avoid immediate use. They would prefer not to be required by law to lock them away.

Q153 Louise Haigh: What proportion of your members subscribe to the voluntary agreement?

Graham Wynn: There are about a dozen or so, but sales-wise, they would represent a bigger proportion.

Vin Vara: It is the same with our retailers; it is very difficult to tell them what to do. We have advised our members to put bladed objects behind the counter, but unfortunately, 2,500 members are hardware retailers, and they are arguing with us by saying that it is not just the knives; there are other bladed items in hardware shops that are more offensive.

From our research, in the work that we have done with our members, we found that when things happen, knives are actually stolen from homes and kitchens, rather than bought from shops for a specific offence.

Q154 Louise Haigh: On age verification, you mentioned in your submission that you would prefer some explicit guidance on exactly what kind of age verification tools your members should use online. Do you want to be

dictated to about which age verification tools to use, or do you just want guidance about what kind of tests that age verification tool should meet?

Graham Wynn: Ideally, we would like to see some standards, so we can be sure that online age verification systems developed by businesses such as Yoti and others will be accepted as due diligence by the enforcers. Currently, the systems for offline are fairly standard and obvious for face-to-face, but it has always been somewhat difficult to be sure that you are really complying with the online ones. You might think that the credit card companies could have done something about it, but they refuse to put an identifier on their cards to give an indication, so other means are necessary.

Technologically, things are developing, and I understand that, for some things, such as the pornography legislation that has recently gone through, there has to be some online verification. Perhaps that is slightly less dangerous than a knife sale, but nevertheless it would be useful for retailers to be sure that the system they are using meets certain standards. Of course, more will develop over time as technology advances.

Q155 Kevin Foster: Earlier, we were discussing the issue of what age should be set, and 18 was proposed. Do you see any issues for your retailers and members if there was a different age? I think we can say that it would not be under 18, but let us say 21 for the sake of argument.

Graham Wynn: The difficulty is that most age restrictions are at 18, although not all, so in store, people use challenge 25 to try to capture it. Some still use 21, but most use 25, so you can see roughly whether a person is likely to be 18 or not—it gives a margin of error. If you start to have a wider range of ages, it becomes a matter of training for the shop assistant in the store, and training becomes more difficult because there is quite a high turnover of shop assistants. The ideal is to try to keep things roughly in the same area.

Q156 Kevin Foster: Do you see 18 as the optimum, given so many other things are at 18?

Vin Vara: At BIRA we recommend challenge 25, but most of our members are looking at 21 years old.

Q157 Kevin Foster: Just to be clear though, challenge 25 means that if you look under 25, I will ask for your ID to see whether you are 18; it is not about being 25.

Vin Vara: From the ID you can work out their age. We say that 21 is a good age to challenge and to make as law, but the problem is that not all our members have the tools to verify—they do not have the ecosystems to challenge when you scan the barcodes. They still use the old tills. They and their staff need to be better trained on selling, which we are doing at the moment.

Q158 Tulip Siddiq: Mr Wynn, you mentioned age verification and how the face-to-face encounter is more obvious. Which is the acceptable form of identification for retailers when they check age? In my experience of speaking to small businesses in my local area, there is a real challenge with fake IDs and what is an acceptable form of identification. If someone presents an international driving licence that states that they are the right age, sometimes a retailer will be forced to accept that, but a

lot of those have turned out to be fake in the long run. Do you feel the legislation around that is strong? Do you feel like things need to be changed and that the acceptable form of identification needs to be dictated more strongly?

Vin Vara: Most people will produce a driving licence or a provisional licence, or young people will bring in a passport copy. There are not many other forms of ID. They bring bank and credit cards, but they do not verify their age, so we will tell members not to accept them. Something with a photo ID, date of birth and probably an address on it would help, but we need to standardise it. There are so many different types and, as you say, there are a lot of fakes out there.

Q159 Tulip Siddiq: Is that a problem that you have?

Vin Vara: It is a major problem for us.

Q160 Tulip Siddiq: Is there anything you wanted to add, Mr Wynn?

Graham Wynn: The list in the Bill relating to Scotland of the IDs that are acceptable under Scottish law are generally the ones that will be used in England and Wales, too: passport, driving licence, or the PASS card, as it is called, which will be linked to the Yoti system and other systems. There is another that escapes me. Those are the ones that would normally be used—ideally a driving licence or something like that because we do not want to encourage young people to carry their passports around.

Q161 Tulip Siddiq: I understand that, but my question is that if someone does not supply the documents that you outlined—driving licence, provisional licence or passport—but they come up with something like a student card, what grounds do retailers have to challenge that and say that it seems fake?

Graham Wynn: There are none.

Q162 Tulip Siddiq: They have to accept the student card, even if they think it is fake. Is that right?

Graham Wynn: They would not in a larger retailer; they would say, “I am sorry I cannot sell the goods to you,” because it is a question of being sacked, frankly.

Q163 Tulip Siddiq: But they are not backed by legislation to say, “This is against the law”?

Graham Wynn: No, but they have to apply due diligence so it is a matter of employment, contract and training for the person, and getting a criminal record.

Q164 Stuart C. McDonald: Mr Wynn, you expressed a couple of concerns in a paper that was submitted to us. One is that you are not convinced that the arrangements for parcels supplied from overseas are watertight. Could you explain that concern?

Graham Wynn: It does not directly affect our members in that sense, but it is an observation. If a delivery company here has a contract with an overseas supplier or seller of these things, you can understand that it could be required in the contract that the seller advises the delivery company that there is a knife or corrosive substance. But in our view, it is quite possible to have an overseas supplier or seller who might be a small business in or outside the EU, who does not have to mark the parcel and puts it in the post. Customs would intercept

it if it is an illegal import, but it may not be as such. The delivery company, the post office, or whoever it is, would not necessarily know that it was one of these articles that ought to be delivered to someone, or not to a residential address, or not to someone under 18. We think there is a gap there. The point of view from our members is that it could discredit the whole system if this becomes widely known. We would like to have more assurance that that is relatively watertight.

Q165 Stuart C. McDonald: Do you have any suggestions as to how it could be made more watertight?

Graham Wynn: Quite honestly, no. Obviously, it requires a legal obligation that cannot be exercised overseas or imposed for someone outside the UK.

Q166 Stuart C. McDonald: Another point that you make is that you believe that the marking of packages draws attention to them and the need for the age check would be better in the paperwork or the digitised documentation. What is the problem of marking that on the package itself?

Graham Wynn: First, it is down to human error and we live in a digital age where not everything is paper. The main thing is that if these things are delivered to a collection point, including a small store or whatever it may be, a garage for collection, it is clearly marked that this is a dangerous item, therefore we think that that possibly it draws attention to it in terms of theft or if it is left unattended. It says: “This is a dangerous item; this is a parcel some people would think worth taking”.

Q167 Stuart C. McDonald: Is there anything you want to add to that, Mr Vara?

Vin Vara: Our membership does not have many e-retailers. The few that we have have shown concerns. One of the things that they are pushing us towards is licensing the importers who bring the knives and special products in. They are also having problems because a lot of these foreign-based companies have domain names with .co.uk or .com. There is not much way of monitoring. Sometimes they are ordering knives or we are ordering knives from them thinking we are buying from a British company, but in the end they are coming from a European or far eastern company. We are looking at some way of having some sort of licensing Bill for them. There could be a registered licence for them for importing this stuff or for exporting from their country to us. We are looking at some ways of doing that.

The Chair: Finally, Vicky Foxcroft.

Q168 Vicky Foxcroft: I want to come back to the knives being locked away or behind counters. If the Bill makes it a legal requirement to do that, what would be the challenges?

Graham Wynn: Mainly where to put them, where to lock them away. There would be a need to have a shop assistant who is trained and has a key and can get access and show the customer exactly what is available. It depends a bit on what sort of knife we are talking about. If we are talking about cutlery, I hope we can put that to one side. Then you decide whether it applies to kitchen knives and that sort of thing and things that many law-abiding citizens would want. It is mainly a matter of convenience, but if it came in, retailers would clearly comply, as they do with fireworks, hopefully.

Vin Vara: Retailers in the hardware section in our group would find it very difficult to put everything behind lock and key. We already put them behind the counter, especially cutlery and long fixed knives. With small tools, the Stanley knives and retractable knives and all that, we would not know what to do. Our retailers do not have big spaces or anything like that—it could be anything from 400 square foot to 2,000 square foot units. Space would be the biggest problem, and training the staff, having the right staff with the right keys at the right time if the supervisor is on a break or if they have to sell something, so they are looking for it. There could be lots of things. We will have to adapt some way or another, but we need to make the range of knives clear when saying which need to go in a cabinet—a fixed knife, folding knife, flexible knife, flick knife, game knives. There is a big range to put in.

Vicky Foxcroft: When I go round my constituency in Lewisham, Deptford and go into many of those hardware stores, I always see the knives freely available and that people could very easily go and steal them. You are hinting at, but maybe not meaning to—*[Interruption.]*

The Chair: Order. Mr Wynn, Mr Vara, thank you very much for your evidence. It has been most useful to the Committee. There being a Division of the House, we will now adjourn the Committee and meet again on Thursday at 11.30.

4.55 pm

The Chair adjourned the Committee without Question put (Standing Order No. 88).

Adjourned till Thursday 19 July at half-past Eleven o'clock.

Written evidence to be reported to the House

- OWB 01 Dr P J R Whicker
 OWB 02 Mark Stone
 OWB 03 Dudley Newliss
 OWB 04 Firearms UK
 OWB 05 Rikki Wells
 OWB 06 An individual who wishes to remain anonymous
 OWB 07 Cosmin Maris
 OWB 08 Bret Boivin
 OWB 09 Paul Freeman, Manager, DNA Leisure Ltd
 OWB 10 Lawrence Taylor, Blades UK Ltd
 OWB 11 Andrew Burton
 OWB 12 Steven Goldsmith
 OWB 13 John Carlin
 OWB 14 Robin Watson
 OWB 15 Matthew Ball
 OWB 16 Nick Wright
 OWB 17 Mark Austin
 OWB 18 Andrew Stevens, Antique Swords UK / EU
 OWB 19 International Gallery Rifle Federation
 OWB 20 Dr Keith Pearson
 OWB 21 Keith Charles Howell, Chairman, Frome & District Pistol Club Ltd
 OWB 22 Alan Willey
 OWB 23 Alastair Haley, Chairman, County of Gloucester Rifle Association
 OWB 24 Simon Edwards
 OWB 25 David Eadsforth
 OWB 26 Alison Castle
 OWB 27 Chris Ellis
 OWB 28 Nicholas Riley, MD Blades and Bows Ltd
 OWB 29 Register of Professional Turners
 OWB 30 Tony Price
 OWB 31 Carl Wiles
 OWB 32 Gwilym Harding
 OWB 33 Laurentius Huige
 OWB 34 Alistair Alan Cormack
 OWB 35 Leszek Sikon
 OWB 36 John Rossiter
 OWB 37 Bruce McPherson
 OWB 38 Phil Proctor, MD for Robert Sorby Ltd
 OWB 39 Steven Macleod
 OWB 40 Mr J Barnes, Director, BDU Imports Ltd
 OWB 41 Nicholas Julian
 OWB 42 Diana Taylor
 OWB 43 Lionel Nierop
 OWB 44 Alex James
 OWB 45 Dave Lockett
 OWB 46 Adrian Hodgson
 OWB 47 Stuart Fingland
 OWB 48 Mr Tom Morton of Pilgrim Leathercraft
 OWB 49 Karl Franks, Director, Karlyon Care Ltd
 OWB 50 Dr Gordon Allison
 OWB 51 Mike Devonport
 OWB 52 Robin Slade, Scrubby Oak Fine Foods Ltd
 OWB 53 Joe Wakeham
 OWB 54 Mr Declan Moulant
 OWB 55 Roger Harrington
 OWB 56 Tactical Reviews
 OWB 57 Max Bone (Managing Director), Decorating Direct Ltd
 OWB 58 George Ellis, Chairman, Greensleeves Shooting Club
 OWB 59 Paul Fremantle
 OWB 60 Napoleonic Association
 OWB 61 BASC
 OWB 62 Anthony Newman
 OWB 63 Trevor Howard
 OWB 64 Michael Ebbage
 OWB 65 Mr R E Flook
 OWB 66 John Parris
 OWB 67 Roger Sinden