

Procedure for Application & Issue of NEIFCA Scallop Dredging Permits

Issue Date – 30 April 2016

Review Date – March 2017

Contact Officer – David McCandless (Permit Allocation Officer)

PURPOSE	To Ensure Allocation of NEIFCA Scallop Dredging Permits
AIM	Allocation of permits are undertaken in a fair, efficient and transparent manner and that there is a clear and consistent appeals procedure
SUCCESS CRITERIA	All permits will be issued in a consistent and timely manner.



1. Permit Applications

- 1.1 Applications for permits **will only be considered** from registered licensed vessels meeting the following criteria:

Overall length not exceeding 12 metres
Engine power not exceeding 221 KW

or

Overall length not exceeding 18.3 m
Engine power not exceeding 400 KW and

Registered a valid track record with NEIFCA by 28 March 2016

- 1.2 **Applications must be received by the Authority by the 30 May 2016.** All applications must be supported by evidence of catching and landing scallops within the NEIFCA district. **Any applications submitted without such supporting information will not be considered.**
- 1.3 Applications will only be accepted after the closing date if vacancies remain following initial allocation.
- 1.4 The submission of an eligible application will not necessarily guarantee a permit.

2. Permit Allocation Process

- 2.1 In this first season of the permitting scheme the Permit Allocation Officer will consider the number of eligible applications received before 30 May 2016 and make a recommendation to the Authority on the maximum number of permits that are made available.

Phase 1 Criteria

- 2.2 If the number of valid applications for scallop dredging permits does not exceed the maximum number of available permits, determined by the Authority, then each eligible applicant will be issued with a permit.
- 2.3 If the number of valid applications for scallop dredging permits exceeds the maximum number of available permits determined by the Authority then the Permit Allocation Officer will consider all applications against the following selection criteria:
- i) Historical length of track record presented detailing the catching and landing of scallops within the NEIFCA district. Priority will be given to those vessels able to demonstrate the longest track record.

Phase 2 Criteria

Beyond the application of Phase 1 criteria, judgement will be required on the part of the Permit Allocation Officer and will include the following:

- 2.4 If a number of applicants present identical historical track records and that number still exceeds the number of available scallop dredging permits then the Permit Allocation Officer will need to make a formal assessment of the available evidence supplied for Phase 1 criteria, this assessment will be based on the following information, using a sliding scale of priority as follows:
- (i) Has the applicant ever been the subject of formal sanction(s) for national fisheries offence(s) within the last five years.
 - (ii) What proportion of the track record can be proven **specifically** for the Specified Scallop Dredging Area as defined within the byelaw regulation?
 - (iii) Can the applicant demonstrate any other track record of fishing within the Authority's district and over what time period?
 - (iv) If a track record has been proven what were the total quantities of scallops caught during that reference period?
- 2.5 The Permit Allocation Officer will make a list of all unsuccessful eligible applicants. Should any permit become available during the course of the permit year the permit will be allocated to the applicant at the top of this list. The position of each applicant on the waiting list will be determined by their application form and Phase 1 and 2 Criteria.
- 2.6 **All applicants successful or otherwise will be sent provisional notification in writing by 13 June 2016.**

3 Right of Appeal

- 3.1 **Any decision by the Permit Allocation Officer that an applicant is not entitled to a permit will be sent in writing together with notification of the right of appeal by 13 June 2016.**
- 3.2 Included within the right of appeal should be information used to assess the application by the permit allocation officer summarising the reason why the applicant was not successful as well as a copy of the Appeal Procedure.

4 Appeal Procedure

- 4.1 The Appeal panel will consist of the members of the NEIFCA Executive Committee.

- 4.2 Appeals must be addressed to NEIFCA Executive ‘Scallop Dredging Permit Appeal’, Town Hall, Quay Road, Bridlington, YO16 4LP.
- 4.3 **All Appeals must be submitted in writing with any supporting evidence by 15 July 2016** and will be considered by the Executive Committee on 27 July 2016.
- 4.4 The Permit Allocation Officer must satisfy the NEIFCA Executive Committee that the correct application procedure has been followed and that the unsuccessful applicant (appellant) has been provided with all relevant information used to assess their application.
- 4.5 Based on the information supplied by the Permit Allocation Officer and the applicant in writing the NEIFCA Executive Committee will make a decision.
- 4.6 Immediately after the hearing the NEIFCA Executive Committee will provide the Permit Allocation Officer with their decision. The officer will notify the appellant within 7 working days of this decision together with details of how this decision was reached.
- 4.7 The decision of the NEIFCA Executive Committee is final.

5 Further Conditions of Permit Allocation

- 5.1 Following the conclusion of any appeals process written confirmation will be sent to all the successful applicants and permits will be issued upon full receipt of the £500 permit charge specified in paragraph 5 of Byelaw XXIII ‘Method and Area of Fishing (Scallop Dredges) Byelaw 2016.
- 5.2 The right is reserved to refuse the issue of a permit until such time as a successful applicant provides any outstanding monies or information required for the issue of a permit or from a previous year in accordance with paragraph 6 of Byelaw XXIII ‘Method and Area of Fishing (Scallop Dredges) Byelaw 2016.
- 5.3 Scallop dredging permits are not transferable between vessels and can only be used by a person named on the permit and in conjunction with the vessel named on the permit.
- 5.4 Scallop dredging permits may be subject to suspension for a number of reasons in accordance with the process outlined within paragraph 7 of Byelaw XXIII ‘Method and Area of Fishing (Scallop Dredges) Byelaw 2016.
- 5.5 All permits issued are subject to the prohibitions and conditions contained in Byelaw XXIII ‘Method and Area of Fishing (Scallop Dredges) Byelaw 2016.