

Procedure for NEIFCA Fixed Engine Permit Allocation

Issue Date – 08 May 2017

Review Date – March 2018

Contact Officer – David McCandless (Permit Allocation Officer)

<b>PURPOSE</b>	To Ensure Allocation of NEIFCA Fixed Engine Annual Permits
<b>AIM</b>	Allocation of permits are undertaken in a fair, efficient and transparent manner and that there is a clear and consistent appeals procedure
<b>SUCCESS CRITERIA</b>	All permits will be issued in a consistent and timely manner.



## 1. Permit Applications

- 1.1 Applicants can only apply for one type of permit, intertidal or sub-tidal, not both.
- 1.2 Individuals who have held a permit in the preceding year will be notified of the need to apply for the coming year by post.
- 1.3 **Applications must be received by the Authority by the 26 May 2017.** Applications will only be accepted after the closing date if vacancies remain following initial allocation.
- 1.4 If a permit holder from the preceding year has not returned his application form at this stage, he should be contacted with a view to determining whether any special circumstances warrant late acceptance of an application.
- 1.5 Vacancies for permits will be advertised on the NEIFCA website ([www.neifca.gov.uk](http://www.neifca.gov.uk)) subject to NEIFCA discretion.

## 2. Permit Allocation Process

- 2.1 The Permit Allocation Officer shall consider all applications against the following selection criteria:

### **Phase 1 Criteria** (Listed in order of Priority)

- 1) In the case of intertidal permits, the applicant held a permit during the previous season
- 2) Can demonstrate a track record of catching 300kg sea bass between 2015 and 2017 using fixed nets.
- 3) With respect to sub-tidal permits the operating vessel is registered 10 m and under and carries a national MMO licensing entitlement to catch and take sea bass.
- 4) Principle source of income is fishing with fixed nets within 'Area C' listed in the NEIFCA Fixed Engine Byelaw.

### **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:

- A) Should there be more applicants than the 10 available permits (5 intertidal and 5 sub-tidal) who can demonstrate Phase 1 criteria, 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 and in the following priorities:

- 1) If a track record has been proven, over how long can the applicant demonstrate that track record and what were the total quantities of bass caught during the reference period?
  - 2) What track record can be proven for the use of fixed nets within Area C and for how long?
- B) Should there be fewer applicants than the 5 available permits who meet the Phase 1 criteria, then the permit allocation officer will need to make a formal assessment of the available evidence supplied for Phase 1 Criteria from the remaining applicants, based on the following information:
- 1) Track record – What evidence has been supplied to support a track record for catching Bass. Over what time period is this available and how much bass can be demonstrated to have been caught?
  - 2) Is the principle source of income fishing? Can the applicant demonstrate a dependence on the use of fixed nets?
    - a. The permit allocation officer shall allocate a permit to those applicants who meet Phase 1 criteria (subject to Phase 2 assessment if required)
    - b. The permit allocation officer shall make a list of all unsuccessful applicants; these applicants will be held on the relevant waiting list for the permit applied for. The position of each applicant on this waiting list will be subject to annual review and submission of competed applications forms and evidence. 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 waiting list. The position of each applicant on the waiting list will be determined by their application form and Phase 1 and 2 Criteria.
    - c. Each applicant will be required to submit an annual application form with supporting evidence as per section 1 'Permit Applications'.
    - d. **All applicants successful or otherwise will be notified by 9 June 2017.**

### **3 Right of Appeal**

- 3.1 **Any decision by the permit allocation officer that an applicant is not entitled to a permit should be sent together with notification of the right of appeal by 9 June 2017.**

- 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 'Sea Bas Permit Appeal', Town Hall, Quay Road, Bridlington, YO16 4LP.
- 4.3 **All Appeals must be submitted in writing by 14 July 2017** and will be considered by the Executive Committee on 7 September 2017.
- 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 The East Riding of Yorkshire Council as custodians on behalf of the Crown Estates of the inter-tidal zone, have requested that in addition to the requirements laid down by NEIFCA that the issue of intertidal permits is subject to the following conditions:
- 1) All permit holders **MUST** have in place before commencing any netting/fishing activity from the beach Third Party Business Liability Insurance. This is non negotiable and must be in place. A certificate of Insurance can be submitted with the application or after the permit has been allocated.
  - 2) All permit holders must sign a Health and Safety Code of Practice which stipulates how fishing gear must be used in accordance with Health and Safety procedures. Any additional criteria or stipulation from ERYC must also be strictly adhered to. Any breaches, either of the Code of Practice and or such additional criteria or stipulation set, could render the permit holder liable to

prosecution by the ERYC and their permission to fish in the inter-tidal zone revoked.