# A blue and white sign Description automatically generated with low confidenceQuestionnaire – Formal Consultation

Eastern IFCA Wash Cockle and Mussel Byelaw 2021: Eligibility Policy and limitation on the number of permits

**This consultation closes at midday on Monday 18 July 2022**

Under the new Wash Cockle and Mussel Byelaw 2021, access to the cockle and mussel fisheries in The Wash (i.e. allocation of permits) will be managed by Eligibility Policy and a limitation on the number of permits. Eastern IFCA have developed the Eligibility Policy in line with the aim and objectives previously agreed with Wash fishermen.

The full wording of the Eligibility Policy can be found on our website <https://tinyurl.com/5n8hj939> or from the office on request. The questionnaire contains a summary of each section of the Eligibility Policy.

The aim and objectives can be read here: <https://www.eastern-ifca.gov.uk/wp-content/uploads/2021/09/2021_07_29_aim_and_objectives_FINAL_poster.pdf>

This questionnaire seeks your views on the Eligibility Policy and is a space for you to have your say on its content before it is finalised. **This consultation is about the Eligibility Policy and limitation on the number of permits only**. The Wash Cockle and Mussel Byelaw 2021 was consulted on separately during 2021.

You can read about the outcome of the formal consultation on the byelaw here: <https://www.eastern-ifca.gov.uk/wash-cockle-and-mussel-byelaw-2021-formal-consultation-report-published/>

There are 13 sections to this questionnaire, aligned with the sections of the Eligibility Policy:

1. Your details and overview of the eligibility policy
2. Issuing permits
3. Limit to the number of permits
4. Transition
5. Consecutive permits
6. New permits
7. Permit succession
8. Change of vessel and ownership
9. Nominated deputies
10. Business continuity and exceptional circumstances
11. Permit penalty
12. Application process
13. Policy review

Each section provides a summary of the relevant policy. The questionnaire has been designed to get your feedback on every aspect of the Policy so that we can understand how it will impact you and your individual business model and activity. However, if you would prefer to provide a written response instead of filling out a questionnaire, please send your response addressed to:

The CEO

Eastern IFCA

Unit 6 North Lynn Business Village

Bergen Way

King's Lynn

Norfolk

PE30 2JG

The information you provide will be processed in accordance with our privacy notice found here: <https://www.eastern-ifca.gov.uk/wp-content/uploads/2020/09/2020_09_21_GDPR_Privacy_Notice_Consultations.pdf>

# Section 1. Your Details & Overview of the Eligibility Policy

Please provide your details below. This will enable us to provide specific support if it is requested and to contact you about your answers if we require further clarification.

Full name:

Operating port:

Vessel name(s) and PLN:

Address:

Telephone (landline):

Mobile:

Email:

**What title best describes your role?**

*Please select all the boxes which apply to you.*

* Crew member
* Processor
* Skipper
* Vessel owner
* Other (please explain)

**What is the Eligibility Policy about and what is Eastern IFCA trying to achieve?**

The Eligibility Policy will manage access to the cockle and mussel fisheries in The Wash. Permits will be allocated in line with this Policy which seeks to ensure that access to the fisheries is fair, transparent, equitable, and will support sustainable fisheries and industry viability into the future.

Permits cannot be traded, leased, rented, bought or sold. If this activity is reasonably suspected, it will be investigated, and the permit may be cancelled.

Please let us know what your thoughts are on the intention behind the Eligibility Policy. Please explain if you agree or disagree with what we are seeking to achieve.

# Section 2: Issuing permits

**What permits are available and how will they be issued?**

**Permits and fees**

Permits will be available for the hand-work cockle fishery, the hand-work mussel fishery, and the dredge mussel fishery. If you are eligible for one permit, you are eligible for all three.

To be issued a permit, you will have to pay an ‘eligibility fee’ of £757.75 which will be payable each year by 31st March. The eligibility fee recovers 50% of the cost to the Authority for undertaking surveys to manage the fishery. An additional fee is also payable for each fishery you participate in:

* Hand-work cockle £339.57
* Hand-work mussel £101.39
* Dredge mussel £162.48

Fees will increase annually in line with inflation.

The vessel that will be used to fish must be named on a permit. The permit will be issued to a natural person only.

Please let us know if you have any comments or concerns about the permits available and how they will be issued.

**Who is eligible to hold a permit?**

* It is intended that the permit holder is the person who genuinely owns the vessel named on a permit, and who is financially responsible and dependent on that vessel across all the fisheries it operates in.
* Ownership under the policy means being the ‘registered owner’ **and** the ‘beneficial owner’.
  + The registered owner means the person who holds the most shares of the vessel named on the permit;
  + The beneficial owner means the person financially responsible for the vessel and dependent upon the income from the first sale of catch across all fisheries in which the vessel participates (the beneficial owner)
* The policy caters for business models where the registered and / or beneficial owner of a vessel is in the name of a business, but a business cannot hold a permit. You must demonstrate that you are the registered and beneficial owner of a vessel via the company to be the permit holder.
* You must demonstrate ownership to the Authority, and can do so using documents including but not limited to, MCA records, sales notes, insurance, licence transcripts, etc.
* You must be certified by the Eastern IFCA Wash Training Course (this will be a short, free session, organised by Eastern IFCA to inform about the environmental aspects of The Wash).

Your permit may be cancelled if your eligibility changes unless there are exceptional circumstances. Please let us know if you have any comments or concerns about the eligibility to hold a permit.

# Section 3: Limit to the number of permits

**What will the limit to the number of permits be?**

* There will be a maximum of 61 permits issued from each type of permit.
* The Authority may consider a small increase in the limit as part of the transition into the new system, **but** this will include a consultation with the industry and consideration of impacts before a decision is made.
* The number of cockle permits will not change every year but may change following a review if required.

Please let us know if you have any comments or concerns about the limit to the number of permits that will be issued.

# Section 4: Transition

**How will current WFO licences transition to permits under the byelaw?**

* Each WFO licence will be considered for issue as a permit and this will be done in two phases.
* To be considered you must apply for each current licence that you hold.
* You can apply if you are not an existing licence holder, your application will be considered for any permits remaining after phase 1, as part of phase 2.

## Phase 1

You will be eligible for a permit if you apply and you are:

* + The current WFO licence holder; **and**
  + you are the registered **and** beneficial owner of the vessel named on the permit; and,
  + the vessel has been actively used to fish either:
    - within the WFO fisheries for at least 16 days per year for at least two separate years between 1 Jan 2015 and 1 Jan 2022; *or*
    - Within Wash and North Norfolk Coast fisheries for at least 30 days per year for at least three years between 1 Jan 2010 and 1 Jan 2022.

You must meet all of the criteria listed above in order to be successful in Phase 1.

If you apply and you are a WFO licence holder but do not meet all of the criteria listed above in Phase 1, you will not be issued a permit in this phase. Your application will go to Phase 2.

## Phase 2

If you apply and you do not meet the criteria for a permit under Phase 1, you will be considered under Phase 2 using a points system.

**How will the points system work?**

* Permits will be issued according to a points system. A minimum of two points are required to be eligible for a permit under phase 2.
* The points system prioritises active fishermen with good compliance who do not already hold or are eligible to hold any WFO Licences or permits.
* Each application is separate and relates to holding one of each type of permit
* The applicant(s) with the most points will be eligible for the available permit(s).
* Where there are more high scoring applicants than there are available permits, the Authority will decide who to issue a permit to and will generally prioritise those with less access to the fishery.
* You can view the full points system in the complete policy.
* If your application is successful, you will be notified by Eastern IFCA. If you do not already have a vessel, you will then have 12 months (unless in exceptional circumstances) to become eligible to hold a permit under section 2. This is to help if you need assurance that you will get a permit before investing in a vessel.

Please use the space below to outline any comments or concerns you have about the transition from WFO licences to permits under the new byelaw.

# Section 5: Maintaining eligibility

**How will I remain eligible for a permit every year?**

Once you have been issued a permit you will be eligible for one every year if:

* + You meet the activity requirement which is either:
    - 5 Wash based cockle or mussel fishing trips using the permit over 24 months; or
    - 30 fishing trips using the vessel named on the permit within the Wash and North Norfolk Coast SAC over 12 months;
  + You continue to pay the annual eligibility fee (which must be paid every year by 31st March)
  + There have been no changes to the ownership of the vessel named on the permit

Exceptional circumstances will be considered if you are unable to meet this eligibility criteria.

Please let us know if you have any comments or concerns about how you can remain eligible for a permit every year.

# Section 6: New Permits

**How will new permits be issued if/when they become available in the future?**

* If you would like to be considered for a new permit when one becomes available, you must register as an applicant on a record with Eastern IFCA.
* New permits will be allocated in accordance with a points system. A minimum of 2 points are needed to be considered for a permit.
* If you already hold 8 permits or have ownership or a financial interest in vessels named on 8 permits, you will not be eligible to apply for any further permits.
* The applicant(s) with the most points will be eligible for the available permit(s).
* If there are more applicants with the most points than permits available, the Authority will make a decision on who to issue the permit(s) to. Applicants with the least existing level of access will be prioritised.
* If you are successful in your application, you will be notified by the Authority. You must then meet the requirements to be eligible to hold a permit (section 2 above) within 24 months of application. This is to enable time to become the owner of a vessel after confirmation of a permit. Exceptional circumstances will be considered.

Please let us know if you have any comments or concerns about how new permits will be issued if/when they become available in the future.

# Section 7: Permit Succession

**How you can apply for a person associated with your business to be eligible for a permit if/when you retire etc. for the continuation of a business?**

* You can apply to Eastern IFCA to have a person in your family or business to receive a permit in place of yours.
* You can name the person you want to succeed you and we will keep a record of this.
* To be eligible for permit succession, you must:
  + not be under investigation for a relevant offence;
  + surrender your eligibility to further permits.
* The person you want to succeed you must;
  + be a relative, for the purpose of continuing a family business; or
  + have been your nominated deputy for at least three years.
* If the application is successful, they will be notified and must meet the requirements of section 2 (i.e. be the registered and beneficial owner of the vessel named on the permit), within 24 months of being notified.
* In exceptional circumstances (for example the death of a permit holder), where the permit holder can no longer hold the permit, the Authority will endeavour to issue a temporary permit to ensure that a business can continue, to provide time for the persons associated to address the matter.
* A temporary permit does not make the holder of such automatically eligible for future permits.

Please let us know if you have any comments or concerns about permit succession (next page).

# Section 8: Change of vessel and ownership

**How can the vessel on the permit be changed?**

* You can apply to change the vessel named on your permit.
* The new vessel must meet the requirements of the byelaw and permit conditions.
* You must remain the registered and beneficial owner of the vessel, as described in section 2.
* The permit associated with the old vessel will be cancelled when the change is made.

Please let us know if you have any comments or concerns about how the vessel on the permit can be changed.

# Section 9: Nominated deputies

**Who can I nominate to skipper my vessel and how?**

* You can nominate up to two people other than the permit holder to skipper a vessel under a permit.
* Only persons named on the permit will be eligible to fish under the authority of that permit.
* A person is eligible to act as skipper if:
  + They have attended the Eastern IFCA Wash Training Course
  + They have fished within The Wash on at least 16 separate occasions within a year and within three separate years
  + They are qualified under the Merchant Shipping Act 1995, and regulations of said act, to act as skipper.

Please let us know if you have any comments or concerns about who can be nominated as a deputy to skipper a vessel.

# Section 10: Business continuity and exceptional circumstances

**What will happen to the permit in the event of exceptional circumstances?**

The Authority will consider exceptional circumstances including and not limited to death, medical conditions, total loss of vessel, reasonable need for repair, insolvency, and bankruptcy, in decisions to issue a permit where there is a risk to business continuity.

Please let us know if you have any comments or concerns about how business continuity and exceptional circumstances will be taken into account when issuing permits.

# Section 11: Permit penalty

**How access to the fishery will be suspended following the conviction of an offence.**

* If you are convicted of a relevant offence in court, the associated permit cannot be used to fish for a number of days as follows:
  + 1 offence – 14 days
  + 2 offences - 28 days
  + 3 offences – 42 days.
* The number of days relates to a number of ‘open days’ of the fishery.
* Each offence convicted for will represent an individual offence, each separate court summons (not linked to the same incident) will be treated as a new matter.
* If penalty days are not exhausted within one season of the fishery they will be carried over to the next season.

Please let us know if you have any comments or concerns about the suspension of permits or the staged permit penalty set out in the policy (section 11, table 3).

# Section 12: Application process

**How can I apply for a permit?**

* Applications should be made using the appropriate forms set out in the policy with all relevant documentation provided.
* In the first year of the fishery, completed application forms must be received by 1st January 2023.
* In following years, apply by:
  + Consecutive permits: 1st February any given year
  + New permits: 1st March any given year
* The eligibility fee must be paid by the 31st March every year.
* Permits will be issued from 1st April in each year, expiring after no more than 12 months or as otherwise stated on the permit.

Please let us know if you have any comments or concerns about the application process.

# Section 13: Policy review

**How will this Eligibility Policy be reviewed?**

The policy will be reviewed not less than every six years, in accordance with the byelaw. This process will include consultation with stakeholders.

Under the byelaw, if there are any proposed changes, these will be subject to consultation with stakeholders and undertaking an impact assessment with particular regard to:

* The stability, continuity and succession of businesses of the permit holders; and
* The continuing ability of permit holders to finance their businesses;

Please let us know if you have any comments or concerns about the review of the Eligibility Policy.

**QUESTIONNAIRE END.**

Thank you for taking the time to complete this questionnaire. Once complete, please post to:

The CEO

Eastern IFCA

Unit 6 North Lynn Business Village

Bergen Way

King's Lynn

Norfolk

PE30 2JG

If you prefer to provide a written response instead of filling out a questionnaire, please post your response to the same address.

**If you have any issues with filling out this questionnaire, please contact us using the details below:**

**Phone: (during office hours) 07385 769305**

**Email: mail@eastern-ifca.gov.uk**

**If you require this questionnaire in a larger format, please contact the office and we can provide one for you.**