

1. **Poole Harbour Dredge Permit Access Policy**

- 1.1 The following policy for the administration of permit entitlements for the Poole Harbour Dredge Permit Byelaw ("the Byelaw") replaces the Poole Harbour Dredge Permit Access Policy that was adopted by the Technical Advisory Committee at their meeting on 27th August 2015.
- 1.2 This policy was adopted by the Joint Committee on 9th June 2016.
- 1.3 The purpose of this policy is to enable the Authority to fulfil its obligations under s. 153(2) of the Marine and Coastal Access Act 2009 to:
- i. Seek to ensure that the exploitation of sea fisheries resources is carried out in a sustainable way
 - ii. Seek to balance the social and economic benefits of exploiting the sea fisheries resources of the district with the need to protect the marine environment from, or promote its recovery from, the effects of such exploitation.
 - iii. Seek to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district.

The Authority believes that it will fulfil those obligations by:

- i. Granting the maximum number of permits, consistent with its periodic review under paragraph 11 of the Poole Harbour Dredge Permit byelaw, to applicants who meet the criteria for holding a permit set out in this policy
- ii. Stating with clarity its procedure and criteria for the annual consideration of applicants for permits
- iii. Setting out its procedure for changing this policy in future years

2. **Criteria for 2016-17 permit entitlements**

- 2.1 Permit entitlements will be offered to those who satisfy the criteria set out in section 2.2 up to the maximum number of entitlements for the 2016-17 season determined by the Authority as a result of its periodic review under paragraph 11 of the byelaw. If the total number offered is less than the maximum number determined, permit entitlements will be offered to applicants who satisfy the criteria set out in section 2.4 so that the number offered to both categories of applicants in total is the same as the maximum number determined by the periodic review.
- 2.2 To be eligible for consideration for a 2016-17 permit entitlement, the applicant must demonstrate to the satisfaction of the Authority that:
- They were the holder of a dredge permit under the Byelaw for the 2015-16 season; and

They had paid for the dredge permit for the 2015-16 season by 30 June 2016; and

They had used the dredge permit for the 2015-16 season by 30 June 2016.

2.3 Prior to the issue of a permit entitlement under section 2.2, the applicant must establish to the satisfaction of the Authority that:

- i. they hold the majority of shares in the named relevant fishing vessel (as defined in the byelaw) for which the application is made as recorded on the vessel's certificate of registry; or
- ii. that they have been nominated in writing for that purpose by shareholders as recorded on the vessel's certificate of registry who hold a majority of shares in the named relevant fishing vessel and that they themselves are a shareholder as recorded on the vessel's certificate of registry.

2.4 If the applicant was not the holder of a dredge permit under the byelaw for the 2015-16 season, in order to be eligible for consideration for a 2016-17 permit entitlement, the applicant must demonstrate to the satisfaction of the Authority that:

They hold the majority of shares in the named relevant fishing vessel (as defined in the byelaw) for which the application is made as recorded on the vessel's certificate of registry; or

That they have been nominated in writing for that purpose by shareholders as recorded on the vessel's certificate of registry who hold a majority of shares in the named relevant fishing vessel and that they themselves are a shareholder as recorded on the vessel's certificate of registry; and

The vessel for which the application is made is ordinarily berthed within the area governed by Poole Borough Council or Purbeck District Council; and

They have commercially fished legally for shellfish within the area of Poole Harbour during the period 1st January 2010 to 1st January 2012.

2.5 Permit entitlement applications may be considered if the applicant under section 2.4 has changed vessel since 1st January 2012 or has a newly registered vessel and can demonstrate through appropriate evidence that they have fished legally for shellfish within the area of Poole Harbour during the period 1st January 2010 to 1st January 2012.

2.6 If the number of applicants for a permit entitlement under section 2.4 exceeds the number of permit entitlements available then all applications received, that meet the stated criteria, under this section will be entered into a ballot with applications selected at random until all available permit entitlements have been awarded.

3. Criteria for permit entitlements post 2016-17

3.1 Permit entitlements will be offered to those who satisfy the criteria set out in section 3.2 up to the maximum number of entitlements for that season determined by the Authority as a result of its periodic review under paragraph 11 of the byelaw. If the total number offered is less than the maximum number determined, permit entitlements will be offered to applicants under section 3.5 so that the number offered to both categories of applicants in total is the same as the maximum number determined by the periodic review.

3.2 Applicants who have held a permit under the previous season

To be eligible for consideration for a permit entitlement, the applicant must demonstrate to the satisfaction of the Authority that:

They were the holder of a dredge permit under the byelaw for the preceding season to that for which the application is made; and

They had paid for the dredge permit for the preceding season to that for which the application is made by the 31st March; and

They had used the dredge permit during the preceding season for which the application is made. 'Use' shall be defined by the submission of the 'Poole Harbour Dredge Permit Monthly Catch Return Form' during the preceding season for which the application is made, as required under section 2 of the Poole Harbour Dredge Permit, indicating that fishing activity had been carried out for a minimum of 3 months by the applicant on the vessel for which the application is made. Submitted catch returns indicating 'nil' for a month will not contribute to this definition of use.

3.3 Lack of use of a permit due to exceptional circumstances may be considered by the Authority whose decision will be final. Exceptional circumstances might include but are not limited to:

Medical condition of permit holder; or

Total loss of vessel

3.4 Prior to the issue of a permit entitlement under section 3.2, the applicant must establish to the satisfaction of the Authority that:

i. They hold the majority of shares in the named relevant fishing vessel (as defined in the byelaw) for which the application is made as recorded on the vessel's certificate of registry; or

ii. That they have been nominated in writing for that purpose by shareholders as recorded on the vessel's certificate of registry who holds a majority of shares in the named relevant fishing vessel and that they themselves are a shareholder as recorded on the vessel's certificate of registry.

3.5 If the total number of permit entitlements offered to applicants under section 3.2 is less than the maximum number determined then those persons entered into the ballot for the 2016-17 season under section 2.6, who were not offered a permit entitlement, will be invited to enter into the ballot for the proceeding season provided they can supply evidence that they are still the majority shareholder in the named relevant fishing vessel for which the application is made or that they are still nominated in writing for that purpose by shareholders as recorded on the certificate of registry for the vessel for which the application is made, who hold a majority of shares in that named relevant fishing vessel and that they themselves are a shareholder as recorded on that vessel's certificate of registry. At the point where the number of permit entitlements available under this section is greater than the number of applicants entered into the ballot then criteria for applications for new entrants to the fishery will be established.

4. Procedure for application for a permit entitlement

4.1 Applications for a permit entitlement should be made using the Poole Harbour Dredge Permit Application Form.

4.2 Completed application forms should be sent to the office of the Southern IFCA at 64 Ashley Road, Parkstone, Poole, Dorset, BH14 9BN.

4.3 Completed application forms should be received no later than 14 days after the final day of the preceding season. Application forms received after this date will not be considered.

4.4 If the appropriate criteria for a permit entitlement are met through applications and associated evidence submitted under sections 2.2 and 2.3 or sections 3.2 and 3.4 then the Authority may choose to award a permit entitlement without the need for an interview.

4.5 It shall be at the discretion of the Authority if an applicant requires an interview based on an assessment of the application submitted.

4.6 In the event that an interview is required, the interview will be carried out by the Permit Interview Sub-Committee who will meet as necessary to interview applicants prior to the award of permit entitlements, in order to decide whether the applicant meets the criteria for the grant of a permit entitlement.

4.7 The Permit Interview Sub-Committee will make recommendations to the TAC as to whether an applicant it has interviewed meets the criteria for the grant of a permit entitlement.

4.8 The Permit Interview Sub-Committee will consider any applications made to the Authority for an entitlement to use a vessel different to that named on their permit based on the procedure and criteria outlined in section 5.

5. Change of vessel

- 5.1 A permit is not transferable from the permit holder to another person or from the named vessel to another vessel.
- 5.2 A permit entitlement holder may apply to the Authority for an entitlement to use a vessel different to that named on their permit, provided that:
- i. the engine power of the new vessel in kw is equal to or less than the vessel that is being replaced; or
 - ii. there are exceptional circumstances.
- 5.3 The Authority reserves the right not to award a new permit under these circumstances having regards to the duties of the Authority.
- 5.4 Should the Authority approve the use of a different vessel by a permit entitlement holder, the existing permit will be cancelled a new permit will awarded for the named vessel upon application and payment of a fee of £50.

6. Appeals Procedure

- 6.1 Any person who is dissatisfied with any decision made by the Authority with respect to the issuing of a Permit is to have the following right of appeal:
- 6.2 In writing or in person either alone or accompanied by a legal adviser or friend to an Appeals and Scrutiny Sub-Committee. The Appeals and Scrutiny Sub-Committee will consist of 3 Members of the Authority who:
- i. are not Members of the Permit Interview Sub-Committee;
 - ii. do not have any direct interest in the relevant fishery; and
 - iii. did not take part in any discussion or vote on any relevant recommendations of the Permit Interview Sub-Committee.
- 6.3 An appeal will only be heard if a request is received, in writing, within 28 days of written confirmation of an Authority decision.
- 6.4 For any appeal the Authority and the appellant will each be responsible for their own costs.

7. Review of the Access Policy

- 7.1 At any time the Authority may decide to review the suitability of the Access Policy.
- 7.2 In reviewing the Access Policy and deciding on any changes to be made, the Authority will have regard to:

The Authority's duties and obligations under sections 153 and 154 of the Marine and Coastal Access Act 2009

Any available legal advice

7.3 Stakeholders will be notified of any outcomes of the review.