

Procedure for NEIFCA Area C Fixed Netting Permit Allocation

Issue Date – 10 June 2024

Review Date – June 2025

Contact Officer – David McCandless (Permit Allocation Officer)

<b>PURPOSE</b>	To Ensure Allocation of NEIFCA Fixed Netting Permits to Fish Within Area C of the Holderness Coast
<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 **Applications must be received by the Authority by the 28 June 2024.** Applications will only be accepted after the closing date if vacancies remain following initial allocation.
- 1.3 Vacancies for permits will be advertised on the NEIFCA website ([www.ne-ifca.gov.uk](http://www.ne-ifca.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) The applicant has previously held a permit to fish in Area C.
- 2) Can demonstrate a historical track record of fishing in Area C.
- 3) Can demonstrate a historical track record of catching fish using fixed nets.
- 4) 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.

### **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 species caught?
  - 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 available 5 (intertidal 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, if any, has been supplied to support the historical track record. Over what time period is this available and how much 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 completed 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 Friday 12 July 2024.**

### **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 Friday 12 July 2024.**
- 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 'Fixed Net Permit Appeal', Town Hall, Quay Road, Bridlington, YO16 4LP.
- 4.3 **All Appeals must be submitted in writing by Friday 2 August 2024** and will be considered by the Executive Committee meeting provisionally scheduled for 5 September 2024.
- 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 issue of NEIFCA intertidal permits will be subject to the following additional conditions:
- 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 6(l) of Byelaw XVIII 'Method and Area of Fishing (Fixed Netting) Byelaw 2016.
  - 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 Byelaw XVIII 'Method and Area of Fishing (Fixed Netting) Byelaw 2016 and or Byelaw XXXI Catch Returns Byelaw.
  - 3) Permits may be subject to suspension, at any time, for a number of reasons in accordance with the processes outlined within paragraphs 7 and 8 of Byelaw XVIII 'Method and Area of Fishing (Fixed Netting) Byelaw 2016.
  - 4) All permits issued are subject to the prohibitions and conditions contained in Byelaw XVIII 'Method and Area of Fishing (Fixed Netting) Byelaw 2016.
  - 5) 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.

- 5) 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.