



Dee Estuary Cockle Fishery Endorsement Procedure

Introduction

Natural Resources Wales is committed to ensuring the Dee Estuary Cockle Fishery Order 2008(DECFO), is correctly used for the benefit of licencees, wildlife and the wider estuarine environment.

Article 6 of the DECFO gives NRW the discretionary power to endorse a second person to dredge fish for or take cockles within the fishery under the same conditions as the licencee.

We recognise and acknowledge that as licencees are self-employed, they lose income if they are incapable of working. We are therefore using the power given to us under the DECFO for the benefit of licencees who have genuine reasons for being unable to work their licence for short term periods.

We aim to achieve this through effective monitoring and management of any endorsements.

Scope

This procedure applies to all Dee Cockle Fishery licencees and NRW staff involved in the processing of endorsement requests from licencees.

Request to Endorse

Licencees are to submit a written request to have someone endorsed on their licence advising NRW of the reason(s) for the request including the name and contact details of their proposed endorsee.

Recent Gangmasters Licencing Authority (GLA) guidance has also indicated that any licencee who seeks to gain an endorsement on their licence will require a GLA licence and that it is a criminal offence to operate as a gangmaster without a GLA licence. Further information on this matter can be found by emailing licensing@gla.gsi.gov.uk or by ringing the GLA Licencing Team on 0345 602 5020.

All requests for an endorsement will be dealt with on a case by case basis. A request for an endorsement based on sickness will however only be considered if the duration of sickness is greater than two weeks. If a request for an endorsement based on sickness is for a period of less than 2 weeks, it will be rejected by NRW.

If the endorsement request meets the 2 week criteria, NRW will then inform the licensee of the need to supply the following documents in support of their written request:

- A valid and signed F/Med 'Fit Note' from their General Practitioner or similar healthcare professional, the duration of which is in excess of two weeks.
- Proof that the proposed endorsee is over 16 years of age.
- The name, address and contact details of their proposed endorsee.
- The proposed endorsee's original certificates in Survival at Sea, First Aid at Sea and The Foreshore Gatherer's Certificate. If they intend using their own boat on the fishery, they will also need a minimum of RYA Powerboat L2 and the RYA VHF Radio Operators Certificate.

It is the licensee's responsibility to remain in regular contact with the Shellfish Liaison Officer (SLO), during this initial period. Failure to update or supply the required paperwork to the SLO may result in the process being delayed until the correct paperwork has been received regardless of the end date on the 'Fit Note'.

Once the paperwork and checks are in order, the SLO can then arrange for the Review Panel and interview to be convened without undue delay.

Recording and Processing of Documentation

NRW will create a file for each endorsement request and make photocopies/scans of all relevant paperwork in support of the request. This file will contain personal information and will be treated as OFFICIAL – SENSITIVE.

Background checks are to be made through the Environmental Crime Team (ECT) to ensure the proposed endorsee does not have any current convictions for cockling/fisheries offences or any other reason that may preclude them from gaining an endorsement.

Review Panel and Interview

Once all supporting paperwork has been provided, the SLO will pass the information to an internal review panel. This panel will consist of three NRW staff who will consider the request and supporting paperwork to ensure consistency and fairness. The SLO will then arrange for the review panel to interview the licensee and proposed endorsee for a first time issue only. Any subsequent 'Fit Note' submissions (if the illness or injury continues), will not require further interviews unless the licensee changes his endorsee.

The panel will record the interview proceedings and inform both licensee and potential endorsee of their decision to endorse as soon as possible afterwards. If the request is to be refused, the SLO is to formally write to the licensee stating on what grounds the request has been refused.

'Fit Note' Certification

NRW have the discretion to contact the surgery or healthcare professional issuing the 'Fit Note', to check the validity of the paperwork supplied.

Issuing the Endorsement

Once the paperwork and checks are completed, the SLO will invite the licensee and endorsee to the Buckley Office to issue the relevant paperwork. During this meeting, the SLO will also highlight the responsibilities of licensee and endorsee.

The licensee will be responsible for ensuring the 'Fit Note'(s)' are current and valid and that the endorsee does not cockle on the fishery at the same time as the licensee.

The endorsee is to note the end date and time of the endorsement and not cockle beyond this date unless another valid endorsement has been issued. If they cockle beyond the end date without the benefit of a valid endorsement, they will be committing the offence of fishing without the benefit of a valid licence and will be subject to NRW's enforcement policy.

The duration of the endorsement will be identical to the duration of sickness period on the 'Fit Note'. They will be authorised to cockle under the same Restrictions and Regulations (R&R's) and Licence Conditions (LC's) as the licensee. A copy of these will be supplied to the endorsee during the meeting.

The licensee and endorsee will sign an acknowledgement slip indicating they both understand the terms of the endorsement and that the endorsee has received the endorsement as well as a copy of the R&R's and LC's.

The licence endorsement details will be copied to ECT so that effective monitoring of the fishery can be carried out.

Withdrawing the Endorsement

NRW may withdraw the endorsement if:

- The licensee recovers from their illness or injury so that they are capable of the dredging, fishing for or taking cockles within the fishery.
- Natural Resources Wales notifies the Licensee and Endorsee in writing that the endorsement is withdrawn.
- Any information or evidence is received which casts doubt on the validity of any paperwork submitted as part of an endorsement request. (See Fraudulent Information below)

NRW may review the endorsement at any time and subsequently affirm, modify or withdraw the endorsement.

Continuing Certification

If the licensee makes a recovery from their illness before their endorsement expires, they must inform NRW of their intention to cockle. This will result in the endorsement being withdrawn from the endorsee.

In the event of continuing sickness, the licensee is responsible for supplying additional 'Fit Note's' as required. It is not NRW's responsibility to remind the licensee that a 'Fit Note' (and consequently the endorsement), has expired. Any delay or gap in supplying the necessary paperwork will result in the previous endorsement lapsing and possible enforcement action taken against the endorsee if caught cockling without a valid endorsement.

Long Term Sickness

Long-term sickness will be assessed on a case by case basis.

However, any recurring request for an endorsement based on sickness which continues for more than 3 consecutive seasons will be rejected.

Fraudulent Information

If NRW gain information or evidence that a licensee has submitted fraudulent paperwork including a 'Fit Note' or is found to be working while under a valid 'Fit Note', the authorisation will be immediately withdrawn.

NRW have the discretion to liaise with other public bodies or government agencies should it be found that a licensee has submitted any fraudulent paperwork.

Related information:

Related policies:

- [Dee Cockle Licence Endorsement Policy](#)

Contact

Approval

Version

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