

Fit and Proper Person Assessment (FPPA)

1. Applicants to the Licence Allocation Procedure for a Dee cockle licence will be required to undergo a FPPA in order to be allocated an active position on the ranked list for allocation of a permanent (probationary) or short-term, non-renewable licence or to be considered as an endorsee.
2. Applicants who do not pass this FPPA will have their position on the ranked list suspended until such time as they are able to pass the FPPA.
3. The FPPA will comprise 3 separate sections:
 - Unspent fisheries convictions and cautions
 - Other relevant unspent criminal convictions and cautions (to include, but not be limited to: offences relating to violence, intimidation, fraud, drugs, people trafficking, modern slavery)
 - A record of non compliance or history of poor behaviour

Unspent Fisheries Convictions and Cautions

An applicant will be deemed to have failed a FPPA in the event that they have an unspent fisheries conviction under Section 3 of the Sea Fisheries (Shellfish) Act 1967. Fisheries convictions under the 1967 Act are considered to be spent 12 months after the date of conviction.

An applicant will also be deemed to have failed a FPPA in the event that they have an unspent fisheries conviction in respect of any other fisheries legislation. Fisheries convictions under other fisheries legislation will be considered to be spent in accordance with the terms of the Rehabilitation of Offenders Act 1974.

An applicant will be deemed to have failed a FPPA in the event that they have received a fisheries related formal conditional caution in the 3 months prior to the date of their application. 3 months after the date of a formal conditional caution, the caution will be spent.

When considering fisheries convictions and cautions NRW will use their own enforcement records as well as those from Welsh Government, Inshore Fisheries and Conservation Authorities and any other relevant fisheries regulator.

Other Relevant Unspent Criminal Convictions and Cautions

Applicants must complete a Disclosure and Barring Service (DBS) basic check to identify any unspent convictions. Request a basic DBS check - GOV.UK (www.gov.uk). Applicants are responsible for the cost of their own DBS check.

A DBS check is valid for a period of 12 months. In order to remain active on the ranked list for a permanent (probationary) licence, or the eligible endorsee list, an applicant must renew their DBS check every 12 months. On expiry of the DBS check, an applicant will be suspended until a renewal is provided.

If, during the period of validity of a DBS check, NRW finds that an applicant has engaged in activity that would result in the failure of the FPPA, NRW may suspend the applicant.

An applicant will be deemed to have failed a FPPA in the event that they have an other unspent relevant conviction. Convictions under other legislation will be considered to be spent in accordance with the terms of the Rehabilitation of Offenders Act 1974.

An applicant will be deemed to have failed a FPPA in the event that they have received a formal conditional caution for a relevant offence in the 3 months prior to the date of their application. 3 months after the date of a formal conditional caution, the caution will be spent.

When considering conditional cautions for other relevant offences NRW will liaise with the Police.

Record of Non Compliance or Poor Behaviour

In assessing applicant suitability NRW will consider whether the applicant has a poor record of compliance with regulatory requirements. These may include:

- receipt of formal enforcement notices (advice and guidance letters or warning letters);
- a history of non-compliance with the Restrictions and Regulations contained in the Dee Cockle Fishery Order 2008 and the Dee Cockle Management Plan;
- a history of non-compliance with Licence Conditions;
- poor behaviour which the regulator considers to be unacceptable. This could include physical acts or language (written, verbal or online) that causes staff or other fishery stakeholders to feel intimidated, afraid, threatened or abused. Preventing access to the fishery, failure to provide required documents and declarations that are disingenuous may also be considered poor behaviour.

If an applicant is deemed by NRW to have failed the FPPA due to non compliance or poor behaviour they will be suspended from the ranked list for a period of 12 months from the date that they are informed of the FPPA failure.

Management of the Licence Allocation List

NRW will maintain a ranked list of applicants for a permanent (probationary) licence, and an eligible endorsee list, recording active and suspended individuals.

The list of active individuals eligible to work as an endorsee will be presented in alphabetical order. This list will only be available to licence holders who are requesting an endorsement on their licence. Applicants who do not give permission for NRW to provide name and contact details will not appear on the 'eligible endorsee' list.

Individuals who are suspended from the list will not be eligible for a licence (probationary or short-term, non-renewable).

Individuals who are suspended from the list will not be eligible to work as an endorsee on a permanent licence.