



Official Use only

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**Instructions for applicants:**

*This document is only for use by those eligible to apply for a transitional licence under the terms of Article 6 of the Thames Estuary Cockle Fishery (No.2) Order 2024 (as varied) in order to amend their original application. Please complete **ALL** of the questions below using the boxes provided. **Read the questions carefully** ensuring you understand what is being asked.*

**Section 1: Applicant Information**

Question	Responses
Full name of the licence applicant (This needs to be the registered company's name or trading name.)	WG & SJ Dell Limited
Registered Company No.	03886868

**Section 2. Licence-type confirmation or amendment**

Taking into account the Thames Estuary Cockle Fishery (No.2) Order 2024 as varied by the Thames Estuary Cockle Fishery (No.2) (Variation) Order 2025, please consider the type of licence for which you applied (transitional/non-transitional) during the application window (19 December 2024 – 19 January 2025).

<b>Please choose from one of the following two options:</b>	
What type of licence have you applied for on your previously submitted TECFO-001 application form?	<input type="checkbox"/> Transitional <input checked="" type="checkbox"/> Non-transitional
Please either confirm the type of licence you have already applied for or request a change to the type of licence?	<input type="checkbox"/> Confirm <input checked="" type="checkbox"/> Request a change
<p><b>If you have requested a change to the type of licence you have applied for, you will need to say why you have done so and explain how your decision to apply for the type of licence you did was prejudiced by the wording of the TECFO 2024 as made.</b></p> <p><b>The Authority will retain a discretion and will permit an applicant to switch only where it can satisfy the Authority that it would have applied for a different type of licence, had Article 5(12) not precluded companies with common officers or shareholders from each holding a transitional licence.</b></p> <p>KEIFCA will consider your submitted request and any supporting evidence you provide alongside the following: your responses during the cockle review process, your TECFO-001 application form, any relevant prior communications between yourself and KEIFCA or its officers, and legal advice provided to the Authority.</p>	

We respectfully request to change the type of licence we previously applied for, from a non-transitional licence to a transitional licence.

Our decision to apply for a non-transitional licence was made in good faith and was heavily and uniquely influenced by our understanding of TECFO 2024 as originally made and KEIFCA's accompanying guidance. The rationale behind that decision was as follows.

#### **Why we originally decided to apply for a non-transitional licence**

Prior to submitting our original licence application, KEIFCA had confirmed that a total of 15 licences would be available for applicants. Certain of these would be reserved for transitional licence applicants. Based on our knowledge of the existing companies, we anticipated that at least 18 applications would be made, many of these by companies eligible for a transitional licence, and that competition for available spaces would therefore be high.

We were aware that Article 5(12) of TECFO 2024 specifically restricted transitional licences being awarded to companies connected by the same officers or shareholders.

We knew that several of the TECFO 1994 licence holders were companies with overlapping officers and shareholders. Therefore, we understood that the enforcement of TECFO 2024, as originally made, would limit the number of transitional licences granted. As a result, this would open up a number of licence places for non-transitional licence applicants. This created the perception that choosing to make a non-transitional licence application presented a relatively low risk to the continuation of our business.

For additional context, our application decision was further influenced by a number of other factors.

We considered the details provided in the Management Plan around how a non-transitional licence application would be assessed. In particular, the scoring table indicated that fishing experience and track record would be the highest-weighted category, contributing 36% of the overall score. Given our extensive and long-standing history of operating within the Thames Cockle Fishery, we felt this further supported our view that applying for a non-transitional licence was a justifiable and relatively low-risk decision under the circumstances.

Articles 6(6) and 6(7) of TECFO 2024 provide that a transitional licence ceases to be valid if the company changes legal or beneficial ownership at any time during the seven-year period, and that the decision to continue a transitional period licence in the event of the death of the licence holder would be at the discretion of KEIFCA and not a guaranteed outcome. We felt it was important to consider the wider business implications of applying for a transitional period licence based on these restrictions.

Similarly, we felt that a non-transitional licence provided for greater business stability. A non-transitional licence is personal to the applicant company. To potentially obtain further investment, licence stability would be paramount, particularly in discussions with banks.

Since we are a small, family owned business, we were concerned to ensure the continued operation of the business should anything happen to the directors. We were also keen to ensure that business expansion and potential outside investment could be supported by virtue of the appropriate licence type. This was especially important not just for us, but for our employees and their families, who rely on the stability of our business for their livelihoods.

#### **Why we have requested a change to the type of licence applied for and how our original licence application decision was prejudiced by the wording of the TECFO 2024 as made**

Had Article 5(12) not precluded companies with common officers or shareholders from each holding a transitional licence, we would not have applied for a non-transitional licence.

This is because we would have anticipated that there would be far fewer spaces available for non-transitional licence applicants. We would have assessed the risk of applying for a non-transitional licence very differently and, based on the business considerations outlined above, made entirely different decisions.

In the event, TECFO 2024 is being amended such that the regulatory framework – and, therefore, business risks – have altered fundamentally. As set out above, this was the context in which our original application decision was made, but that is now changing. Had this been known at the time of our original application, we would have instead chosen to proceed with a transitional licence application.

We therefore submit that our decision was directly prejudiced by what has now been acknowledged by KEIFCA as a legislative drafting error. We now request the opportunity to correct the disadvantage created by the Variation Order by changing our application to a transitional licence.

We respectfully request that the Authority carefully consider this application, which seeks not an advantage, but a correction of a process that unintentionally disadvantaged us, and which would allow our business to continue operating, protect local employment, and reflect a fair application of the law as now amended.

## Declaration

- *I declare that to the best of my knowledge the answers submitted, and information contained, in this document are correct and accurate.*
- *I declare that I have provided all documentary evidence relevant to my request and the Authority's consideration of it.*
- *I understand that the Authority may reject this request in its entirety if there is a failure to answer all the relevant questions fully, or if false/misleading information or content is provided in any section.*
- *I am aware of the consequences of serious misrepresentation.*

Signed...  .....

Date.....20/7/25.....