

W.G. & S.J.Dell Ltd.

Wholesale Shellfish Sales

V.A.T Reg. No. 250 3999 47

23A Woodlands Park, Leigh-on-Sea, Essex. SS9 3TX.

Phone: 01702 558294/07801255658

To: Committee Members
Kent and Essex Inshore Fisheries and Conservation Authority ("KEIFCA")
Paragon House
Albert Street
Ramsgate CT11 9HD

From: WG & SJ Dell Limited
23A Woodlands Park
Leigh-on-Sea
Essex SS9 3TX

Dated: 23rd March 2025

Dear Committee Members

Appeal in respect of licence application under the Thames Estuary Cockle Fishery (No.2) Order 2024

1. Introduction

1.1. We refer to:

- 1.1.1. the Management Plan (the "Management Plan") relating to the Thames Estuary Cockle Fishery (No.2) Order 2024 (the "Order"); and
- 1.1.2. your email to us dated 20th March 2025 in respect of the results of our application for a licence under the Order (the "Email").

1.2. We write in response to your Email.

1.3. In particular, we write to express our concerns relating to several aspects of the licence allocation procedure ("LAP"), which potentially could even indicate possible grounds for judicial review, and to respectfully request that you reconsider certain aspects of our licence application based on additional information provided.

2. LAP issue (1) – issue of transitional licences to multiple companies with the same officers

2.1. First, the Order provides for two types of licence application: a transitional arrangement that gives rise to a 'transitional period licence' (as defined in the Order) under Article 6 of the Order; and a 'full licence application' (which is defined in the Management Plan but not defined in the Order, although covered by Article 5 of the Order).

- 2.2. Article 5(12) of the Order provides that: 'where a transitional period licence is issued to a company under article 6, any person who was a shareholder or officer of that company on 30th January 2024, is not eligible to be granted a licence under this article or a transitional period licence under article 6, *whether as an individual or as a shareholder or officer of another company*' (emphasis added).
- 2.3. Your Email stated that the following persons would be offered a transitional period licence:
- 2.3.1. Cardium Shellfish Limited;
 - 2.3.2. Oly Ray Limited;
 - 2.3.3. Renown Fisheries Limited; and
 - 2.3.4. Trevor Lineham (Shellfish) Limited.
- 2.4. In respect of each of these companies:
- 2.4.1. each company has the same directors and/or company secretaries: Robert Ashley Jones and Victor Perez de Castro; and
 - 2.4.2. each of those directors and/or company secretaries were officers of those companies on 30th January 2024, being appointed (variously) between 14th June 2011 and 6th September 2023.
- 2.5. Similarly, your Email stated that the following persons would be offered a transitional period licence:
- 2.5.1. M.W.Smith Shellfish Limited; and
 - 2.5.2. Essex Shellfish Ltd.
- 2.6. In respect of each of these companies:
- 2.6.1. each company has the same following directors: Steven John Williamson, Simon Lenger and John Williamson;
 - 2.6.2. Steven John Williamson is the company secretary of Essex Shellfish Ltd; and
 - 2.6.3. each of these directors and/or company secretaries were officers of those companies on 30th January 2024, being appointed (variously) between 27th September 2002 and 23rd August 2011.
- 2.7. Annex 3 of the Management Plan states that: 'Applications will be subject to an initial verification check...[and]...if the applicant is a company, a series of Companies House checks...to confirm the relevant details of the applicant'.
- 2.8. Therefore, Article 5(12) of the Order suggests that transitional period licences would not be offered to multiple applicant companies that have the same officers and the Management Plan suggests that this would be verified through a series of Companies House checks. The recommendation to offer licences to multiple companies with the same officers suggests these checks – which KEIFCA promised to undertake as part of the technical evaluation of licence applications – were either not completed or completed incorrectly. Consequently, the companies listed above should not all be offered transitional period licences, which has the effect of reducing the number of wider licences available to other applicants such as ourselves.

3. LAP issue (2) – licence holders with the same shareholders

- 3.1. Second, article 5(2) of the Order provides that: 'the Authority may only issue one licence per person'. For these purposes, we assume a 'person' refers to an individual or a company.
- 3.2. However, page 9 of the Management Plan states that where there is a change of ownership after a licence has been issued which '...may result in multiple licences being held by the same parent company, ultimate parent company or individual, KEIFCA may work with Competition and Markets Authority (CMA) in order to undertake any relevant investigation'.
- 3.3. This implies that KEIFCA are concerned to ensure that multiple licences are not held by the same controlling person, be they an individual or company. Applicants could reasonably and legitimately expect that the same approach would be adopted by KEIFCA when issuing licences.
- 3.4. The Email states that the following companies would be offered a full licence:
- 3.4.1. Osborne & Sons (Shellfish) Limited (we note the Email states 'Osborne & Sons Ltd', but we assume this is referring to Osborne & Sons (Shellfish) Limited since Osborne & Sons Ltd was dissolved in 2010); and
- 3.4.2. O&L Fishing Limited.
- 3.5. The latest filings at Companies House suggest that each of these companies have the same common shareholders: Andrew Lawrence (26 ordinary shares in each company); Leona Michelle Lawrence (24 ordinary shares in each company); Graham David Osborne (26 ordinary shares in each company); and Sally Osborne (24 ordinary shares in each company).
- 3.6. Since the Management Plan implies KEIFCA is concerned to ensure that multiple licences are not held by the same individuals through company structures, we are disappointed that full licences will be offered to the above two companies. As above, this has the effect of further depleting the number of licences available to applicants, which is contrary to the spirit of the Management Plan. Similarly, it also suggests that Companies House checks were possibly not carried out by KEIFCA to verify these details as part of the licence application process.

4. LAP issue (3) – vessel checks

- 4.1. Third, Annex 3 of the Management Plan provides that, as part of the LAP, KEIFCA would assess whether 'the applicant owns a registered fishing vessel which is capable of carrying the maximum quantity of catch allowed under the licence and is certified by the Maritime and Coastguard Agency to undertake dredging'.
- 4.2. Annex 3 of the Management Plan then goes on to state that 'applications that do not meet [this requirement] may be rejected at this stage'.
- 4.3. Part 4 of the Application Form provides that applicants need to provide details of the overall length of their vessel. Part 5 of the Application Form outlines what should be included in the applicant's business plan, and states that a fishing vessel must 'have appropriate capability to land up to 13 tonnes of cockles per fishing trip'.
- 4.4. The Email states that, if a licence is not accepted by an applicant, 'KEIFCA will offer the licence to the next ranked applicant. This process will repeat until all 15 licences are issued'.

- 4.5. The fishing vessel known as the 'Ruth Imelda' (registration number BN64), owned by Ferris Fisheries Ltd – and ranked above our application – is 11.2 metres in length, has a registered tonnage of 8.22 and a VCU of 79.096. It has not undertaken dredging and is not certified to undertake dredging. Given its length and size, we do not think that it meets the requirements set out in the Management Plan.
- 4.6. Since the Management Plan clearly states that it is a condition of the licence application that a fishing vessel needs to meet the relevant stated criteria, any applicant that does not satisfy that condition should be automatically disregarded from the process.
- 4.7. If an applicant does not have a vessel that can perform the required functions for cockle fishing, and KEIFCA have stated that such a requirement is a factor that is to be considered when determining licence applications, it follows that such an applicant should not be on the ranked list. Our vessel meets all the basic requirements as laid out in the Management Plan. It would, therefore, be highly unreasonable for an applicant that does not meet this criteria to have the chance of accepting a licence ahead of us in the event of a higher ranking licence applicant choosing not to accept a licence offer. Similarly, it also suggests that the promised vessel checks were not carried out by KEIFCA to verify these details as part of the licence application process.

5. LAP issue (4) – scoring under LAP

- 5.1. Fourth, we are concerned that insufficient attention has been given to our fishing experience track record as part of the scoring of our licence application, and that the scoring process may have been carried out in an unreasonable way.
- 5.2. Annex 4 of the Management Plan sets out the scoring table which the Applications Panel will use to assess licence applications. In that table, fishing experience track record is the highest weighted category.
- 5.3. Part 6 of the Application Form (Fishing Experience Track Record) asks for evidence of 'your organisation's relevant track record of working in the Thames cockle fishery in the reference period 2018-2024 inclusive'.
- 5.4. Page 22 of the Management Plan then goes on to give further details on how this will be graded and states:
- 5.4.1. that if an applicant holds a TECFO licence 8 times in the last 8 years then the applicant will receive a score of 100; and
- 5.4.2. the applicant's experience is assessed against the grade descriptors set out on that page, including in particular that the applicant has experience of skippering and running a cockle suction dredge boat in the Thames cockle fishery.
- 5.5. These requests and assessments suggest that applicants that align with KEIFCA's commitment to supporting the local fishing community, with a strong and consistent track record of cockle fishing, specifically within in the Thames cockle fishery, would score highly when their application was assessed.
- 5.6. Moreover, the Management Plan states that even the lowest grade of 'fair' requires applicants to demonstrate 'that they have basic knowledge and some experience of skippering and working on a cockle suction dredge boat *in the Thames cockle fishery*' (emphasis added).

5.7. We understand at least one company in the ranked list of twenty in the Email are predominantly based elsewhere in the UK and, in any event, have only a minimal number of days experience of working in the Thames cockle fishery during the reference period (for example, Tricia B Shellfish Ltd).

5.8. In contrast, we are owned, and have operated, in Leigh-on-Sea for over 50 years. We have only ever operated in the Thames estuary area and have a proven track record of consistent cockle fishing within the reference period. It seems unreasonable that other applicants, without this level of fishing experience track record, should have ranked above our own application and, potentially, be offered a licence ahead of us.

6. LAP issue (5) – transparency of process

6.1. Fifth, the decision to release only the ranking of licence applications, without disclosing the detailed scores or any specific feedback, raises concerns regarding the transparency and fairness of the licence allocation procedure. The absence of clear and accessible information about the results creates an environment of uncertainty, leaving us unable to understand the rationale behind the decisions made. This lack of transparency has undermined our confidence in the integrity of the process.

6.2. Similarly, a fair and transparent system should allow for the opportunity to appeal or review decisions, particularly given the significant impact to the livelihoods of those affected. The Management Plan states only that 'the recommendations made by the Applications Panel are final', without offering any mechanism for applicants to dispute or seek to review the decision. The absence of a clear appeals process has limited our ability to address potential errors, misunderstandings, or perceived injustices in the decision-making process.

6.3. In the letter sent by KEIFCA dated 14th March 2025, we were informed 'If you wish to provide any comment regarding your recommended ranked position...you may submit written representations'. The fact that this option is not documented anywhere within the Management Plan or other documents published by KEIFCA creates a risk that not all individuals will be aware of their rights. A transparent and fair process should make all relevant information readily available to all applicants, including the availability of an appeals process.

7. Our licence application

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8. The effect of the licence application on our business, our employees and their families

8.1. We were shocked to find out that our application had been ranked in 18th place in your Email, and that we would therefore not be offered a licence. Members of our business – and their families – have been part of the Thames cockle fishery for 55 years, and I have personally been employed, full time, in that business for 38 years. We have always operated out of the same premises in Leigh-on-Sea and we have only ever employed local people from the area.

8.2. We would like to emphasise that our business has been locally-run and supported for over five decades. To this day, we are still a family-run and completely independent business, and we have never carried out any other type of fishing. If our application is not successful, five people will be made redundant and our established business will cease to exist.

8.3. In the interests of transparency, we decided to proceed with a full licence application (as opposed to the transitional arrangement) in the belief that our wealth of experience, strong industry connections and unsurpassed knowledge of cockle fishing in the Thames cockle fishery would be assessed favourably. In our view, we felt an application for a transitional period licence would not provide the level of certainty required to support long-term future investment or employment, given that a full licence application would need to be made in seven years' time in any event. A full licence application has the benefit of ensuring some level of business continuity in the event that something happened to myself and my wife, as company directors and beneficial owners. It means that the continued operation of the business is ensured and that the employees of our business – all of whom rely on our business for their livelihoods and the support of their families – would not be affected. In addition, future investment plans are

conditional on having some regulatory and licence stability and we felt that these plans can only be properly realised if a full licence is obtained.

- 8.4. It was in that context that we made a full licence application. We deeply regret that our licence application was not initially viewed as favourably as we might have hoped and would respectfully request that you reconsider. As this letter has hopefully demonstrated, we are committed to this industry and to taking any steps necessary to address any impediment to receiving a licence, and we would be willing to provide any further information required to assist you in your decision.

Yours faithfully

A black rectangular box redacting the signature of Steven Dell.

Steven Dell
For and on behalf of **WG & SJ Dell Limited**