

FaSS Grants Team
Marine Management Organisation
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Date: 03/05/2023

Captain Capt. Georgina Carlo-Paat
North Devon Council
Lynton House
Commercial Road
Barnstaple
Devon
EX31 1DG

FISHERIES AND SEAFOOD SCHEME (FaSS): Amended Offer of Grant

PROJECT REFERENCE NO: ENGFaSS2939

Dear Captain Capt. Georgina Carlo-Paat,

I am pleased to inform you that your application for FaSS funding for the project titled Re-surfacing, Walkway, Fishermen's Compound, Edge Protection & Pile Fendering Installation has been successful and I am able to offer you an amended grant subject to specific conditions as follows:

Total Approved Cost	£141,450.16	
Approved FaSS Funding Amount	£106,048.87	74.97%

Eligible project costs are based on the following details taken from the information supplied with your application:

Work to be carried out	Supplier	Cost (£)
Fishermen's Compound	Grills	£15,108.40
Pedestrian Health and Safety Walkway	Oltco	£29,157.00
Re-surfacing	LJ Developments (South West) Ltd	£46,709.76
Edge protection	Fendercare	£2,784.00
Installing Edge Protection	Dan Perrin	£2,640.00
Pile fendering installation	Dan Perrin	£8,736.00
Pile fendering	Fendercare	£36,315.00
Total Project Costs		£141,450.16

The Marine Management Organisation has the power to pay grants under the scheme for the giving of financial assistance established under section 33(1) of the Fisheries Act 2020 by the Fisheries Act 2020 (Scheme for Financial Assistance) (England) Regulations 2021 (the 2021 Regulations) and has, by agreement with the Secretary of State for the Environment, Food and Rural Affairs, been authorised to operate and deliver this funding scheme (FaSS).

This offer is made in accordance the scheme established by the 2021 Regulations and is subject to the conditions which are contained in this offer letter and in the attached "Terms and Conditions of an offer of funding under the Fisheries & Seafood Scheme (FaSS)". Failure to adhere to these conditions may result in the refusal of payment or, in the event payment has already been made, in steps to recover monies from you.

We have provided the Conditions of Funding within this Offer Letter. Please read all parts of your offer document and either:

1. Contact us if any changes are required,
2. Click Accept if you are happy to accept this offer in the FaSS e-system, or
3. Click Decline if you want to decline this offer in the FaSS e-system. If you do decline the offer, this is final, and the application is complete. If any changes are required, or you are unsure, please contact the MMO Grants Team.

Please complete within 14 days of the date of this Offer Letter. If we do not have a response by then, this offer of funding may be withdrawn.

Drawing on the information in your application, your project is expected to achieve the following targets and benefits:

1. Maintain employment for 30 fishers and 3 harbour employees
2. Enhance H&S for fishers and general public
3. Maintain work related injuries at 0

You must inform us of any circumstances which may cause these targets to vary and report on progress towards these targets in your project progress reports required at paragraph 26 of the "Conditions of Funding" submitted with each claim.

Please note that your application was acknowledged on 29/07/2022 and you cannot claim for costs incurred on your project prior to this date with the exception of items outlined in paragraph 9 of the "Conditions of Funding". According to your application the project is expected to take 333 days to complete which therefore means the date of completion is 15/08/2023.

Payment of funds can only be made after proven expenditure has been incurred and you have submitted a claim. To claim for payment, you will need to submit a claim using your account on the FaSS e-system. You should include invoices emailed directly from your supplier or original invoices along with proof of payment i.e. bank statement to show the dates and amounts paid.

For help on how to make a claim please refer to the separate Claim Guidance, which can be found on our website. Your claim schedule is as follows:

Forecast Date	Forecast Amount	Approved Forecast Date	Approved Forecast Amount
01/05/2023	42,210.80	01/05/2023	42,210.80
01/06/2023	28,100.00	01/06/2023	28,100.00
01/07/2023	30,881.06	01/07/2023	30,881.06
15/08/2023	40,258.30	15/08/2023	40,258.30

Your final claim for payment should be submitted by 15/11/2023 at the latest using your account on the FaSS e-system.

Claim enquiries should be directed to:

Email: FaSS.queries@marinemanagement.org.uk
Telephone: 0208 026 5539

Please advise Marine Management Organisation of any change to the expected completion date, which will cause a delay in the submission of your claim.

Your project progress reporting and post progress reporting schedule is as follows:

Progress Report Schedules

Due Date	Comment
15/08/2023	progress report schedules

Post Project Monitoring Schedules

Due Date	Comment
15/08/2024	post project monitoring schedules

If you have not previously received a payment from the Marine Management Organisation you will need to complete a SOP7 form separately. This form is used by us to register your bank details in our system, so we can pay your claims. You will find a copy of the SOP7 on our website or alternately contact the Grants Team for a copy.

Contact Number

0208 026 5539

Email

FaSS.queries@marinemanagement.org.uk

Web address

www.gov.uk/guidance/fisheries-and-seafood-scheme

If you have any queries regarding the approval of your application, general or specific conditions of your FaSS funding, or any aspect of this offer or funding please contact the Marine Management Organisation.

Yours sincerely,

Adam Kennedy
Marine Management Organisation

Terms and Conditions of an offer of funding under the Fisheries & Seafood Scheme (FaSS)

Applicant: North Devon Council

Project Name: Re-surfacing, Walkway, Fishermen's Compound, Edge Protection & Pile Fendering Installation

Application Reference No: ENGFaSS2939

Conditions of Funding

1. In these Conditions:
 - a. **You** means the funding recipient. You will be responsible for ensuring that all of the terms and conditions for funding are fulfilled. In particular, this means that you will be expected to retain ownership of the work which is being funded
 - b. **We** means the Marine Management Organisation;

Special Conditions

- 2.

General Conditions

3. You must inform the Marine Management Organisation in writing and await approval of any of the following changes before you implement them;
 - If you plan to modify your project;
 - If you plan to change the funding package;
 - If you plan to increase or decrease the cost of the project;
 - If you plan to change the contractors and/or suppliers specified in the Offer Letter;
 - If you plan to change the timetable of the project; or
 - If you plan to sell any item of infrastructure or stop or relocate any activity which the project is dependent on.
4. You must provide justification for any such changes by either notifying us on your account on the FaSS e-system or writing to us at the address provided in this Offer Letter. If you fail to notify us, any resulting costs associated with the change could become ineligible for funding. Additionally, if you make any changes to your project without our prior approval, we may revise or cancel the funding award.
5. The award of funds is based on statements made by you or your representative or agent in your application form and, if applicable, subsequent correspondence. The making of false statements is an offence.
6. If the funds awarded to you are not used for the purpose for which it was granted it will breach these conditions. In the event that false or inaccurate information is discovered, we may consider withdrawal of the offer of funds and give consideration to investigating the matter further. We may take such enforcement action, including criminal prosecution for example under the Fraud Act 2006 as we consider appropriate. In such circumstances we may also seek to recover any funding paid.
7. All claims for funding must be submitted within 8 weeks of the agreed completion date. You must notify the MMO as soon as possible if you have any reason to believe that your project may run beyond the agreed date and a reassessment of the project may be undertaken. If your project does run beyond the agreed date, there is a possibility that costs incurred after the agreed completion date will not be paid.
8. Projects that have been physically completed or fully implemented prior to receiving a written acknowledgement of your application from the Marine Management Organisation, even though they may meet the scheme objectives and priorities, cannot be funded.
9. The FaSS scheme cannot give funding retrospectively however there are exceptions to this rule. Costs incurred prior to acknowledgement of your application to the Marine Management Organisation and up to a value of 10% of the total eligible project costs can be considered eligible for reimbursement. These costs must be directly related to your project and considered essential to bringing your application to submission stage. The eligibility of these costs are at the Marine Management Organisation's discretion and are not guaranteed and are undertaken entirely at your own risk.

10. Projects can commence after receiving a written acknowledgement from the Marine Management Organisation. Any costs you have incurred between receiving your written acknowledgement from the Marine Management Organisation and receiving your written decision were incurred at your own risk as applying to the scheme does not guarantee approval of funding even if the project may meet the scheme objectives and priorities.
11. You cannot use the FaSS funds to cover the cost of interest on debt. You may not use the FaSS funds for the purchase of land if it exceeds 10% of the total expenditure of the project.
12. FaSS funds cannot be paid in relation to any item not owned by you. Any items on hire purchase or leasing agreement must be paid for in full before they can be reimbursed by FaSS funding.
13. We cannot pay FaSS funding on replacement equipment in the event of loss where the costs have been recovered in whole or in part under an insurance policy or by way of compensation or damages.
14. You as the applicant agree to meet any legal obligations imposed under UK law, statutory instrument or by-law, to obtain any necessary consents, rights and way leaves, give any necessary notices and meet any specific rules, regulations and/or standards which may be relevant to the project.
15. For projects in the public sector, public procurement and purchasing rules must be fully adhered to.
16. It is your responsibility to ensure that your project, including any goods and services purchased with FaSS funding, meets all necessary legal requirements. If gear or a piece of equipment purchased subsequently becomes obsolete or illegal, then this is at your own risk. There can be no refunds or claims against the scheme in such circumstances.
17. There will be no automatic increase in the FaSS funds awarded if the project costs increase. However, we will consider approving increased costs that could not have been reasonably forecast at the time that the application was approved. As FaSS funding is provided as a percentage of eligible costs if the eligible costs decrease then so will the FaSS fund award. Approval must be received in writing from the Marine Management Organisation prior to incurring the costs.
18. If you subsequently apply for and/or receive funding from a further source not stated on your application form, you must inform the other sources of any other funding you have been awarded, including FaSS funding. You must also inform the Marine Management Organisation of any such award of funds. If you receive funding from another source, this may affect your entitlement to FaSS funding. Funding may be withheld, withdrawn or be required to be repaid depending on the source, value, and conditions of other funding. In particular, you should not receive financial assistance for your project from another funding scheme.
19. Your claim for payment will not be paid if you have not accepted the terms of this Marine Management Organisation Offer Letter using your FaSS e-system account.
20. The FaSS funding payable will relate to the amount of eligible expenditure you have incurred excluding recoverable VAT. An exception to this rule may be made if you are not registered for the purposes of VAT and you are unable to recover VAT from your costs. In such cases, a declaration that you are not VAT registered will need to be provided before payment on a VAT-inclusive basis can be considered.
21. In addition, if you were previously not VAT registered, but have subsequently become VAT registered, you must notify us as soon as possible.
22. The FaSS funding will be paid only after proven expenditure has been incurred and a claim has been submitted to the Marine Management Organisation. Before any payments can be made, you must submit claims on the Claim Form in the FaSS e-system together with all necessary documentation including original invoices or invoices emailed directly from the supplier along with your proof of payment i.e. a bank statement. At this stage you may be asked to provide further details and information in support of your claim.
23. You will be asked to provide evidence of any other national match funding you have received if this applies to your project.
24. Awards should be claimed in accordance with the claims schedule agreed in your Offer Letter. The dates by which your project should be completed, and claims submitted are also stated in this Offer Letter.
25. Failure to observe the timetable for carrying out the project could lead to the cancellation or reduction of the FaSS funding awarded. However, before any such cancellation or reduction is made, we will seek an explanation for any delay from you.
26. All claims for payment should include an outline the progress of the project to date. It is important that we monitor the progress of all approved projects and you will therefore be asked to provide updates on the progress of your project in line with the agreed schedule.
27. We may withhold part or all of the FaSS funding if we are not satisfied that you have properly incurred the expenditure or that you have not carried out any necessary actions relating to the funds.
28. We may require part or all of the FaSS funding to be repaid if it transpires that you made a fraudulent statement in your application or subsequent correspondence, the FaSS funding was not used for the purpose for which it was granted or any condition of FaSS funding has not been complied with.

29. If you fail to fulfil the conditions relating to eligibility and duration, financial consequences and corrections will apply. In order to determine the amount of such a financial correction, the nature, gravity, duration and repetition of the infringement, offence or fraud and the importance of the FaSS funding contribution to your project will be taken into account.
30. You must retain all original project-related documents for five years from the date of the last FaSS claim. At any time up to that date auditors may wish to inspect any or all original documentation, including, amongst other things, order forms and delivery notes for plant and equipment; bills of quantity; tenders, estimates and quotations; architects' (etc.) certificates; statements and invoices; relevant books of account; drawings, plans and technical specifications.
31. Wherever possible the project shall be available for inspection at all reasonable times by UK Government representatives. You are required, if requested, to permit access to the vessel, vehicle or business premises related to the application for FaSS funding and information about your project to those parties noted above. You must provide them with access to relevant documents and give them such assistance as they may reasonably request in the exercise of their duties under the scheme.
32. The Marine Management Organisation may write to you subsequently to request certain information to assist it with the monitoring and evaluation of your project. Your name and address may therefore be passed (in confidence) to an evaluator commissioned by the Marine Management Organisation to undertake independent evaluation. Supply of this information within a reasonable period of the request is a condition of the payment of FaSS funds. Failure to supply the information could lead to cancellation or reduction of the funding awarded, or a requirement to repay funds already paid.
33. The project must ensure that its aims and outcomes reflect the United Kingdom fisheries legislation, including legislation retained in accordance with the European Union (Withdrawal) Act 2018, which require the landing of all catches as provided for in Article 15 of Regulation (EU) No 1380/2013; provide for a catch certificate scheme in Chapter III of Regulation (EC) No 1005/2008; and traceability requirements, including labelling systems to ensure reliable information for consumers, as provided for by Article 58 of the Regulation (EC) No 1224/2009 and Article 67 (6) of Implementing Regulation (EU) No 404/2011.
34. If the project generates net revenue during its implementation, the eligible expenditure of the project approved by the Marine Management Organisation shall be reduced by the net revenue not taken into account at the time of approval of the project. The net revenue considered must be directly generated during the project's implementation, not later than at the final payment claim submitted by you. Where not all the costs are eligible for funding, the net revenue shall be allocated pro rata to the eligible and non-eligible parts of the cost.
35. You must not modify your project within five years of the award of FaSS funds if that modification would affect the nature of your project or any condition imposed on its implementation or would result in an unfair advantage being given to any third party, this is known as 'Durability of Operations'. Within that period, you must also not dispose of any assets or infrastructure or stop or relocate any activity if that would result in a modification to your project.
36. If you are an owner of a fishing vessel, or supporting one through your project, that vessel shall not be transferred outside the United Kingdom during at least the five years following the date of actual payment of that funding to you. If a vessel is transferred within that time-frame, sums unduly paid in respect of the project shall be recovered by the Marine Management Organisation, in an amount proportionate to the period during which the condition set out in the first sentence of this paragraph has not been fulfilled.
37. If you are an owner of a fishing vessel, or supporting one through your project, and the vessel is sold or transferred within the United Kingdom during at least the five years following the date of actual payment of that funding to you, the new owner of the vessel must accept the terms and conditions of this offer of funding. If the new owner does not accept the terms and conditions of this offer of funding then you as the applicant may be required to re-pay all or some of the funding paid to you.
38. All installation and/or modification work undertaken by the owner/skipper of the vessel must meet MCA safety/stability requirements, whether funded by FaSS or otherwise. Responsibility for any work undertaken which renders a vessel unstable or unsafe remains entirely with the owner/skipper of the vessel.
39. Items purchased using public funding from the FaSS scheme must be owned and used for their original purpose for a minimum of five years, except where subsidy rules provide for a different period or the items are leased. In the case of a project comprising investment in infrastructure or productive investment, and where the applicant is not a Micro, small or medium enterprise (SME), you will be required to repay the funding contribution from the FaSS scheme if, within 10 years of the final payment to the project, the project or its activity is subject to relocation outside of the United Kingdom. Some or all of the funding for projects that do not meet the Durability of Operations above will be recovered.
40. The Marine Management Organisation will publish brief details of all successful projects; including legal entity or organisation's name, short project descriptions and any FaSS funds awarded to ensure transparency. You as the applicant agree that acceptance of funding constitutes inclusion of your details in the list of projects to be published by the Marine Management Organisation.
41. You must notify the Marine Management Organisation if you are found to have committed a fraud (as defined in the guidance) or a serious infringement prior to applying for funding or at any point up to five years from the date of the final payment made under this offer of funding.

42. You should ensure, where possible, that a separate accounting system or code is used for funding transactions.