

Kent & Essex Inshore Fisheries and Conservation Authority

MINUTES of a meeting of the Authority held in the Council Chamber, Chelmsford Borough council, Duke Street, Chelmsford, Essex

Present: Cllr J Lamb (Southend CC), Mr J Nichols (MMO), Mr J Rowley (MMO), Mr A Baker (NE), Mr R Turner (MMO), Cllr J Fleming (ECC), Cllr A Goggin (ECC), Cllr M Skeels (ECC) Mr E Hannam (MMO), Mr P Wexham (MMO)

Apologies: Cllr T Hills (KCC), Cllr M Dendor (KCC), Cllr A Weatherhead (KCC), Mrs E Gilson (MMO), Cllr M Coxshall (Thurrock DC), Cllr H Tejan (Medway Council), Ms T Ferry (MMO)

In Attendance: Mr J Cook (Clerk, KCC), Dr W Wright (Chief Fishery Officer), Mr D Bailey (Assistant Chief IFC Officer), Mr B Hermitage (Kent skipper), Mr M Ward (IFC Officer), Mrs D O'Shea (Office Manager), Mrs K Woods (Admin Assistant)

By Invitation: (public meeting only) Mr J Andrews (Marine Stewardship Council)

Members of the public: (public meeting only) Mr O Brewster, Mr J Sedgwick, Mr T Sedgwick, Mr R Toulson, Mr R Eves, Mr F Ameye. Mr S Williamson, Ms R Mitchell, Mr R Foad, Mr S Ward, Mr C Bedwell, Mr J Shoebridge, Mr M Meddle, Mr S Meddle, Mr R Ashwood, Mr D Johnson, Mr J Wood, Mr C Deal, Mr M Fossett, Mr T Barnes, Mr J Joseph, Mr M Smith, Mr G Attenborough, Mr D Deal, Mr A Rattley, Mr L Bates, Mr J Bates, Mr W Brewster, Mr J Gilson, Mr J Lengden, Mr A Lawrence

Laid around the table:

- Legal advice from Mr Andrew Oliver (emailed to Members 17.10.22)
- Exempt minutes 14.06.22 (emailed to Members 17.10.22)
- Public minutes 14.06.22 (emailed to Members 17.10.22)
- Letter from Mr M Smith
- Letter from Mr R Bingham
- Letter from R Cooper & Sons
- Letter from Mr C Mills
- Letter from Mr C Attenborough
- Letter from Thanet Fishermen's Association
- Letter from Whitstable Fishermen's Association
- Letter from Mr A Riches
- Letter from Mr S Dell
- Letter from Mr M West

DECLARATION OF MEMBERS' INTERESTS (A1)

The Chairman requested Members to declare any interests on the Agenda item prior to it being dealt with and advised that those with a disclosable Pecuniary Interests and Other Significant Interests may not vote on that Agenda item. The Chairman reminded Members that they could declare an interest either at this time or prior to the agenda item being discussed.

Prior to the meeting, Mrs Gilson had declared a disclosable pecuniary interest and would not be attending.

Mr Turner declared a personal interest in the cockle fishery as a member of Rochester Oyster and Floating Fishery (ROFF).

Mr Nichols declared a personal interest as Chairman of Thanet Fisherman's Association (TFA).

Exempt items

10:15 MOTION TO EXCLUDE PRESS AND PUBLIC EXEMPT ITEMS

That under Section 100A of the Local Government Act 1972 that the public be excluded for the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3 and 5 of Part 1 of Schedule 12A of the Act.

Members agreed that the minutes of the meetings held on 14 June 2022 and 6 & 7 July 2022 were correctly recorded and that they be signed by the Chairman. No matters were arising

Members heard and received legal advice relating to the issuing of licences to companies. Members were provided with a presentation on the work undertaken in running the consultation and outcomes from it.

12:05 Exempt meeting ended.

Break for 15 minutes

12:20 Public part of meeting started

17. RUNNING CONSULTATION 2 AND PLANS FOR CONSULTATION 3 (B1)

The CFO reminded Members that Consultation 2 had run from 21 July 2022 to 16 September 2022. Just over 200 emails had been sent, one to one sessions had been offered over three days and oral evidence hearings had also been held over one day

during that time. A total of fifty-six consultation responses and three letters had been received.

Consultation 3 would begin on 13 December 2022 and run through to 31 January 2023. Consultation 3 would address whether licences could be transferred in the future either to a family member or by purchase of a company. This consultation would also include details concerning the review of the legislation, access arrangements/criteria and finalising the Regulating Order boundary with specific coordinates. As with Consultation 2, one to one sessions would be offered as well as an oral evidence hearing.

The Chairman invited those stakeholders who had applied to address Members to make their comments:

Statements made to Members by these stakeholders have been written verbatim within these minutes

Mr A Rattley - TEFA

We bring to the Authority's attention the serious concerns that the fishing industry has regarding how the consultation has been run. The major causes for concern are that the reports for the meeting have been written in such language that they are at worst coercive and bordering on controlling with many fishers informing us that they felt pressured by officers and an Authority member that visited the ports of Ramsgate, Essex, Faversham and Whitstable, not explaining the options correctly and told them which option to fill in, with officers filling in forms on their behalf aboard the fishery patrol vessel. It is our understanding that letters have been sent into the Authority for this meeting, pointing out these issues. Some of the fishers that filled questionnaires in do not wish to be publicly known through fear of repercussions from Kent & Essex IFCA. This is of major concern considering the whole process is supposedly open and transparent. It would appear that abuse of power seems to be a major tool that is being used to the benefit of suggesting a most favoured outcome without using the words of a recommendation. Today's votes are based on inaccurate facts laid before you. This will shape the future of the cockle industry. With this in mind the vote must be delayed until the aforementioned issues are resolved and factual figures are laid before you which composite the true views of the fishers. Two minutes to summarise these major issues is more challenging than the review itself. Having presented our case we ask the Chairman to read out the letters that have been received...

Mr W Brewster

My view is a little bit different, but I am not in this local area so cannot comment on that. For me personally when I have witnessed what has happened to me in the Wash, I have been involved in this consultation a lot more than I have been at the start of the one in the Wash. Where I came from, I was very angered as were a lot of other fishermen that the path chosen was totally non involvement from the fishermen. For here it has started ok. Although in saying that, it's always going to be contentious as you roll on as once you come to the nitty gritty of everything there are people on both sides

who want different things. So, depending on what you go with today that then answers what you are going to do with Consultation 3 because if you do not give any opportunities for new licences in the TECFO then you have two different consultations because there would be no point in involving me in a TECFO discussion. There are no real licences

The CFO stated that they were very serious allegations that had been made against his officers and he wished to reassure the Authority. Officers realised that this was a contentious and difficult issue but had gone to a great deal of effort to ensure that the consultation had been conducted as fairly and openly as possible. People had had the opportunity to attend oral hearings, submit responses and it had been clear on these that they should look on the website to gain more information.

The Chairman advised that he had not received any complaints himself to say that the process had been unfair, not had this been raised in any oral evidence. He thanked Mr Rattley and Mr Brewster for the comments they had made

Members **APPROVED** the actions taken by officers to engage stakeholders in Consultation 2 and **APPROVED** the process and actions officers were planning to take to engage stakeholders in Consultation 3

18. AGREEING THE FINAL FRAMEWORK OPTION (B2)

The ACFO informed Members that following the oral evidence sessions TEFA had been written to and had been asked to provide further details of a proposal made during that time. TEFA had provided a written proposal to officers which had been provided to Members in their meeting papers – Agenda item B2, Appendix 2.

Members were provided with an overview of the proposal, which proposed a small-scale fishery outside the Regulating Order and in respect of the Regulating Order proposed:

- 28 year Regulating Order
- Licences would be issued to applicants that had fished for cockles in the previous TECFO 1994 order.
- Up to 20 temporary licences would be issued once TAC reached agreed trigger point criteria and renewed on an annual basis until the TAC dropped below set trigger points
- The criteria for issuing a licence would be, history of fishing in the cockle permit fishery, being a local boat and not an ex-TEFCO licence holder

Members were provided with data from 2000-2021 which showed the TAC for each year and at what stage an additional licence could have been granted based on the TEFA proposal. Since 2010 the trigger point had not been reached.

Mr Rattley confirmed that the proposal provided to Members was as they had presented it to officers.

TEFA believed their proposal would keep stocks sustainable. It would allow other parts of the community access as and when stock was available. This opportunity was available under the 1994 order but couldn't be rescinded. This proposal would allow the licence to be withdrawn if stock went below the baseline. With regard to the possibility of legal challenges TEFA felt that with clear, defined baselines then this would not happen.

The ACFO informed Members that the TEFA proposal did not provide an answer to the question of 'who gets the additional licence(s)'. The Authority had never before had to choose who received a licence and would need to be able to rank. Members were advised that the criteria for issuing additional licences would create a problem as multiple people would fulfil those criteria. If only one additional licence were to be available, then it would be difficult to choose who would receive it as the criteria did not go far enough

In response Mr Rattley advised that as an Industry they wished to see a successful small-scale fishery. This should be limited to local vessels in the permit area that would then use this as a stepping ground to obtaining a licence. He suggested that the ranking criteria suggested within the other options be used but only on local boats.

Members were provided with a technical evaluation: Advantages to this proposal were:

- Provided a local industry led mechanism to issue more licences.
- Helped maintain and protect the current licence holders and businesses that worked in the district, whilst providing an opportunity to other members of the cockle industry when times were good.

Disadvantages were seen as:

- The year-to-year proposition of any additional licences would make long-term investment and planning very challenging for any business with a new licence. The number of licences were set in May each year to begin the fishery in June. This would not give sufficient time for a boat to be made ready or conversely to notify a licence holder their licence would be withdrawn.
- Issuing licences based on TAC tonnage was fraught with practical issues and potential legal challenges. TAC could and did change during the season. If it went below the trigger point or above the trigger point, then a licence that had been issued may need to be taken away or consideration given to issuing an additional one

The ACFO advised Members that If this proposal was selected KEIFCA would have to re-run the licence application criteria and process part of the Consultation 2 process.

Members were reminded that four options had been consulted on. Each option included a small scale fishery outside of the Regulating Order:

- NEW JAMAICA – within the Regulating Order, suction dredge fishery with a range of 14-20 licences, fixed at 15 for the first 7 years. Review mechanism of 7 year licence and review cycle. The boundaries of NEW JAMAICA differed to that of the current TECFO with areas 15, 13 and half of area 11 included in the area outside the Regulating Order
- NEW HAITI – within the Regulating Order, suction dredge fishery with a range of 14-20 licences, fixed at 15 for the first 7 years. Review mechanism of 7 year licence and review cycle. Boundaries mirrored that of current TECFO
- NEW BERMUDA 7 - within the Regulating Order, suction dredge fishery with a fixed number of 14 licences. Review mechanism of 7 year licence and review cycle. Boundaries mirrored that of current TECFO
- NEW BERMUDA 28 - within the Regulating Order, suction dredge fishery with a fixed number of 14 licences for 28 years with no review mechanism. Boundaries mirrored that of current TECFO.

Benefits that officers considered in using a 7 year review cycle were:

- Allowed new licence holders the ability to plan and invest in jobs and infrastructure over 7 years, providing better returns for the business and the community
- Allowed licences to be issued in small incremental steps so the ecological impact of additional licences can be closely monitored and used to inform future reviews
- Gave KEIFCA the ability to review and alter the number of licences in the future.
- Avoided issues (legal and operational) with using TAC as a trigger point for issuing licences
- Government guidance stressed as best practice the need to be able to review, learn and adapt policies

The CFO informed Members that the feedback from consultation 2 showed two clear groups. TECFO wanted New Bermuda 28 with the permit and catching fleet wanting New Jamaica. Members would be able to see from the letters laid around the table that three fishermen had written in retracting their consultation responses. Members were referred to page 20 of Appendix 1 of Agenda item B2 which stated that care should be taken when interpreting figures and that they should be considered illustrative.

New Bermuda 28 was supported by TECFO licence holders due to:

- A 28-year licence was important as it offered long-term security and confidence in making long-term investments, including in boats, equipment, and a skilled work force.
- A 7-year licence could reduce investment and have a significant long-term impact on the cockle industry.
- Reduced area would impact resilience of fishery

New Jamaica was supported by permit holders and the catching sector due to:

- Low likelihood of getting the additional licence
- Increased permit area would make the cockle fishery more viable and reliable, creating the potential for small businesses to invest with more confidence and contribute to the wider local economy.
- Increased permit area and access to local cockle beds could generate a new income stream.

The Chairman invited those stakeholders who had applied to address Members to make their comments:

Statements made to Members by these stakeholders have been written verbatim within these minutes

Mr J Bates

I'd like to speak about the TEFA option that we have proposed. It is fair and reasonable that licenses should be increased when the fishery allows. Please look at the figures for the last few years. This is not the time to make such a drastic change nor is it time to remove areas from the main fishery that have saved it this year from disaster. As I am sure you are aware a percentage decrease in trips by adding more additional licences is not relative to a percentage decrease in profit. Fixed costs must be covered first then any profits made on the final trips of the season, and it is this profit that is required for reinvestment into the local industry which creates local jobs, boosts the local economy and furthers the fishery. For a system of issuing new licences to work, clearly defined, quantifiable criteria needs to be established. This is the trigger point for issuing additional licences. TAC is the most reliable as we now have over 20 years of data of a fishery that is both economically and environmentally viable. The officers report stresses about legal challenges but this risk will be there whether it be TAC or some other metric. We fail to see the justification that legal challenges will be made if the figure was close to the trigger point. It is a clearly defined figure backed by scientific and historical data. After the trigger is met the further criteria need to be applied such as the criteria you have discussed to select the additional licence holders. The last ten years has seen a statistical decline in the fishery. Determine now to remove a large portion of the current fishing area for an experiment while increasing licences within the fishery in several years' time from now could be a disaster. Nature does not operate to a schedule. We

need to require a system that's ready to adapt to its volatility. The TEFA option gives certainty to an industry wrought with uncertainty. In contrast if you chose to adopt New Jamaica you will be putting the whole local cockle industry in jeopardy by adding a whole new layer of uncertainty at a time when risk within the economic climate is so high.

Mr L Bates

How can anyone here possibly conceive that it would be prudent to further dilute the Thames cockle fishery by issuing additional licences without solid statistical evidence to back this up. This with the idea that large swathes of the south side of the river can be removed from the fishery in its current state is not logical. The south side of the river, Area 15 in particular has provided a large percentage of our landings in recent years. Without it the fishery and the businesses who operate within it stand a high chance of terminal decline. The local cockle industry would likely not rebound as we currently expect. Sustainability is one of the key objectives of this review. Allowing additional boats and dredging effort in the current TECFO area would risk the MSC accreditation. Having this coveted accreditation follows the path and direction that every person in this room wants to see our fishery head and build upon. To be stripped of it would be a huge loss to us all. It would amount to a spectacular failure of all the goals this review has set out to achieve. Let's put our names to safeguarding the MSC. Furthermore, now is not the time to experiment with this fishery and risk all that depends on it. Its time to double down on things we have learnt and done right over the past 30 years and build upon them to ensure we give this fishery and every local stakeholder who depends upon it the best chance of survival and success into the future. Keep it simple, keep it sustainable, vote to remove New Jamaica

Mr A Lawrence

These are the comments from the SAGB who represent the shellfish industry within the UK. It is good that a full review is taking place, however decisions need to be carefully made. The SAGB believes that the TECFO 94 is one of the most successful cockle fisheries in the UK and Europe and this is evident in MSC accreditation. A first for a hydraulic dredge cockle fishery, a clear indication that effective management does work. Limiting access to a fishery does make it stronger and more sustainable but does have its drawbacks on new entrants. However, you have overcome this by introducing new plans for a small-scale fishery to allow access but also to protect the main fisheries at the same time. It is unclear what impact the increase in licence will have on stocks and even the certification. These are some of the indications you have used in your own IFCA report. Greater fishery footprint, increasing environmental impact, fishing effort increase and precautionary approach. A 7-year cycle lacks time for a proper investment especially in these uncertain times. SAGB does feel that Regulating Orders are complex and should be more user friendly, but this is all we have and they do work as demonstrated over the last 27 years with the TECFO 1994. It is often the tools we already possess that have the potential to be used most effectively. Perhaps all they need is sharpening to be wielded with more conviction and precision and keep this a local fishery

Mr J Gilson

I'm a fourth generation fisherman and one of the longest serving cockle fishermen in the Thames Estuary. In the last five weeks I have had to speak at two difficult events. This is the second, the first was my dad's funeral. I want to talk about my dad, John Gilson, because he was an inspirational fisherman who along with other fishermen and Kent & Essex officers helped to create the 1994 Thames Estuary Cockle Fishery Order. This team used knowledge, experience and foresight to create a system of cockle management which had laid the foundations for the fantastic, sustainable, well managed industry we have the honour of working with today. Working together worked well so well then. It was teamwork. Listening to both sides played a huge part. We are far from that today. Dad would have been horrified to know that the honesty and integrity shown back then has been in such short supply under the current Kent & Essex IFCA regime. As part of the close-knit fishing community, I have heard from Whitstable and Thanet fishermen that have been pressurised and harassed into completing questionnaires by IFCA officers. This complex nature of questionnaires are then challenging to complete, however fishermen have told me they have been introduced on which options to choose, even being invited to the Kent and Essex vessel to do so with help from officers. Some fishermen have written to you to complain about this, hopefully you have read the letters. Whitstable fishermen are deeply shocked that cockle grounds could be taken away from the industry. This is not a small-scale fishery they thought they were signing up for. Sadly, we are a long way from the success of the 1994 TECFO.

Mr J Lengden

When the fishermen created the current Regulating Order to protect our fishery, it was never to be that Kent & Essex would own it. You the committee are intrusted to manage that fishery, but you do not own it. It is clear that you are devoted to the fishery, but committee members come, and they go and when they go you leave us with the results of your decisions. Will Wright, he lives and breathes this fishery, but even fishery officers come and go and when they go they leave us with the results of their decisions. IFCA officers do not own this fishery. Our officers are highly regarded throughout the industry both legally and scientifically but do the decisions they make affect the lives of their families and the lives of their employees. The advice we give as industry comes from our hearts with the benefit of generations of catching cockles and running successful businesses. Our decisions directly affect the lives of our families and the lives of our employees. IFCA offices are not cockle fishermen and they do not run successful businesses. The Kent & Essex IFCA has its legal advisers and frameworks to work to but our passion for this fishery cannot be measured by legal definitions. Now you the committee today have the power not only to take our fishery away from us but to also change it and destroy it. This is our fishery and has been for hundreds of years, a fishery that our fathers protected for us, and we will fight to protect this fishery for our children

Mr A Rattley

It is very evident from the previous speeches and the letters received that this complex issue is of major importance. Your vote today affects everybody who has invested their lives in this industry and those who want to come into the industry. Clear, concise evidence is that different sectors of the industry want to work together without impacting on each other's income. The use of words "strongly" and "overwhelmingly" are clearly to guide you to a preferred option by management. It is imperative that you consider this fully and we believe the only vote to be taken forward is the Bermuda 28 with the option as set out by TEFA to be considered. This gives everybody a chance. The use of legal threats has been there for the past thirty years and possibly for the next thirty. Clear, objective baselines... (*unclear*). Sustainability, environmental impact, employment and survival have to be at the forefront of your decision. They all impact on the UK and local economy. Please bear in mind that when the UK left the EU it closed a massive part of the shellfish industry down, especially on the Menai Straits. Due to the integrity of the cockle fleet our industry has survived. Do you really want to be the ones to see its demise. Not everything is about profit but it is about our passion as guardians of our own industry, our own local fishing industry.

Mr W Brewster

If you are a permit fisher and not a current TECFO licence holder, then the only options on the table you can vote for are either New Jamaica or New Haiti. To create a permit fishery with more options you have to have a regular sustainable fishery so the only option out of the two would be New Jamaica. I've fished the Thames cockle fishery since leaving school with my dad, Roy Brewster for over thirty years, even fishing in the TECFO fishery for two years while it was being made. We narrowly missed out, on what was in 1994, called a temporary licence, when two were issued. Following this decision, we received a letter from Sheila Murphy who was on the Kent and Essex authority at that time stating if anymore licences were issued, we would be next in line. As we all know for the twenty-eight years and most likely thirty years of the current TECFO there will not be any new licences issued in this current system. For twenty-eight years myself and my dad received letters asking us to apply for additional licences if one were issued and for twenty-eight years, we received the same answer that none would be issued. Although this is not what I suggested should happen in the previous consultation as I feel one large, limited order for the whole area would have been the best option, the only option on the table that I would vote for is New Jamaica as this option gives me a better chance of creating a sustainable fishery whether I was in the TECFO or the permit fishery. There are many views that say the TECFO cannot sustain more licences than the current fourteen, but the reality is the same was being said in 1994 when there were only twelve licenses. In 1994 two additional temporary licenses were issued, eventually becoming permanent licences that then created the fourteen licences found in the TECFO. My point is in 1994 there was concerns the TECFO couldn't take any more that twelve licences and would not be sustainable if it did but as the last twenty-eight years show two more licenses did not affect the sustainability of this fishery. In my view another two licences could easily be added now making a total of sixteen instead of the

best option on the table of fifteen in the New Jamaica. I personally feel we have been discriminated over the last twenty-eight years for having a chance to fish in the TECFO as it has in all honesty been a closed shop fishery.

The Chairman thanked the speakers for their comment.

The CFO advised Members that officers had worked professionally and with integrity and had endeavoured to run an open, honest and transparent process.

The Chairman asked Members if they wished for the new proposal from TEFA to be included as an option.

Mr Wexham proposed that the proposal from TEFA be included as an option to be included in the voting process to approve an option for progression to technical detail phase and subsequent consultation.

ClIr Fleming seconded this proposal which was agreed by the Members of the IFCA. This option would be known as New Bermuda TEFA

The Chairman informed Members that the Clerk to the Authority would conduct the vote.

The Clerk informed Members that the voting process was to identify a final option that the Authority would then be formally asked to consider approval to progress to consultation. It was important to highlight that this would not be the final decision as to what the Regulating Order would say, it would be to determine what option was progressed.

Members voted off options of New Haiti, New Jamaica, New Bermuda 7, New Bermuda 28 and New Bermuda TEFA as follows:

Voted off first stage – New Bermuda 7

Voted off second stage – New Bermuda 28

Voted off third stage – New Haiti

Voted off fourth stage – New Bermuda TEFA

The Clerk advised Members that New Jamaica had been selected as the preferred option.

Members **APPROVED** New Jamaica as their preferred option for progression to the technical detail phase and subsequent consultation

Mr Rattley informed Members that KEIFCA had lost the total confidence of the cockle and fishing industry and that they would be applying to the Minister for a vote of no confidence in the Authority.

19. UPDATE ON CONSULTATION FOR 2023 COCKLE PERMIT FISHERY (B3)

The CFO reminded Members that feedback from Consultation 1 had supported the development of a small-scale cockle fishery. Members had agreed to progress the development of this using the current flexible permit byelaw. The questionnaire in Consultation 2 was made to be as simple as possible and focused mainly on the 2023 cockle permit fishery. The CFO advised that the final decision on the 2023 fishery would be made in May 2023 when the stock survey results were known. Members should also be aware that this would not include Area 15.

The ACFO advised Members that it had been the intention to open the fishery this year, but following additional surveys there appeared to be insufficient stock available to allow it to be fished.

Members were informed that twenty-three responses had been received from local fishermen not currently holding a permit. A summary report was provided to Members detailing these responses (appendix 1 to this agenda item). Responses suggested that the current TECFO and permit holders would apply for category one permits and the catching sector category two. The majority of responses suggested a start date to the fishery in early September. Due to practical considerations on checking damage rates and impact of gear it was recommended that the permit fishery for category 2 holders should be opened before that of category 1. This would also allow the permit fishery to be approved by Natural England. In respect of whether TECFO licensed vessels should fish in the permit fishery, officers recommended that this option was reviewed in May 2023 when stock survey results were available. Officers advised that they would write to all those who had been part of the consultation as advising them of what was expected of them in the permit fishery.

The Chairman invited those stakeholders who had applied to address Members to make their comments:

Statements made to Members by these stakeholders have been written verbatim within these minutes

Mr W Brewster

For twenty plus years before the permit byelaw was introduced the outside areas of the TECFO cockle was an important part of our family income each year. From the introduction of the permit byelaw this fishery has become unviable. This cannot continue in the same way as the last ten years. There has to be change as this year now closed there has officially been only six trips in the last nine years. There is obviously a massive problem with the management methods chosen over the last ten years when you consider that before the permit byelaw six trips could be easily achieved in two to three weeks each year. The talk of small scale has got to involve suction dredges as this was used in the past and it worked well. In September I filled in part of Consultation 2 for the

new management measures for Kent and Essex will be introducing. Part of this was asking you if you wanted to go in September instead of October. The problem with this is that even if this approach and idea was in place for the 2022 permit cockle fishery it would still not open before the September survey update. This fishery should have 460 tonnes of cockles, where did they go. Studies have to be done on what this fishery produced before the byelaw is introduced and what it does produce since its introduction. To me and many other interested parties the late opening each year is a massive factor in the permit fishery failure. Bring it forward to September in future years will probably still not be early enough. For example why has the permit fishery opened in October for the last ten plus years when all the other cockle fisheries in the Thames have opened in June and July and carried on being successful. To me it is the biggest change since the permit byelaw was introduced and surely is a massive factor in the failure of the fishery. This fishery could thrive again, you just need to get back to basics and do some of what we were doing before the permit scheme was introduced.

Members **APPROVED** the following recommendations:

- i. Open the permit fishery for the category 2 permit holders four weeks before opening the fishery for the category 1 permit holders;
- ii. Keep two categories of permit (category 1 and category 2 permits) in 2023 ;
- iii. The outcomes of the permit fishery consultation concerning tonnage per category should be discussed as part of the general 2023 cockle permit management discussion to take place after the April/May stock surveys; and
- iv. Defer the decision whether TECFO licensed vessels should fish outside the TECFO and in the 2023 cockle permit fishery until May 2023.

Members were invited to ask questions of Mr Jim Andrews (MSC).

In response to a question on whether more vessels with the same TAC would affect the MSC accreditation, Mr Andrews stated that this should not cause an issue. The main concerns of the MSC were what came out of the machine at the end of the process, did you manage fishing effort in a way that was compatible with the cockle stock and also wider environmental considerations. As long as it stayed within these parameters they were happy. He stated that MSC would not be overly hung up on the process as long as they could understand it. He had found it helpful to sit and listen to the debate.

In response to a question as to whether weight was given to the cooking of the cockles locally or out of area, Mr Andrews advised that, although generally speaking local provenance was a good thing, the areas where cockles were processed was not taken into account when assessing the accreditation. What mattered was that the fishery was managed sustainably and that the cockles were able to be traced back to the Thames from wherever they were cooked.

The ACFO clarified that the accreditation applied to the catching operation rather than the subsequent processing of the cockles.

19 October 2022

The Chairman thanked Mr Andrews for his contribution

13:45 meeting ended