

By: KEIFCA Chief Fishery Officer

To: Kent & Essex Inshore Fisheries and Conservation Authority  
– 22 November 2022

Subject: Cockle fishery review; pre consultation 3 engagement

Classification Unrestricted

**Summary:**

This paper recaps the process of reviewing and developing new cockle management and provides an additional opportunity for stakeholders and the cockle industry to submit and present their proposals, under the agreed NEW JAMACIA framework, prior to the start of the Consultation 3 process.

**Recommendations:**

1. Members are asked to **DISCUSS** the proposals put forward by stakeholders.
2. Members are asked to **AGREE** that the written proposals included in Appendix 2 are taken forward to the Special Authority meeting on the 29 and 30 November.

**Background**

In September 2021 KEIFCA started the process of reviewing and then developing new cockle management in the District (Fig. 1). At the Authority meeting held on the 19 October, as part of the Consultation 2 process, the Authority agreed the NEW JAMAICA management framework. As highlighted in Fig. 1 the process of reviewing and developing cockle management now enters a new phase where the detail of the new regulating order will be developed and consulted upon in Consultation 3.

**Fig. 1 - Overview of cockle management development process**

Listening Phase	<p><b>Listening Phase</b> (Sept 2021 – Nov 2021)</p>	<p>Gather views and ideas from stakeholders to understand what works well within the current fisheries management systems and where people believe changes need to be made.</p>
Legislative Framework Phase	<p><b>Consultation 1</b> <i>Agree initial framework model outlines</i> (24 March – 9 May 2022)</p>	<p>The first step reviewed and evaluated a range of different management framework models for managing cockle fisheries within the KEIFCA District. The key features included the size and shape of any specific management zones, the type of fishing gear (e.g. suction dredge or other fishing method), whether access to an zone would be limited and if so to what kind of number/ range of licences or permits would likely be issued. Finally, whether the IFCA would use a regulating order or byelaw to manage the area.</p> <p>Following an extensive consultation and a special Authority meeting, the Authority voted for three framework models to be developed further in Consultation 2; New Jamaica, New Haiti and New Bermuda (all these options included a commitment to make a new regulating order). The Authority also agreed to develop a small-scale fishery in the area outside the regulating order, using the current flexible permit byelaw rather than running a small-scale trial.</p>
	<p><b>Consultation 2</b> <i>Agree access arrangements for framework models and a single framework to take to next stage</i> (22 July – 16 Sept)</p>	<p>Consultation 2 explores the different methods, systems, or criteria that the Authority might use to manage, limit or control access to a specific cockle management zone. Building on the decisions made in Consultation 1, the wide range of different possible access arrangements or criteria for potential licence holders can be thoroughly discussed and evaluated within the context of each agreed framework model.</p> <p>This is a complex legal area with very far-reaching long-term consequences which can not only impact current fishermen, but also has the potential to impact a generation of future fishermen. The Listening Phase highlighted that this was an area poorly understood by fishers outside of the current cockle fishery and it was important to spend time to clearly work through the mechanisms, outcomes and impacts upon different sectors, of different possible access arrangements. At the end of this step in the process the Authority would agree the final framework model and access arrangements/ criteria to develop further during the technical development phase.</p>
Technical detail development Phase	<p><b>Consultation 3</b> <i>Agree key features and detail of the agreed framework model.</i> (13 Dec 22 – 31 Jan 23)</p>	<p>One of the key issues that has been raised throughout the Listening Phase are whether operators that acquire a licence could transfer that licence in the future either to an individual like a family member or via the purchase of their company. Having a clear management framework model with agreed access arrangements/ criteria will help inform this decision and allow a focused debate on what can be a very emotive discussion with very strong views on either side.</p> <p>Other important areas of detail that would need to be discussed and agreed include the fine detail concerning the review of the legislation, the access arrangements/ criteria and finalising the regulating order boundary with specific coordinates.</p>
	<p><b>Consultation 4</b> <i>Agree operational technical details and final wording</i> (10 May – 20 June 2023)</p>	<p>The fourth consultation focuses on the practical day-to-day details of how the cockle fishery will be managed and run. This step would review regulations concerning the gear and equipment used in the fishery, fishing trip details (amount per trip, landing procedure etc) and management procedures/ management plan. There would also be an ambition to have a draft wording of the proposed legislation and a draft Impact Assessment for comment.</p>

### Consultation 3

At the meeting on the 19 October the Authority agreed the process and timings of Consultation 3, however following the meeting and after discussions between the Chairman, Vice-Chairman and Chief Officer, a decision was made to add an additional step in the Consultation 3 process whereby stakeholders could submit suggestions as to the application or detail of wording and/or processes under the NEW JAMAICA framework.

A letter was sent to all stakeholders on the 20<sup>th</sup> October (Appendix 1) outlining the opportunity to submit written proposals by the 7<sup>th</sup> November. Whilst it was clear that 18 days was a short time for respondents to develop their ideas and respondents would be under a time pressure, there was a strong feeling that the process would gain from this extra input from stakeholders and that this process would be additional to the near 7-week official consultation period running from 13<sup>th</sup> December until the 27<sup>th</sup> January. In the 20<sup>th</sup> October letter stakeholders were reminded that the proposals needed to be in the spirit of the framework and related to the key issues of Consultation 3; the licence application criteria, the weighting of the criteria, the process of applying for a licence as well as matters concerning the ownership of licences. The letter also suggested that proposals presented on behalf of a group of stakeholders, or an Association will be given greater weight when the Authority discusses and reviews any proposals.

In total thirty-three letters were received from stakeholders, of which twelve supported the submission made by TEFA. These letters are attached as Appendix 2 and have been uploaded on to the specific consultation website. Stakeholders have also been given the opportunity to discuss and present their proposals directly to the Authority.

If Members agree to the recommendation, at the Special Authority meeting on 29<sup>th</sup> and 30<sup>th</sup> November they will be able to receive detailed legal advice on the proposals and be asked to consider and evaluate them, before agreeing the options that will be included in the Consultation 3 document.

#### **Recommendations:**

1. Members are asked to **DISCUSS** the proposals put forward by stakeholders.
2. Members are asked to **AGREE** that the written proposals included in Appendix 2 are taken forward to the Special Authority meeting on the 29 and 30 November.