

By: KEIFCA Chief Fishery Officer

To: Kent & Essex Inshore Fisheries and Conservation Authority  
– 7 March 2023

Subject: **Running Consultation 3 and sequencing of Authority meeting papers.**

Classification Unrestricted

**Summary:** This paper outlines the engagement undertaken in Consultation 3 as part of the review and development of management for the cockle fisheries in the KEIFCA district. *It is recommended that Members review the questionnaires held on the website together with the films made of individual stakeholders at the oral evidence hearings when considering these papers.*

The paper also outlines the sequencing of the meeting papers and the voting in relation to the options under consideration outlined in Consultation 3.

Recommendation: Members are asked to:

1. **APPROVE** and **COMMENT** on the actions taken by officers to engage stakeholders in the Consultation 3 process.
2. **APPROVE** and **COMMENT** on the sequencing of meeting papers in the agenda.

## Background

The options outlined in Consultation 3 build on the frameworks that were agreed by the Authority in Consultation 1 and 2. In developing options, KEIFCA Members reviewed and discussed feedback from the Listening Phase, previous consultations, and the pre-consultation phase of Consultation 3 before agreeing detailed options for consideration in the Consultation 3 document.

## Overview of cockle management development process

Listening Phase	<p><b>Listening Phase</b></p> <p>(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></p> <p><i>Agree initial framework model outlines</i></p> <p>(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></p> <p><i>Agree access arrangements for framework models and a single framework to take to next stage</i></p> <p>(22 July – 16 Sept)</p>	<p>Consultation 2 explored 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 were 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 agreed 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></p> <p><i>Agree key features and detail of the agreed framework model.</i></p> <p>(12 Dec 22 – 27 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></p> <p><i>Agree operational technical details and final wording</i></p> <p>(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 will 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 will also be an ambition to have a draft wording of the proposed legislation and a draft Impact Assessment for comment.</p>

### Statutory consultation phase

Once the proposed option has been agreed by the KEIFCA members then the legislation will be taken through the appropriate statutory consultation and confirmation process for a Regulating Order.

### **Consultation 3**

Consultation 3 started on the 12 December 2022 with just over 200 emails being sent out to stakeholders and the Consultation 3 document going live on the bespoke KEIFCA cockle consultation website. Senior officers arranged, and promoted, an opportunity on the 15 December where stakeholders could chat with an officer online on a one to one basis. Officers explained the consultation document in detail and answered questions (6 meetings were held). This process helped support stakeholders navigate the complex legal areas covered by this consultation, which the Listening Phase highlighted was poorly understood and helped address specific detailed or complex questions. The oral evidence hearing was held on the 10 and 11 January at the Inn on the Lake just outside Gravesend and 7 stakeholders gave evidence.

Throughout the process, senior KEIFCA officers worked closely with current and former KEIFCA Members and members of the industry to make stakeholders aware of the consultation, to help fishers engage in the process and to answer any questions regarding the consultation. By the end of the consultation a total of 444 emails, 227 e-bulletins and 25 copies of the questionnaire were sent. Consultation 3 finished on the 27 January 2023.

The engagement process seems to have gone well and we have had feedback from across the spectrum of the cockle industry although the nature and details of the consultation meant we had a lot less input from fishers outside the current cockle industry. In total we had 46 consultation responses and 8 letters. We would also like to thank IFCA Members who gave up their time to support the oral evidence hearing, Band Agency for putting in extra time and effort into the project.

### **Sequencing of decision-making papers**

Consultation 3 outlines a range of detailed options that frame the extent and nature of the licence issued under the new regulating order, the application process for issuing licences and gathers feedback on the day to day, operational running of the cockle fishery. In working through the detail, the nature of the decisions voted on by the Authority are different from previous consultations, as some of the decisions are inter-related, with decisions made in earlier papers impacting whether papers that outline the next level of detail are included. The table below outlines the suggested order of the agenda item papers and their impact on the other decisions outlined in other papers.

## Part 1 The terms and conditions of issuing a licence in the new regulating order

### **B2** Terms and conditions of the licence: What entity should a licence be issued to?

The paper reviews the options of issuing a licence to an individual or keeping the current wording which would allow licences to be issued to an individual or to a company.

**This decision also impacts paper B4 selling of a licence. Included in the EIFCA wording for issuing a licence to an individual is the clause that prohibits the selling of a licence. If the Authority agreed to issue a licence just to an individual paper B4 would be removed from the agenda.**

**The transitional clause would look to maintain the licence holders' current arrangements under TECFO, in which all the licences are in the name of companies. If the Authority voted to issue the new licences just to individuals (option 1) paper B5 would be withdrawn from the agenda.**

### **B3** Terms and conditions of the licence: One licence per applicant

The paper outlines the rationale of issuing one licence per applicant (individual or company) and reviews feedback from the consultation. Whether the applicant would be just an individual or an individual or a company would depend on the decision made in paper B2. B3 needs to be sequenced before B4 because the Authority needs to establish the terms of a licence before it can discuss whether it can be sold.

### **B4** Terms and conditions of the licence: Should a licence be transferred with a change in legal or beneficial ownership of a company or returned to KEIFCA?

The decision as whether a licence can be sold with a company is reviewed in this paper. As outlined and explained in agenda item B2, the paper would be removed from the agenda if the Authority agreed to issue licences just to individuals (using the wording developed by Eastern IFCA), as this decision would have been made as a consequence of B2.

### **B5** Proposed transitional arrangements for current licence holders.

Papers B2, B3 and B4 set out the terms and conditions of the licencing system in the new regulating order. This sequence of papers needs to be agreed before B5 as this establishes the parameters of a licence and is the default position if members do not agree to the transitional arrangements.

Paper B5 sets out potential transitional arrangements for current TECFO licence holders, allowing current businesses time to adapt to the requirements of a new regulating order. The advantages and disadvantages of agreeing this clause are discussed in this paper.

The transitional clause would look to maintain the licence holders' current arrangements under TECFO, in which all the licences are in the name of companies. If the Authority voted to issue the new licences just to individuals (option 1 in paper B2), paper B5 would be withdrawn from the agenda. Officers would then explore possibilities of developing wording for a new set of transitional arrangements based on issuing a licence just to an individual, however this would be more challenging as the continuity in the current business would not be able to be maintained.

## **Part 2 The licence application process**

### **B6 The licence application process and the questions and structure of the application form**

This paper reviews the feedback from stakeholders on the proposed licence application process and addresses specific comments regarding the process as outlined in the Consultation 3 document. In addition, issues and comments concerning the structure of the application form are also reviewed and evaluated. Specifically, feedback on the 2 different options for evaluating the relevant experience of applicants is compiled and recommendations made.

### **B7 The scoring and weighting of the questions in the application form**

Building on the responses from the pre-consultation process, this paper reviews feedback on the 3 options for weighting the questions in the application form. Encapsulating the spectrum of views expressed in the consultation replies, a fourth option has also been developed, for members to consider using the vision and evaluation questions as a guide.

## **Part 3 Process and management detail**

### **B8 Agreeing the number of licences to issue in the first 7-year cycle**

2022 surveys of the cockle stocks in conjunction with industry reports of low yields, little or no growth and concerning low observations of spawn or spat paint a concerning outlook for cockle stocks in the short term. This paper outlines a process whereby the agreed number of licences issued in the first 7-year cycle (15) can be reviewed taking into consideration the 2024 cockle stock surveys.

### **B9 Agreeing boundary coordinates**

The paper outlines the finalising of the boundaries of the regulating order and reviews feedback from the consultation.

### **B10 Review of the feedback on the day to day running of the cockle fishery and recommendations for Consultation 4.**

This paper reviews the feedback from Consultation 3 on the technical management requirements (size of gear etc) and the day to day running of the cockle fishery, with an evaluation from Officers on the specific suggestions made by stakeholders. The paper also includes the outcomes from an internal officer review on the same topic and makes a series of recommendations. Finally, the paper recommends the scope, process and timings for Consultation 4.

## **Framework to evaluate options**

At the start of the whole review and management development process, using feedback from the Listening Phase and after specific consultation, the Authority agreed the Vision and thirteen evaluation questions to help Authority members

appraise and assess different options. Members are asked to consider this framework when evaluating options and arriving at decisions.

## **Vision**

A vital component in the development of future cockle management is capturing a clear idea or vision of what we want the long-term future of the cockle fisheries in the district to look like. The vision/mission statement aims to capture and briefly summarise what the cockle fishery might look like in the future.

***KEIFCA will seek to maintain both sustainable cockle fisheries in the KEIFCA district as well as the wider ecosystem it relies on; through this, support a viable local cockle industry, recognising its important long-term contribution to coastal communities, and providing skilled employment.***

## **Evaluation criteria**

The evaluation criteria provide a more detailed set of statements that outline the key aspects of running successful sustainable cockle fisheries. The criteria can be used to help evaluate different management options and link the options to the vision statement. The evaluation criteria also reflect core IFCA duties and the responsibilities of the IFCA in developing management.

### **1) Creating a well-managed fishery**

- a) Does the fishery have a simple framework that is easy for fishers, Authority members and other stakeholders to understand and work within?
- b) Is the fishery easy and cost-efficient to administer, and not create too much paperwork for applicants to fill in?
- c) Does the fishery have clear rules and regulations and is it straightforward for KEIFCA officers to enforce and fishers to comply with?

### **2) Creating an environmentally responsible fishery**

- a) Does the management of the fishery help ensure the cockle stock population is fished within clear limits that take into account stock assessments and breeding stock?
- b) Does the management of the fishery assess and monitor the impact of the fishery on the seabed, and strive to make the impact as small as possible?
- c) Does the management of the fishery consider the impact of the cockle fishery on the wider ecosystem and support internationally recognised accreditation systems?

### **3) Helping support a prosperous and resilient local coastal economy**

- a) Does the fishery provide a framework that will help sustain a viable long-term cockle industry in the KEIFCA district?
- b) Does the fishery help support local skilled employment?
- c) Does the fishery help assist long-term investment and growth in the local economy, supporting local shore side infrastructure and supply chains?
- d) Does the fishery 'add value' to the cockles that are caught in the cockle fishery?

### **4) To strengthen and support our dynamic local coastal community**

- a) Does the fishery provide fair opportunities for individuals and businesses, and help support young or new fishers?
- b) Does the fishery help encourage businesses to invest in a safe and skilled workforce?

- c) Does the fishery help support the heritage and culture of the cockle fishery, including supporting local tourism associated with the Thames cockle fishery?

**Recommendation:**

Members are asked to:

1. **APPROVE** and **COMMENT** on the actions taken by officers to engage stakeholders in the Consultation 3 process.
2. **APPROVE** and **COMMENT** on the sequencing of meeting papers in the agenda.