

By: KEIFCA Chief Fishery Officer

To: Kent & Essex Inshore Fisheries and Conservation Authority
– 19 October 2022

Subject: Running Consultation 2 and plans for Consultation 3

Classification Unrestricted

Summary: This paper outlines the engagement undertaken in Consultation 2 as part of the review and development of management for the cockle fisheries in the KEIFCA district. The paper outlines the meetings and milestones planned for Consultation 3. *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 this paper.*

Recommendation: Members are asked to:

1. **APPROVE** and **COMMENT** on the actions taken by officers to engage stakeholders in the Consultation 2 process.
2. **APPROVE** and **COMMENT** on the process and actions officers are planning to take to engage stakeholders in Consultation 3.

Background

The options outlined in Consultation 2 built on the frameworks that were agreed by the Authority in Consultation 1. In developing options, KEIFCA Members reviewed and discussed feedback from the Listening Phase, reviewing questionnaire replies relating to access mechanisms and criteria as well as legal advice and historic cockle fishery data. Using this information, Members then agreed detailed options that would be included in the main Consultation 2 document.

Overview of cockle management development process

Legislative Framework Phase	<p>Consultation 1</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>Consultation 2</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 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>Consultation 3</p> <p><i>Agree key features and detail of the agreed framework model.</i></p> <p>(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>Consultation 4</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 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>

In addition to producing the consultation document, our Lead Scientific officer completed a report (Review of environmental impacts of hydraulic suction dredging for cockles - Kent and Essex IFCA district) that provided additional background information to help inform stakeholders and aid them in evaluating different options. The report was added to our website <http://cocklereview.kentandessex-ifca.gov.uk/> and publicised in the consultation document.

Consultation 2

Consultation 2 started on the 21 July 2022 with just over 200 emails being sent out to stakeholders and the Consultation 2 document going live on the bespoke KEIFCA cockle consultation website. Different to previous consultations, senior officers arranged and promoted a 3-day opportunity between the 27 to 29 July where stakeholders could arrange a time to chat with an officer, who then explained the consultation document on a one-to-one basis. This process was aimed at supporting stakeholders navigate the complex legal area of licence allocation, which the Listening Phase highlighted was poorly understood. Stakeholders were able to book a specific time to talk to officers, either in person at the Ramsgate or Brightlingsea office, or over a Zoom/Teams/Facetime call. Although only three stakeholders booked and attended these meetings, the feedback was that stakeholders that found them very useful. The oral evidence hearing was held on the 8 September at the Inn on the Lake just outside Gravesend and nine stakeholders gave evidence.

Throughout the process senior KEIFCA officers worked closely with current and former KEIFCA Members and members of the local fishing industry to make stakeholders aware of the consultation, to help fishers engage in the process and to answer any questions regarding the consultation. Additional effort was made to engage with fishers that had expressed an interest in the fishery in the Consultation 1 and Listening Phase, including re-sending emails or phoning up key individuals that could pass on information to others. By the end of the 6-week consultation a total of 606 emails, 227 e-bulletins and 202 copies of the questionnaire were sent. Consultation 2 finished on the 16 September.

In general, the engagement process seems to have gone well and we have had feedback from across the spectrum of the cockle industry as well as engagement with local finfish and shellfish operators. In total we had 56 consultation responses and 3 letters. We would also like to thank IFCA Members that gave up their time to support the oral evidence hearing, Band Agency for putting in extra time and effort into the project and special thanks also go to Phil Haupt for his report.

Consultation 3 - Agree key features and detail of the agreed framework model.

Consultation 3 moves the process into a different phase from the development of a legislative framework that was the focus of Consultation 1 and 2, to the development of technical detail in Consultation 3. Consultation 3 addresses one of the key issues that was raised throughout the Listening Phase, which was whether operators that acquired 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.

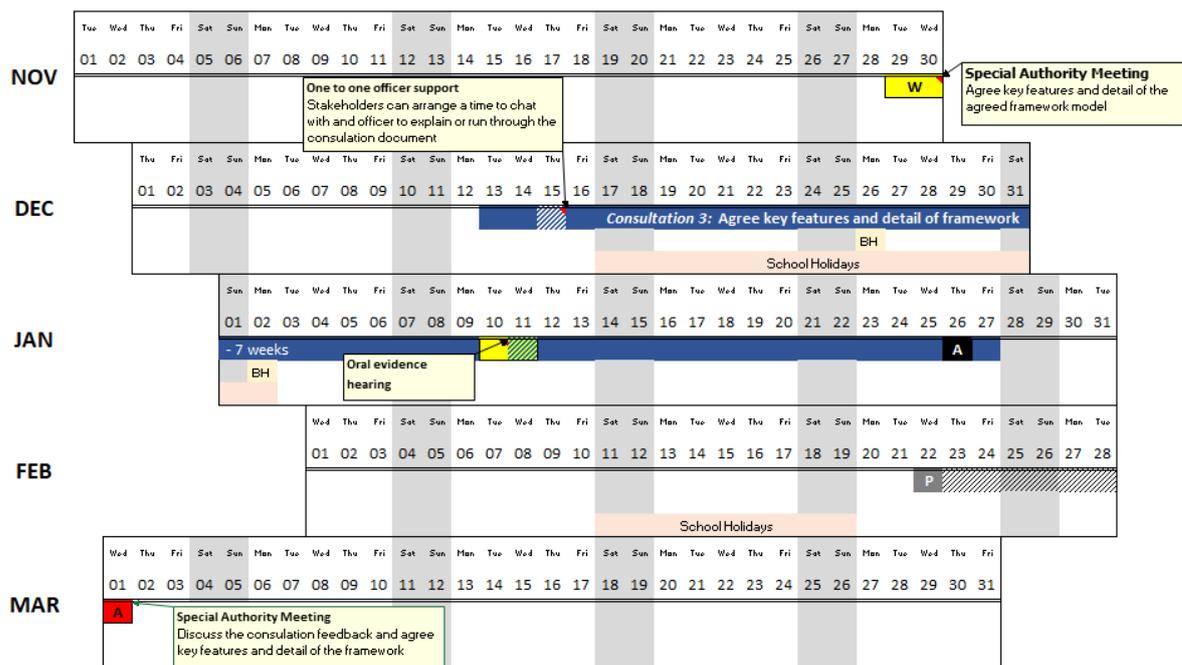
Other important areas of detail that would need to be discussed and agreed in Consultation 3 include the fine detail concerning the review of the legislation, the access arrangements/ criteria and finalising the regulating order boundary with specific coordinates.

Planned changes to Consultation 3

Feedback from stakeholders suggested that the consultation document was too long and complicated. Officer will endeavour to take these comments onboard and make changes to the Consultation 3 document.

As in Consultation 2 officers have put aside a day at the beginning of the consultation where stakeholders can arrange a time to chat with an officer, who can explain or run through the consultation document on a one to-one basis. Stakeholders will be able to book a specific time to talk to officers over a Zoom/Teams/Facetime call. This session will just be used to explain the consultation document and answer any questions about the document. The one-to-one session will not collect evidence from stakeholders, with stakeholders told to either complete a consultation document or to attend an oral evidence session.

The oral evidence session will be booked to run on the 10 January at the Inn on the Lake with the 11 January booked as an overspill day if it becomes obvious that Members will not be able to listen to all the responses in one day. We are also looking to tweak the setup with participants given 2-3 minutes for an opening statement before Members can ask their specific questions rather than a format of asking the same set questions (similar to how evidence is given at a parliamentary committee). Hopefully this change will reflect the more technical and detailed nature of Consultation 3.



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