

By: KEIFCA Chief Fishery Officer

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

Subject: **The scoring and weighting of the questions in the application form**

Classification Unrestricted

Summary:

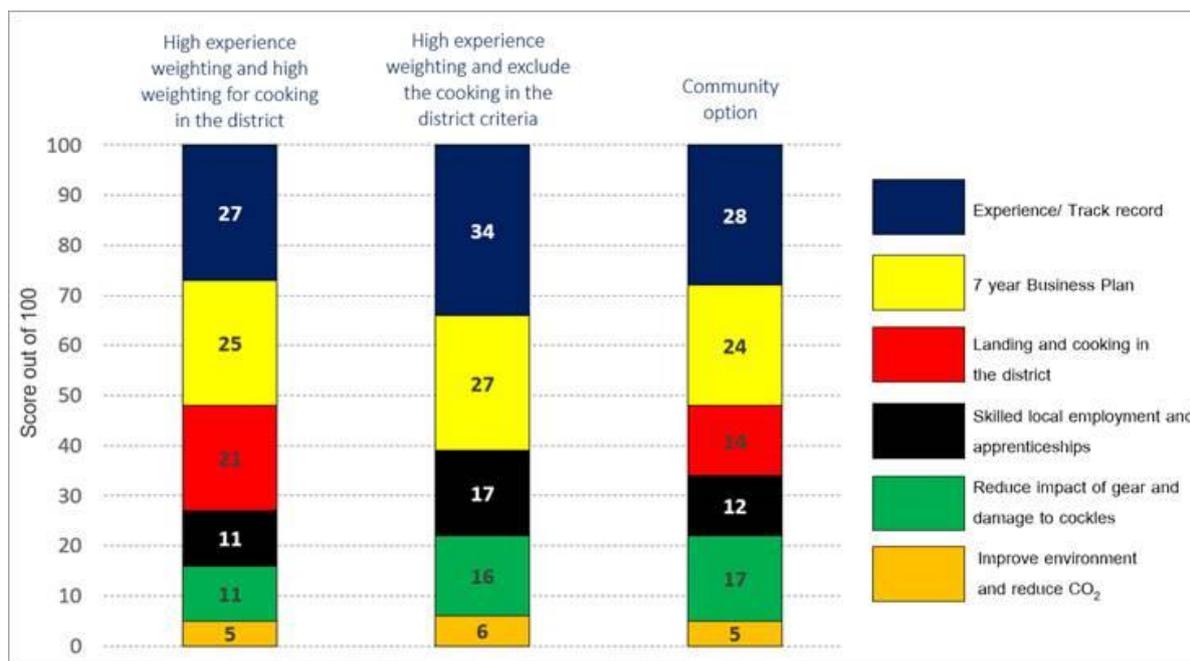
Building on the responses from the pre-consultation process, this paper reviews feedback on the 3 options for weighting the questions in the application form. Encapsulating the spectrum of views expressed in the consultation replies, a fourth option has also been developed, for members to consider using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

Recommendations:

Members are asked to **APPROVE** their preferred option for inclusion into the licence application process.

Introduction

After reviewing each question on the application form, Authority Members discussed the relative importance of different questions. After reviewing feedback from Consultation 2 and the pre-consultation phase of Consultation 3, they then weighted the different questions in the application form. This was not an easy process, however there was a strong feeling from Members that some questions should be weighted much higher than others. Building on the feedback from the pre-consultation phase, three different options were developed for consultation that encapsulated the different views from stakeholders.



Members also discussed that there could be a sequencing to some of the marks over the four 7-year licencing cycles and that any steps towards improvement in new opportunities to support young fishers such as apprenticeships and reducing gear impact both cockle stocks and the seabed could have their biggest return for the community and the environment if they were implemented as early as possible. Whereas currently it is harder to take steps to reduce CO₂ emissions so marks might be low in the first cycle but could increase over the cycles as more solutions are available for the industry. KEIFCA Authority Members agreed to consult three different options for weighting of criteria:

i. High experience weighting and high weighting for cooking in the district

As Authority Members heard first hand at the Authority meeting on the 22 November 2022, local fishing and cooking operators based in and around Leigh outlined their view that cooking cockles locally, within the district was a traditional part of the cockle fishery that had taken place for generations. Representatives of these companies made the argument that it was vital to support this industry not just to help the local fishing industry and port, but to help the wider community, with cooking sheds at Leigh helping support local tourism, by giving ports like Leigh-on-Sea a clear and unique identity. Members reviewed these submissions and developed an option that included the cooking criteria in the application process and gave it a relatively high weighting. Like replies from other groups of stakeholders, Members also considered the feedback that stressed the need for a high weighting of experience, and specifically experience working in the TECFO fishery or the permit fishery.

ii. High experience weighting and exclude the 'cooking in the District' criteria

During the pre-consultation phase KEIFCA received a significant number of letters from companies that strongly objected to including the criteria that scores would be given to applicants that had a track record of cooking in the district. The letters received outlined the significant investment the companies had made in cooking plants based in other parts of the UK and the difficult position it would put their company in if this criterion was to be used in the application process. Letters received also outlined the difficulties companies had faced in finding suitable locations for new modern factories within the district. A legal argument was also made that including this criterion was overstepping the powers and duties of the IFCA as the IFCA is the regulator managing fishing activity not the regulator overseeing processing of the catch.

Members reviewed these submissions and developed an option excluding the cooking criteria from the application process. Members also considered other aspects of feedback from this group of responses that stressed the need for a high weighting of experience, and specifically experience working in the TECFO fishery or the permit fishery.

iii. Community option

Members also developed an option that considered all feedback from the whole consultation process (the Listening Phase, Consultation 1, Consultation 2 and the pre-consultation phase of Consultation 3). This option looked to including views and priorities from across the community as well as the fishing industry.

Option under consideration

Reviewing the feedback from the Listening Phase and from the Consultation 3 pre-consultation replies, the members agreed to consult on the following weighting options

1. High weighting for experience and cooking in KEIFCA district

Question	Mark out of 100
Part 4: Fishing Experience Track Record (Option A or Option B)	27
Part 6: Business Plan	25
Part 7: Socio-economic and Environmental Criteria	
Landing and cooking in the district	21
Skilled local employment and apprenticeships	11
Reduce impact of gear and damage to cockle stocks and seabed	11
Improve environment and reduce CO ₂ emissions	5

2. High weighting for experience and exclude cooking in KEIFCA district question

Question	Mark out of 100
Part 4: Fishing Experience Track Record (Option A or Option B)	34
Part 6: Business Plan	26
Part 7: Socio-economic and Environmental Criteria	

Landing and cooking in the district	0
Skilled local employment and apprenticeships	17
Reduce impact of gear and damage to cockle stocks and seabed	16
Improve environment and reduce CO ₂ emissions	6

3. Community option

Question	Mark out of 100
Part 4: Fishing Experience Track Record (Option A or Option B)	28
Part 6: Business Plan	24
Part 7: Socio-economic and Environmental Criteria	
Landing and cooking in the district	14
Skilled local employment and apprenticeships	12
Reduce impact of gear and damage to cockle stocks and seabed	17
Improve environment and reduce CO ₂ emissions	5

After a decision is made, steps will then be taken to develop legal wording applicable to the new Regulating Order.

Feedback from Consultation 3 of replies supporting option i. High experience weighting and high weighting for cooking in the district

Below are illustrative examples of replies received from the consultation - For a compilation of all the replies please read the Consultation Summary document pages 18-22.

Comments from current TECFO licence holders

“Before the TECFO 94 came into place, all cockles were cooked within the Port Health area which was then compulsory. Once the TECFO started, cockles could be cooked outside the area (this was due to new EU legislation hence why the regulating order was formed to stop outside vessels fishing cockles in the Thames) but nearly all were still cooked in the local area, by the 6 Leigh plants and the one in Whitstable. These cooking plants created most of the employment in the Old Town, unfortunately as the bigger companies gained more control it meant that it was not viable for some of the plants to continue as they could no longer sell cooked cockles as the bigger companies wanted to buy the cockles raw instead. There are now 4 cooking plants still operating in the Leigh port area, 3 of which are family run. Two of them have been totally modernised and are capable of cooking the majority of the cockles between the both of them. The three plants already employ more people ashore than those that are employed at sea, and if all cockles were cooked in the local area that number would easily double. Factories run much more efficiently when you can employ local, highly skilled people all year round. You can offer apprenticeship schemes and training opportunities for those people who can take those skills with them to other employment. All this then supports a thriving tourism industry that is still attracted by the heritage and history of the Leigh Cockle Fishery. Supporting all the other local businesses including pubs, bars and restaurants. Using environmentally friendly refrigeration gases, solar panels and cooking locally we can offset a lot of our CO₂ emissions from our fishing activities, until such time we invest into a greener propulsion and auxiliary system aboard our vessels which will totally offset our CO₂ emissions.”

“Landing and cooking cockles in the district, provides jobs for local people living and working in the community. The more cockles that are processed locally, the more jobs that will be provided locally. The Leigh cockle industry is hugely important to the local community. Estimates are in the region of £24m per annum in tourism alone. The whole of Old Leigh has grown up around the cockle and fishing industry. People

gather to watch the boats unloading, asking questions about cockles and the whole catch and cooking process.”

“I believe cockles caught locally should be cooked locally. Its been sad over the last 19 years to see the decline of cooking cockles locally in Leigh-on-Sea. The more Cockles that are cooked locally the more Jobs will be created for local people wanting to take part and contribute in a proud local history. People come from miles to watch the boats unload and the catch produced as fresh as possible. “

“I would like to see a resurgence of the processing plants in the local district. Generating more local employment.”

“The second half of the vision statement reads: “support a viable local cockle industry, recognising it’s important long-term contribution to coastal communities, and providing skilled employment” High weighting on cooking within the district should be included, as, of all of the scoring criteria, it represents the greatest value and opportunity to local communities. Cooking cockles locally, expands the local industry exponentially. The option to exclude cooking would be to the detriment of our local communities.”

“Another point I would like to make is the waste cause by transporting raw cockles hours away from the source of catch. In a time where sustainability and waste is such a high priority how we can allow so much to be lost and wasted in transportation (especially in the height of summer).”

“Suggested points weighting

<i>Experience/Track record</i>	<i>26</i>
<i>Business plan</i>	<i>24</i>
<i>Landing and cooking</i>	<i>21</i>
<i>Skilled local employment</i>	<i>11</i>
<i>Reduced Impact</i>	<i>14</i>
<i>Improve environment</i>	<i>4”</i>

Comments from current CFFPB permit holders

“Landing and cooking locally should carry weight, as we need to support local processors.”

“Leigh port is regenerating fast, and I see this as an ideal opportunity to increase the processing there, giving the opportunity for more local jobs.”

Feedback from Consultation 3 of replies supporting option ii. High experience weighting and exclude the ‘cooking in the District’ criteria

Below are illustrative examples of replies received from the consultation - For a compilation of all the replies please read the Consultation Summary document pages 18-22.

Comments from current TECFO licence holders

“It is totally incorrect and unfair to consider local cooking as a factor in qualifying for a fishing licence. “

“Out of the 12 companies that operate the 14 licensed vessels within the 1994 TECFO only 4 of them process within the Kent and Essex district. This has been the case for many years. The demise of the local cooking plants was down to economic viability and the difficulty of being able to retain highly skilled staff for 52 weeks of the year from a fishery which is operating on average of 17 weeks per year. It made economic sense to cook large amounts of cockles in larger factories that were adding value to the product by being

able to can and supply the European markets, who were able to employ staff on a permanent basis by bringing cockles and other shellfish products to their factories from all the UK.”

“In our case, we were cooking in the facility that Cardium Shellfish had in Whitstable Harbour. Not large quantities, but we maintained the activity when it was required. But the local Council has been developing the Harbour for years with a focus on tourism, and an industrial activity involving the transit of heavy vehicles loaded with tons of cockles amidst the pedestrian traffic of people was a tragedy waiting to happen. The lease contract wasn’t renewed, and 2018 was the last season where cockles were cooked there. For a while we were considering building a new factory, but there were no processing facilities available to the vessels that land in Whitstable that had the minimum conditions of economic and logistical efficiency. ”

“It is also important to mention that international supermarket chains are increasingly aware of where the value chain is; they perceive the difference in quality between a cockle that has been cooked and canned simultaneously (as is the case with our cockles) and a cockle that has been cooked and is canned within hours or days after being cooked. It may even be a requirement of the end customer, that may consider those cockles not being good for mainstream, with a consequence of a reduced value and lower sales.”

“The existence of an advantage for those who supply/process locally will condition our decision on who we should sell our product to; the price and service offered by the customer might then not be a relevant factor.”

“Also, the 2018-2024 reference period (which in fact 2024 can’t apply) conditions the decision on who to sell to this last 2023 season, which would fall within the reference period. Licensees who have sold to companies outside the district would be forced to sell to local producers if they wanted to improve their final scores (20 additional points). Licensees have to be free to sell to any plant in the UK territory, without being conditioned or discriminated against for selling to non-local producers. (The point made regarding the reference period are addressed in paper B**).”

“Currently 10 of the 14 licensees sell their product to plants outside the KEIFCA area. The free market has meant that cockles have increased in value by more than 6 times in the last 20 years. If sales were concentrated in a few local companies, prices would not be subject to a wider competitive market, as is currently the case.”

“In addition, insistence on local cooking would also affect non-local plants that have been processing for decades more than 70% of the cockles caught in the Thames, which have adapted their size and structure to cope with this volume of production. The loss of jobs and investment in these non-local cooking facilities could result in their closure.”

“Licenses are issued to fish, not to fish and manufacture. It is totally wrong that not manufacturing or not supplying a local producers means less chance of getting a licence. In short, the incorporation of the product process as a relevant criterion in the KEIFCA area could be considered discriminatory and may create a dominant position in the market for local processors. When talking about the granting of FISHING licences, aspects not directly related to fishing should not be taken into account.”

“I fully expect the Leigh on sea factories to drop their prices if the committee dictates that applicants should supply them. The non local factories will pay more because of the added risk of supplying them and the good intent of incentivising local factories will have the reverse effect.”

“The suggested reference period coincides with one of the most depressed periods the industry has had to endure and as such activities are not truly representative of how we used to or would like to work. This needs to be taken into consideration. We have always been processors but a couple of years ago had to take the decision to send our cockles away for processing because of the problems we encountered trying to employ people for only an average of 40 days a year. Our factory is still in place and ready to go. Should the fishery pick up then we would start processing again. However option 1 means that we would be marked down in spite of this. So I must therefore choose option 2. The scoring system needs to take account of the reality of the situation.”

"In general the scoring requirements apart from the cooking within the district seem to be fair and unbiased. I would like to see higher scoring for operating and unloading in the local ports of the district."

Comments from current CFFPB permit holders

"History of cooking and landing cockles in the district should not be used, especially considering that the majority of current TEFCO fishers do not even cook in the district now. Also, this would create a monopoly for the local processors, which could in turn push the prices of cockle down and there would be no competition for the local processors. It should be acceptable for a U.K fisherman to land or process his catch anywhere in the U.K. if cockle must be processed locally then local processors in turn should be stopped from buying anywhere else in the country. The idea that cockles must be processed locally is also debatable as the fisheries act 2020 objective (8) states:

The "national benefit objective" is that fishing activities of UK fishing boats bring social or economic benefits to the United Kingdom or any part of the United Kingdom."

"The licence should be for fishermen and not for the processing part of things.

Under this suggestion, processors can buy cockles from any fishermen; this helps with prices and competitiveness and prevents monopolisation within the industry as has gone on for many years."

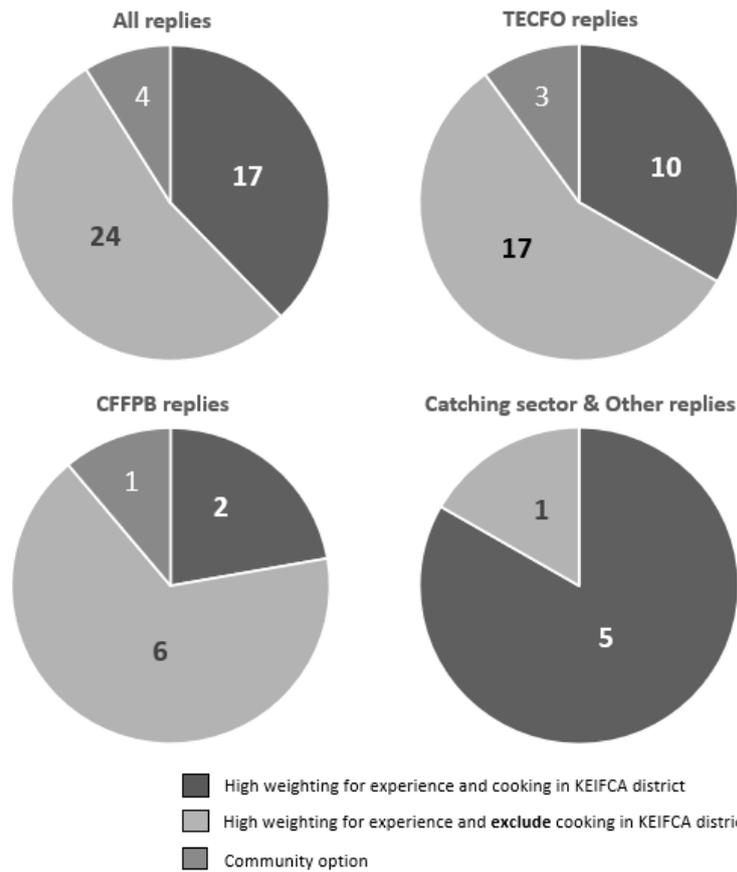
"Allowing cooking (processing) to be part of the scoring is encouraging a monopolisation of the fishery for processors.

I feel the processing (merchants) side is not competitive enough within the industry as certain parties have been allowed to have a greater proportion of the fishery; and yet not having past experience within the catching process."

"If vessels cannot have their catches processed outside your area it will greatly affect my business model. We rely on the Thames quality cockles to make our transport to Spain viable. Furthermore, a vessel should be allowed to sell his catch where he can get the best price. Restricting where he can sell puts him into a less competitive market where he can be exploited by local processors."

Statistical breakdown of the consultation replies

Care needs to be taken in interpreting these summary pie charts as some consultation questionnaires responded on behalf of businesses employing numerous people, the results do however help give an overview of the majority view of different groups of stakeholders.



Feedback from Consultation 3 of replies on the other relative weightings

Below are illustrative examples of replies received from the consultation - For a compilation of all the replies please read the Consultation Summary document pages 18-22.

Comments from current TECFO licence holders

“fishing experience and track record is the highest importance to protect the environment.”

“Higher scores to the fishermen with cockle experience track record.”

“Fishing experience is most important and a business plan supporting local companies. Social economic environment all ways to improve increase ways of employment. Use local engineering and supplies which we do. Landing and processing locally depending on demand we do and is important for local jobs and factory support. We run training on crew from deck hand to skipper over 4 to 5 years which we do this all the time and have trained many that have their own boats and moved on or still here after 20 years and now

training other crew. We are all ways making advances in our workshops and experience to improve to reduce impact on the environment. We make fishing gear that is improved and needs less power to tow reducing emissions co2."

"I think the scoring for business plan in option 1 is too high and points should be distributed elsewhere."

"Option 1. 25 marks for a business plan seems to me to be too high for companies that have been in business for decades. I would reduce that by 9 marks and increase Landing and cooking, Skilled local employment, and Reduced impact by 3 marks each."

"I struggle to find fault with the license application form and also the scoring. It achieves what it set out to do in a quantifiable manner. I had previously thought the business plan was not of great importance, however having analysed what is proposed I think it will be of strong benefit to the application."

Comments from current CFFPB permit holders

"The current cockle fleet has a very big advantage straight away as the 14 are the only ones to get maximum points on with experience part of the scoring even though the main owners of some of the companies have probably never stepped foot on the boats that they own."

"Track record should be highest but make sure it is a skipper, as they have done the work, or if not a skipper someone who has worked every day with their crew training and managing in the local area. Next should be about reducing the impact of the gear, and damage to the cockle stocks and seabed. Landing and cooking should carry some weight, as we need to support local processors. The business plan will model apprenticeships and investment, also improving the environment, with new engines, new gear, better training. "

"I understand the application forms and there is good parts to it but I don't agree with the following; Cooking in the district I strongly disagree with, and the local employment section that discriminates against fishers not local to the district unfairly."

Officer comment - overall

The topic of the weighting of the different questions received the most focus and comment from nearly all the consultation replies, especially the topic of cooking cockles in the KEIFCA district. Although individuals made comments about the relative weighting of other questions apart from the theme that experience was important and could be higher most of the feedback focused on the relative merits and scoring options around cooking cockles in the district.

Officer comment landing and cooking cockles in the district

◆ The breakdown of replies either supporting a high weighting for landing or cooking in the district or supporting the option that excludes cooking in the district is in roughly the same ratio as business currently cooking or not cooking in the district.

◆ In general, the comments made reflected similar points made in the pre-consultation phase of Consultation 3. With respondents advocating cooking highlighting the impact more cooking in the district could have on creating local jobs, supporting the local community, helping local tourism and helping sustain a traditional local industry and way of life. The counter argument was also clearly made in the consultation that deriving a score from cooking in the district would

restrict trade, lower market price, potentially impact the quality of the final produce and was outside the scope of the IFCA's remit.

◆ Whilst a lot of claims and counter claims have been made, it is worth reflecting on the detail of the question, how it is scored and how it is weighted:

◇ Within a number of the consultation replies there is the impression that cooking of cockles would be a mandatory requirement when applying for a licence. This is not the case if applicants don't cook in the district, then they would not be excluded from the application process, instead if applicants had a low score or no score in this section, scores in other sections would combine to make up the applicants' final score.

◇ It is also important to consider the specific question being asked, i.e. evidence of landing and cooking cockles caught from the Thames cockle fishery, within the KEIFCA district rather than just cooking, as has been widely commented on in the consultation replies. Landing cockles in the district has been included to reflect the jobs and economic impact this activity has on the local community. Although it is possible to land cockles outside our district (either at Felixstowe or onto cockle processing boats) the overwhelming number of landings in the last 30 years have been made in the district and applicants would get marks for this activity.

◇ The scoring within this question is also graduated so the higher the percentage of cockles that are cooked in the district the higher the score. The setup of the scoring system is such that if cocklers land over 51% of their cockles in the district they would get a score of 80 out of 100 or over 71% a score of 100 out of 100. Again, the scoring system is set up to provide a set of choices to prospective licence applicants and cockle processors rather than a binary yes/ no score.

◇ As outlined in the consultation replies, currently 10 of the 14 TECFO licence holders sell their product to plants outside the KEIFCA area. Under the proposed licence application system, the applicants scores from each question are added together to make a final score, which is then used to make a ranked list of applications. This means that the scores are relative to each other. If the TECFO licence holders continue to cook their product outside the district, whilst the 4 licence holders that cook in the district might have an advantage and possibly a higher score, the 10 licence holders cooking their cockles outside the district would all be in the same relative position.

◆ Government regularly gives tax breaks or provide grants for promoting specific government policy or to encourage business to take certain actions. Local government has numerous initiatives and tools to encourage local investment and to help develop and grow local business (business rates, development zones etc). All of these initiatives on one hand look to encourage specific actions, but on another hand distort the market in some form. The hard reality is that although you can develop stakeholder engagement and community action groups, financial incentives or disincentives are a very powerful and effective way of delivering policy objectives. It is in this context, that the

question to include and weight the criteria of landing and cooking cockles in the KEIFCA district, is best viewed.

◆ 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 13 Evaluation questions to help appraise and assess different options. The vision and the relevant evaluation questions are outlined below and provide a useful framework to weigh-up the merits of the different options presented in this paper. Landing and cooking cockles in the district have an obvious impact on several evaluation questions, especially helping support local skilled employment, assisting long-term growth in the local economy and supporting the heritage and culture of the fishery and associated local tourism.

Vision

"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 questions

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

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

◆ Finally, it is worth reflecting on the previous evidence provided by the local cockle fleet and more specifically the Thames Estuary Fisherman's Association who prior to Consultation 3 have continually highlighted the importance of supporting the local economy and as their headed note paper confirms are part of the Leigh Port Partnership (a partnership set up to support and promote Leigh-on-Sea and its historic industries) and consist of all of the current TECFO licence holders.

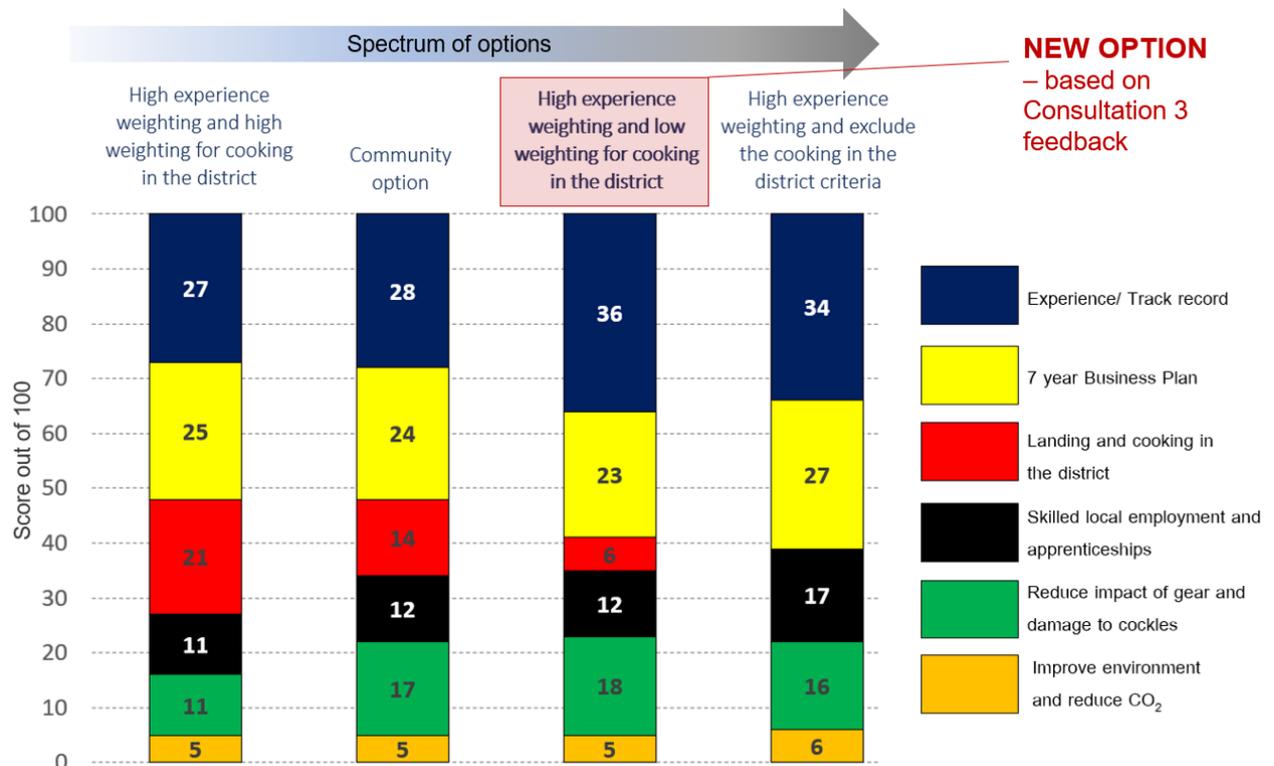
On the 21 January 2022 TEFA made a specific point of inviting all the Authority members as well as the local MP to Leigh-on-Sea to explain how the local factories worked and stress how important they are to the local economy, to local skilled jobs and to tourism in Old Leigh. TEFA also stressed the historic and cultural importance of cooking cockles locally and showed the members videos highlighting its importance.

Creating a new option taking on feedback from the consultation

After discussions with the Chairman and the Vice-Chairman, officers have developed an additional option, that builds on the feedback from the consultation, and helps create a spectrum of options for Authority members to vote on.

Addition of a new option - High experience, low cooking weighting option

The new option tries to reflect feedback from the consultation and includes a high experience weighting, a high weighting for reducing impact of gear and damage on cockles but has a low landing and cooking weighting. The low cooking weighting responds to the concerns that including this criterion will impact market conditions and prices, by reducing the score, businesses that cook in the district and support the local economy, will still accrue marks, just not to the same extent.



Recommendation

Of the four options outlined in this paper, none come with a Chief Officer's recommendation, this is because all the options presented are sensible options that can be technically delivered. The vision and the evaluation questions provide the members a framework to weigh up the different options and it is in the judgement of Members as to which option best fulfils these objectives. The Chief Officer has outlined a voting process where the Members can arrive at their preferred option by sequentially voting down options to be left with one option that then is voted on by the Members as their recommended option.

In choosing a recommended option, Members are asked to consider that the options presented can have a significant impact on how companies and cockle operations will be undertaken in the future.

Option 1. High weighting for experience and cooking in KEIFCA district

Question	Mark out of 100
Part 4: Fishing Experience Track Record (Option A or Option B)	27
Part 6: Business Plan	25
Part 7: Socio-economic and Environmental Criteria	
Landing and cooking in the district	21
Skilled local employment and apprenticeships	11
Reduce impact of gear and damage to cockle stocks and seabed	11
Improve environment and reduce CO ₂ emissions	5

Option 2. High weighting for experience and exclude cooking in KEIFCA district question

Question	Mark out of 100
Part 4: Fishing Experience Track Record (Option A or Option B)	34
Part 6: Business Plan	26
Part 7: Socio-economic and Environmental Criteria	
Landing and cooking in the district	0
Skilled local employment and apprenticeships	17
Reduce impact of gear and damage to cockle stocks and seabed	16
Improve environment and reduce CO ₂ emissions	6

Option 3. Community option

Question	Mark out of 100
Part 4: Fishing Experience Track Record (Option A or Option B)	28
Part 6: Business Plan	24
Part 7: Socio-economic and Environmental Criteria	
Landing and cooking in the district	14
Skilled local employment and apprenticeships	12
Reduce impact of gear and damage to cockle stocks and seabed	17
Improve environment and reduce CO ₂ emissions	5

Option 4. High experience weighting and low weighting for cooking in the district

Question	Mark out of 100
Part 4: Fishing Experience Track Record (Option A or Option B)	36
Part 6: Business Plan	23
Part 7: Socio-economic and Environmental Criteria	
Landing and cooking in the district	6
Skilled local employment and apprenticeships	12
Reduce impact of gear and damage to cockle stocks and seabed	18
Improve environment and reduce CO ₂ emissions	5

Vote 1 - Members are asked to vote for the option they DO NOT think should be chosen.

Vote 2 – From the remaining options Members are again asked to vote for the option they DO NOT think should be chosen.

Vote 3 – From the 2 remaining options Members are asked to vote for the option they DO NOT think should be chosen.

The remaining option may now be considered for adoption as the preferred framework for progression to Consultation 3.

Recommendation: Members are asked to **APPROVE** their preferred option for inclusion into the licence application process.