



Agenda item B1A

From: **Chief Officer and Assistant Chief Officer**

To: Kent and Essex Inshore Fisheries and Conservation Authority -
27 March 2025

Subject: **Pausing of TECFO 2024 Licence Allocation Process to allow full consideration and review of written representations from industry**

Classification: **Unrestricted**

Summary: The paper outlines that concerns and issues have been raised by the fishing industry with regards to the Licence Allocation Process undertaken by the Authority to issue licences under TECFO 2024.

Recommendation:

That the Authority, in response to the raising of issues relating to the Thames Estuary Cockle Fishery Order, **AGREE** to the pausing of the TECFO 2024 Licence Allocation Process to allow all comments to be reviewed and solutions explored, with the result that at this time the recommended ranked list is not confirmed and no licences are offered or issued.

NOTE that the deferral will delay the opening of the Cockle Fishery.

Introduction

KEIFCA members, officers and fishers have worked hard since summer 2021 to develop and agree a new Thames Estuary Cockle Fishery Order. Over a 5-step consultation process more and more detail was added to the proposal and the new order went through its statutory consultation in March 2024. The consultation had one objection and had a letter of support signed by the 14 previous TECFO 94 licence holders.

After the confirmation of the Regulating Order was delayed by the general election the order finally came into force on the 18 December 2024. The application process ran from the 19 December 2024 until the 19 January 2025 and the

officers, following the agreed process laid out in the management plan, worked with the Application Panel to score and rank the applications.

Written Representations

Following notification to applicants of their position on the recommended ranked list from the Applications Panel, but prior to this meeting, the Authority has received not only written representations from ranked applicants but also letters and emails from a number of local Fishermens Associations. The Authority has received nearly 40 pages of very detailed and in some cases very technical feedback and trying to digest, process and account for each response can't be done properly in a day or two. The key issues from this feedback will be outlined to the Authority in due course once processing of all of the detail has been completed.

In the light of the hard work of consulting and running the application process, it is very unfortunate that the process has received negative feedback and significant detailed criticism from both those taking part and local Fisherman's Associations.

More specifically, technical legal issues concerning the application of the transitional licence provisions within the Thames Estuary Cackle Fishery (No.2) Order 2024 have also been raised via the written representations. Officers are taking legal advice to better understand these issues and other legal queries stakeholders have raised concerning the Licence Application Process (LAP).

What happens next

As outlined in the first cockle review process paper back in September 2021, there are always going to be more people that want a licence than licences available and creating a new regulating order and issuing new licences was always going to be a challenging task.

However, throughout this process KEIFCA has always tried to listen and work closely with the industry. With such overwhelming feedback it seems sensible to pause the licensing process to give officers, KEIFCA legal and KEIFCA members time to review the comments received and see if we can address the issues raised before we move to the next step of confirming and issuing licences. KEIFCA takes the comments and views of the industry very seriously, especially when those comments have come from the vast majority of those who have applied for licences or their representative associations.

Officers would aim to come back to the May 2025 Authority meeting with considerations for the Authority regarding both the legal issues raised as well as the more general feedback on the Licence Allocation Process, so that a decision can be made on moving forwards to an operational fishery. It is recognised that deferring the decision will have an impact on fishery operations this year which is regrettable, but this is preferable to the Authority taking a premature decision, without full regard to additional professional advice and input from stakeholders which could still delay the Fishery by virtue of legal challenge.

Recommendation: That the Authority, in response to the raising of issues relating to the Thames Estuary Cockle Fishery Order, **AGREE** to the pausing of the TECFO 2024 Licence Allocation Process to allow all comments to be reviewed and solutions explored, with the result that at this time the recommended ranked list is not confirmed and no licences are offered or issued.

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