



Agenda item C6

Compliance and Enforcement Update
Kent and Essex Inshore Fisheries and Conservation Authority
Enforcement report for the period May 2021 to September 2021

Introduction

In undertaking its regulatory responsibilities, KEIFCA starts from the position that the vast majority of the community of people, organisations and industries using the marine area within the KEIFCA district are compliant with the regulations and controls that affects them. KEIFCA works to try to ensure that all parties understand both what rules apply to their industry and the justification for this regulation.

Full compliance with EU, UK and local fisheries and environmental legislation is the overall aim of the Authority. This aim is best achieved through the adoption of an adaptive co-management approach to fisheries management.

Adopting the 'Prevention, Intelligence and Enforcement' model used by police forces across the UK, we are making best use of proven methods, using a proportionate approach and ensuring the taxpayer receives value for money.

COVID-19

Throughout the pandemic KEIFCA have strived to be the first point of contact for the fishing industry and continue to work closely with partners such as the MMO to provide reliable intelligence on the impacts of COVID to DEFRA for national decision making.

With the full lifting of restrictive measures in the last quarter, our officers have increased the frequency of patrols and inspections, and patrol vessels now being operated by a full complement of crew. Officers have remained vigilant of personal safety and to this end are encouraged to take up vaccines, carry out lateral flow tests twice a week, and continue with mask wearing and basic hygiene practices.

Prevention Activity

Normal face-to-face public engagement has been resuming, although KEIFCA has continued to promote preventative and educational material via social media and our websites. Building on the concept of the ever-popular KEIFCA minimum

size stickers as engagement tool for the angling community, we have now installed permanent minimum size boards in key angling hotspots in Kent, such as piers, and plan to install these in Essex during the next period.

The dramatic increase in shellfish gathering around the coast that occurred last year has not returned at the same level, however hand gathering for shellfish has seen an increase around the North Essex coast during this period, with IFCA, Environmental Health, Local Police, and GLAA combining forces to execute multi-agency operations to disrupt illegal shellfish harvesting. Signs have been put in place on the Isle of Sheppey and KEIFCA have continued to lead a joint agency prevention campaign with Kent Police, Swale Council and Natural England to promote compliance relevant regulations as well as conducting its own patrols when reports are received of suspected illegal activity.

Intelligence Activity

Intelligence reporting has been routine in the last period, with a total of 119 intelligence reports processed and disseminated by KEIFCA. Very few of these reports relate to COVID-19 and EU Exit compared with the last period, showing that the impact of both issues is now winding down as industry has adapted to operating under the new normal.

As such, the majority of reporting comprised information on instances of non-compliance with fisheries and marine environmental legislation. All intelligence is assessed and collated to prioritise our enforcement objectives through the bi-weekly Tasking and Coordination Group (TCG) meetings. TCG taskings give enforcement officers clear direction to focus on significant non-compliance issues. Setting clear taskings in this way has allowed our officers to focus on tackling high priority targets, but with full staff availability on patrols (compared with reduced "skeleton" crews on patrol vessels during covid restrictions) we have also been able to address routine and low-medium risk compliance issues more regularly.

Enforcement Activity

Joint working

We have resumed joint agency shore patrol work again, in particular with regard to shellfish gathering as detailed above. Throughout this period we have maintained frequent communication with partner agencies such as neighbouring IFCA's and the MMO to share information and intelligence via the TCG process and national COVID Sitreps.

With 6 of our officers now cross warranted with the Environment Agency to enforce SAFFA powers, we have increased joint patrol work with the EA in the last quarter, resulting in an illegal fyke net being seized off the Essex coast in July and a written warning for illegal bass netting being issued.

Cockles

The Thames Estuary Cockle Fishery licence holders have been working since the season to opened in June, and this fishery remains a major enforcement focus for KEIFCA during the summer months. The new RIB FPV Vigilant has proved to be an excellent platform to conduct compliance checks of the cockle fleet, ensuring that vessels are fishing only within specified times and areas, and that damage rates are within acceptable limits. Changes to licence conditions have meant that specific areas of the TECFO were closed at various times to alleviate fishing pressure on popular fishing grounds, and this has been monitored closely with the aid of remote satellite Vessel Monitoring Systems. Unfortunately, two suspected major TECFO offences have been detected in the last period which are currently under investigation with interviews due to be held in October to establish accounts from the master and owners of the vessels involved.

Marine Protected Areas

Marine Protected Areas continue to be monitored from sea, from shore and remotely using AIS and VMS vessel tracking. Sea patrols in Essex have been conducted aboard FPV Vigilant to monitor Essex Estuaries SAC and BCRC MCZ and no infringements were detected. In Kent, officers have made regular visits to the Medway Nursey Area no take zone from shore, but no further offences have been detected during the last period.

Whelk Fishery

Monitoring the whelk fishery remains a compliance priority for KEIFCA, although the summer months see a decrease in the level of whelking activity. In North and East Kent, the inshore whelk season had good catches reported. Prices have remained constant, although down on the last quarter at approximately £1.00 kg. KEIFCA have investigated three offences for setting whelk pots illegally (without a permit and illegal pot configuration) resulting in two fleets of gear being seized. Furthermore, KEIFCA have issued a £500 FAP to the skipper of a commercial vessel for landing undersized whelks in the last period and are currently investigating a similar offence from another vessel.

Bass Fishery

Bass activity has reduced throughout the summer period as the spring run came to an end. We have maintained a patrol presence both at sea and on shore to address reports of breaches to bass regulations, particularly to disrupt illegal drift netting. KEIFCA have issued a verbal warning to an individual who caught and retained a bass in their recreational nets, and also to a commercial skipper who was intentionally targeting bass in fixed nets contrary to the regulations which specify that bass may be retained if caught as unavoidable bycatch only.

Offence Reports in the last quarter

- **x2 offences for illegal whelk pots being deployed, resulting in both fleets of pots being seized.** One fleet of pots has been returned to the owner following the conclusion of investigation which resulted in written warning being issued, the other fleet is still being retained while the investigation continues pending legal advice.
- **x1 offence of fishing for whelks without a permit valid permit,** for which on conclusion of the investigation written warning issued.
- **X2 offence for retaining undersize whelks,** for one of which a £500 FAP was issued and paid by the master of the vessel, and the other remains under investigation pending legal advice.
- **X11 offence notices attached to unmarked gear,** including pots and gill nets. On subsequent inspection the gear was marked up in compliance with byelaws.
- **X1 offence of setting parlour pots for lobster without required escape gaps,** written warning issued to owner.
- **X1 offence incorrect marking of gillnets (no dahn flags),** verbal warning issued to skipper.
- **X1 unlicensed fyke net seized** in EA joint operations. Offence is being investigated by EA officers.
- **X1 offence for undersized fish retained by recreational angler.** verbal warning issued.
- **X2 offences for shellfish gatherers retaining undersize and prohibited species,** verbal warnings and compliance advice issued.
- **X1 offence of targeting bass** with fixed gillnets contrary to bass authorisation (unavoidable bycatch only), warning issued to skipper.
- **X1 offence for retaining bass from a recreational fixed net,** verbal warning issued.
- **X4 TECFO offence for not giving 2 hours' notice of landing,** verbal warning issued.
- **X1 TECFO offence for minor overloading,** verbal warning issued.
- **X2 TECFO offences for suspected use of illegal gear, and offence against an officer for failure to comply.** Currently under investigation.
- **X1 shark finning regulation offence for skinning smoothound at sea,** verbal warning issued to skipper and advice on regulation provided.
- **X1 offence for transshipment of catch between vessels,** verbal warning issued to skipper.

Training and developing staff

Ten officers are warranted including the chief and assistant chief IFCO, and in addition one junior IFCOs is able to work as warranted officers under supervision under s260 of the Marine and Coastal Access Act. One member of staff will be attending an online competent officer course in September.

Hayden Hurst

Lead Compliance Officer