

Agenda Item – C6
Compliance and Enforcement Update
Enforcement report for the period November 2022 to January 2023

Introduction

In undertaking its regulatory responsibilities, KEIFCA starts from the position that most people, organisations, and industries that use the marine area in 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 national and local 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.

Prevention Activity

Engaging and educating stakeholders is key to achieving compliance objectives and is promoted in person during patrols and remotely via social media and our website. We have also advertised infographics summarising minimum size and MPA regulations in local tide tables for the start of 2023 and have provided a simple overview of key legislation to Crouch Harbour Authority for their new website. We have also continued to promote and educate on compliance with recreational angling measures by distributing free minimum size stickers and business cards at angling hotspots and tackle shops. With whelk activity starting again in autumn, officers carried out shoreside checks on whelk gear for permit holders, especially new entrants, to ensure that their gear is compliant before pots are deployed at sea.

With the third consultation stage of the Thames cockle fishery review taking place, officers have also been busy supporting stakeholders to navigate the complex legislative landscape surrounding the consultation document, over the phone and face to face. As always, we encourage the fishing community to communicate with IFCOs, and have responded to numerous enquiries from commercial and recreational fishers where they require clarification on our byelaws or other legislation.

Intelligence Activity

As is usual in the winter months, intelligence reporting has been low compared to other seasons, with extremely poor weather limiting seagoing activity for industry. A total of 16 reports have been processed by KEIFCA in this period. Information received covered issues such as non-compliance with the whelk byelaw, shore netting, and incursions from unauthorised vessels in the district. All intelligence reports are assessed and collated, and then used inform the prioritisation of

enforcement objectives through the biweekly 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 such as the whelk fishery, but with general activity being low throughout November, December and January, officers have been more available to address routine and lower risk compliance issues too.

Enforcement Activity

Joint working

Throughout this period, we have maintained good communication channels with partner agencies such as neighbouring IFCA's and the MMO to share information and intelligence via the TCG process. We have conducted joint shore patrols the EIFCA, the EA and MMO, and will look to increase joint working at sea as the weather improves.

Cockles

All cockle fisheries have been closed in the district throughout this period.

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 carried out shore patrols of the Medway Nursey Area no take zone and sea patrols in Folkestone Pomerania MCZ which is closed to bottom towed gear.

Since the last period the majority of the commercial fleet <12m fleet have been fitted with Inshore Vessel Monitoring Systems (iVMS), although there have been some troubleshooting issues with some new devices, the system is now live with vessels transmitting speed and position every 3-minutes. The MMO are in the process of rolling out the final Tranche 4 of units, devising full compliance directions, and carrying out independent device testing. This is with a view to lay the Statutory Instrument before the House of Commons next year to make a fully functioning I-VMS unit a legal requirement on all commercial vessels. KEIFCA have been working with MMO to ensure that all of our MPA areas with byelaw management (i.e., prohibited areas for bottom towed gear) are included on the new monitoring software, and are now working with MMO VMS teams to develop automated alerts to notify officers when vessels enter these zones.

Whelk Fishery

Monitoring the whelk permit fishery has remained a key priority this winter. Whelk fishing was slow to start this autumn with lower catches than expected in the Thames in November. Officers have carried out boarding inspections and gear inspections at sea in the last period, which has resulted in the seizure of 28 illegal pots that were set without permit tags or any identifying features, presumably in order to exceed the 300-pot limit stipulated by the byelaw. Despite advertising seizure notices in local ports in an effort to determine ownership, the pots remain unclaimed at this time. After three months with no claim of ownership, according to legal requirements of the Marine and Coastal Access Act the seized pots will be disposed of. Importantly, these pots will never be used to fish illegally inside Kent and Essex waters again.

Bass

Following the December fisheries negotiations between the United Kingdom and European Union, the government published the 2023 bass regulations, limiting gear, season and catch limits of this valuable stock which is still regarded to be in recovery following historic overexploitation. Bass fishing was restricted to catch and release only for recreational anglers in December 2022 and will remain closed until March when a bag limit of 2 per person per day will apply again. However, a change to recreational fishing arrangements means that the catch-and-release period will run from 01 February to 31 March only in 2024, meaning the bag limit of 2 bass per person will apply in December 2023.

For commercial fishers, bass landings have been allowed in the last period, but catches were low due to the time of year. As with previous years, commercial bass fishing in 2022 will be prohibited in February and March to protect spawning individuals. The main change in the legislation this year is a slight uplift and change in catch allowance. The commercial trawl/seine flexibility will be amended from a 760kg cap per two months to a 3.8 tonne cap per year within the 5% bass per trip limit, and still no written authorisation is required to retain bass as bycatch in trawls. Fishing by hook and line and fixed gill net is also permitted this year, but only if the vessel has a specific authorisation on their licence issued by MMO. The commercial hooks and lines limits will be increased from 5.95 to 6.2 tonnes per vessel per year, and the commercial fixed gillnet limits will be increased from 1.5 to 1.6 tonnes per vessel per year. Fishing by drift nets remains illegal, and the minimum size for bass is set at 42cm for both the recreational and commercial sector.

Offence Reports in the last quarter

x1 offence notice for unmarked gear.

x1 offences for x29 illegal whelk pots being deployed, resulting in the gear being seized.

x1 offences for x18 illegal lobster pots being deployed, resulting in the gear being seized.

x1 offences for recreational anglers retaining undersized fish.

Training and developing staff

Sadly, we said goodbye to two of our experienced officers in the last period, as they moved on to the new ventures in other parts of the county, leaving a total of nine warranted officers at KEIFCA including the chief and assistant chief IFCO. With the poor weather over winter limiting the amount of days at sea, we have taken the opportunity to put staff through essential training courses, including a 3-day interview skills course, and refreshers on the full range of maritime safety courses adhering to Standards of Training, Certification and Watchkeeping (STCW). This included Fire Prevention and Firefighting, Personal survival techniques (A.K.A. Sea survival), and First Aid at Sea.

Hayden Hurst, Lead Compliance Officer