

## **Agenda Item – C6**

### **Compliance and Enforcement Update**

#### **Kent and Essex Inshore Fisheries and Conservation Authority Enforcement report for the period February 2022 – May 2022**

### **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.

### **Engagement 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. Building on the concept of the ever-popular KEIFCA minimum size stickers as engagement tool for the angling community, we have also created a miniature "business card" version which is being handed out by pier operators when a ticket is purchased in private piers such as Deal and Dover. These efforts have increased awareness of minimum sizes, particularly among visiting anglers from outside the district, and those are new to the sport. With the ongoing TECFO review process, officers have also spent much of their time helping fishermen respond to consultations, both in person and on the phone. As always, we encourage the fishing community to communicate with IFCOs if they require clarification on our byelaws or other legislation.

### **Intelligence Activity**

This spring there has been an upsurge in intelligence reporting, with more than double the number (87) intel reports processed by KEIFCA in the winter quarter. There was a noticeable trend of increased reporting on bass compliance issues as the fishery opened at the start of April, but also a growing number of reports relating to whelk fishing and shellfish gathering activity. All intelligence reports are assessed and collated, and then used to 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, which is essential during this busy season where officer time is split between enforcement and survey work.

## **Enforcement Activity**

### Joint working

Throughout this period, we have maintained frequent communication with partner agencies such as neighbouring IFCAs and the MMO to share information and intelligence via the TCG process. We have also worked to address specific compliance issues surround the bass fishery with partners at MMO during two dedicated operations this spring, building similar joint working carried out last year. We have also worked with the MMO and National Food Crime unit to address public health risks in Kent and Essex relating to shellfish classification.

### Cockles

All cockle fisheries have been closed in the district throughout this period, however an offence from last season was finally resolved in Magistrates court with convictions following guilty pleas from master and owner on charges of operating a cockle dredge which exceeded legal size limit. Fines were imposed by the court and full costs were recorded by KEIFCA, totalling over £11,000 for both defendants. With the upcoming 2022 fishery, officers have been checking cockle bag measurements and setting load lines in preparation for the TECFO opening in June.

### 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 been putting up signs to promote awareness of the Medway Nursey Area no take zone and monitoring commercial trawlers that have been operating close the NTZ limits. In South Kent, officers have been patrolling inshore waters in FPV Nerissa to intercept and prevent illegal scallop dredging which is prohibited in the 3nm limit. This has led to two offences being detected for scallop dredging inside the 3nm limit off Dungeness, with both cases pending the outcomes of a full investigation at this time. The commercial fleet are starting to install Inshore Vessel Monitoring Systems (iVMS) in accordance with national legislation, and the deadline for Tranche 1 installation (10-12m boats) has been extended to 17/06/22 which is the same deadline as Tranche 2 (8-10m boats), closely followed by 6-8m boats in Tranche 3 on 15/08/22. With most commercial boats in Kent and Essex measuring between 6-12m, under the current schedule we should see the majority of our local fleet equipped with remote monitoring technology before the September authority meeting.

### Whelk Fishery

Whelk fishing has been a staple of much of the inshore fleet in the last period, and this productive fishery has even attracted visiting vessels from outside the district. As such, monitoring permit whelk fishery remained a key priority this spring. Off the Kent coast and in parts of the Thames catches have been good, although catches off the Essex coast have declined at the time of writing with some vessels taking their pots ashore and turning to gill netting. Officers in both counties have been carrying out landing inspections and gear inspections by hauling at sea. KEIFCA are currently investigating a visiting whelk boat for setting pots illegally without permit tags and remain in possession of the seized illegal gear while the investigation is ongoing. KEIFCA also secured a successful prosecution of a whelk offence that occurred in 2021, where the defendant refused to pay a £250 FAP after setting illegal whelk pots in the district. The district judge found both skipper and owner guilty on all charges and ordered them to pay £2780 in fines and costs.

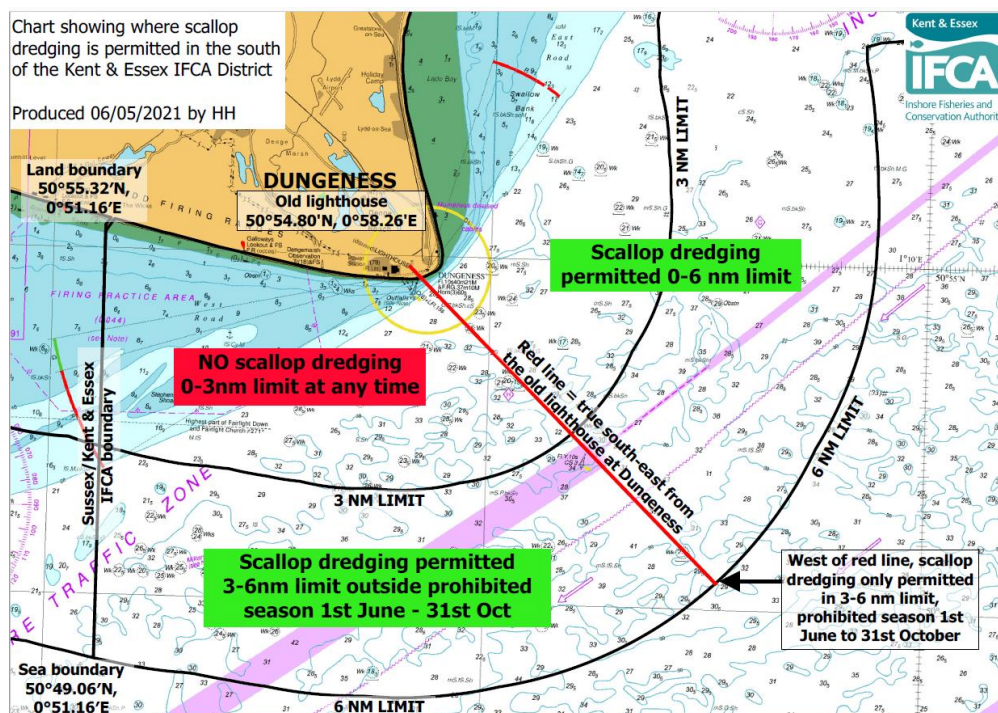
### Bass

From the 1<sup>st</sup> April commercial vessels were permitted to land seabass again, subject to strict conditions while the stock remains in recovery. All commercial vessels can now land bass caught by demersal trawls but are limited to a bycatch of 5% by

weight and landings are capped at a maximum of 380 kg per month. Fishing by hook and line and by fixed gill net is also permitted this year, but only if the vessel has a specific authorisation on their licence issued by MMO. Fishing by drift nets remains illegal, and the minimum size for bass is set at 42cm for both the recreational and commercial sector. Bass is the highest priority for enforcement officers at this time, and KEIFCA are working closely with MMO to prevent illegal drift netting and misallocation in the fishery.

### Offence Reports in the last quarter

- Prosecution of cockle fisher for operating illegal dredges – guilty plea leading to the court ordering defendants to pay fines and costs totalling £11,000.
- Prosecution of whelk fisher for using illegal whelk gear and refusing to pay a £250 FAP. Not guilty plea meaning case went to trial. Prosecution case was successful and defendants was found guilty on all charges, ordered to pay £2780 in fines and costs.
- X6 offence notices issued for unmarked gear.
- X2 offences of landing a small number of undersize whelks – verbal warnings issued for both.
- X1 offence of not marking whelk bags which had been caught inside and outside the district. Verbal warning issued.
- X1 offence for undersize native oysters - verbal warning issued.
- X2 offences of operating scallop dredges in the 3NM limit South of Dungeness, in breach of the Sussex SFC Fishing Instruments byelaw. Both cases remain under investigation.
- X11 whelk pots seized following gear inspection at sea. Case under investigation.
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Above: Chart showing prohibited areas for scallop dredging inside the 3NM limit South of Dungeness as set by the inherited Sussex SFC Fishing Instruments byelaw. KEIFCA are currently investigating two offences for scallop dredging in the prohibited area.

**Training and developing staff**

Eleven officers are warranted including the chief and assistant chief IFCO. There are a suite of developmental courses and on the job training schemes scheduled for our officers in 2022 with COVID restrictions allowing for face-to-face training to resume fully.

Hayden Hurst Lead Compliance Officer