

Agenda Item – C6 Compliance and Enforcement Update Enforcement report for the period June – October 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. Over the summer months we have patrolled the popular angling spots throughout the district, talking to recreational fishermen and educating them on regulations by handing out minimum size stickers and business cards.

With consultations on future cockle fishery management ongoing, officers have sought to engage commercial fishers and other stakeholders throughout the district in the process by handing out questionnaires and explaining the technical content of the consultation documents, allowing participants to make informed decisions about how they would like cockle fisheries to be managed in future. 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

A total of 111 intelligence reports were submitted and processed during the summer reporting period, an increase on 87 from the previous period which reflects the general increase in fishing activity observed over the warmer months each year. There was a reduction in the number of reports relating to illegal bass fishing in this period, indicative of an effective joint bass compliance operation implemented by KEIFCA and MMO in May, and a decrease in bass numbers inshore as temperatures increased over the summer. On the other hand there was a marked increase in reports of shellfish gathering activity, some of which posed a risk of gangmaster and modern slavery issues, and was disseminated to the appropriate partners at GLAA and police for action.

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 a large proportion of officer time each week is devoted to monitoring compliance in the Thames cockle fishery.

Enforcement Activity

Joint working

As always KEIFCA have maintained close communication with partner agencies such as neighbouring IFCA's and the MMO to share information and intelligence via the TCG process. We have also carried out increased joint agency patrols, both on shore and at sea, with Eastern IFCA, local MMO coastal teams, and the Environment Agency. These have addressed shared objectives such as netting on the northern borders of the district, unregistered commercial fishing, and fish storage premises inspections. We have also carried out joint patrols to inspect shellfish gatherers with Swale Council environmental health and Kent Police rural taskforce.

Cockles

The cockle fishery opened as planned in June and started off with reasonable catch rates on both the Maplin Sands and the Barrows. Our patrol vessels crews worked hard over the first month of the fishery to inspect all vessels at sea for damage rate assessment, and due to an unusually high failure rate, many inspections had to be repeated which meant a total of 29 boardings at sea were conducted at the start of the season alone. Compliance throughout the season was reasonable with only minor infringements detected, mainly in relation to vessels failing or giving late notification of landing or departure. A total of 10 verbal warnings were issued to TECFO skippers throughout the season which needs to be improved next season, however compared to the previous season where two major gear offences were detected resulting in a financial penalty and a prosecution in court, there has been clear progress towards compliance.



Above: RIB Nereus retrieving damage rate samples from cockle vessels in the Thames

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 and RIB patrols of the Medway Nursey Area no take zone, which detected one breach for angling inside the no take zone. IFCOs have also worked with ROFF to install new educational signs on the southern shores of the Medway at key locations including marinas and slipways, following a reports of recreational netting boats launching from these areas.

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 looking to develop automated alerts to notify officers when vessels enter these zones.



Above: FPV Vigilant patrolling MPAs off the Essex Coast

Whelk Fishery

There was some sustained whelk fishing activity in the last period but due to poorer catches following bouts of extremely hot weather and improved sole catches in the Thames and surrounding areas, most inshore whelk boats switched to netting over the summer. As such there have been fewer whelk inspections this period, although catch checks on landing have shown full compliance with minimum size requirements of 5% <53mm. KEIFCA are currently investigating a permit holder for suspected breaches of whelk permit conditions the case file for which is being built at the time of writing prior to submission for legal advice.

Bass

Following two successful joint agency bass operations with MMO in May, the MMO are currently investigating a vessel skipper and owner for bass misallocation and fishing without authorisation which were detected during targeted patrols in Essex. KEIFCA were able to provide sea-going capability for this operation which enabled MEOs to gather key evidence to support their case. Following this, KEIFCA have noted a marked improvement in commercial compliance with bass regulations this year, particularly a reduction in illegal drift netting in Essex.

In Kent, bass compliance efforts have focused more on the recreational angling sector, particularly with a surge in recreational vessels operating from North Kent ports such as Herne Bay. The majority of inspections found no issues with most anglers well aware of the 2 bass limit and 42cm minimum size, however one offence was detected for undersize bass and dealt with accordingly.

Offence Reports in the last quarter

- X2 offences for dredging inside a scallop closed area in South Kent, both skippers paid £1000 in Fixed Administrative Penalties (FAP) for access offences.
- X3 breaches of whelk permit conditions (gear offences), resulting in one written warning and one £250 FAP after 119 illegal whelk pots were seized.
- X3 illegal parlour pots seized, owner issued written warning and advised on byelaw requirements.
- X1 offence for angler retaining undersized bass, written warning issued and educational material provided to ensure future compliance.
- X1 breach of whelk permit conditions under investigation for suspected operation of gear with an unauthorised vessel and failure to submit whelk returns.
- X1 offence of retaining bass without a commercial authorisation and misallocation, currently under investigation by MMO.
- X6 offences of retention of undersize fish (mackerel and whiting) by recreational anglers, warning issued and educational material provided to ensure future compliance.
- X6 offence notices issued for unmarked gear and undersize escape gaps in lobster pot.
- X10 offences for failure to give notice of landing and/or departure in Thames Cockle Fishery, verbal warnings issued.

Training and developing staff

Sadly, we have said goodbye to two of our experienced officers during this reporting period, who have moved on to pastures new. This leaves KEIFCA with nine warranted officers including the chief and assistant chief IFCO. Face-to-face training has resumed with our newest IFCO finally able to attend the Competent Officer course in Torquay; followed by a suite of further training for all officers scheduled in the November including investigative interviewing, STCW first aid, firefighting, personal survival techniques.

Hayden Hurst, Lead Compliance Officer