

Agenda Item – C6
Compliance and Enforcement Update
Kent and Essex Inshore Fisheries and Conservation Authority
Report for the period January 2023 – May 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 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. 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

Intelligence reporting more than doubled in the last period with 33 reports processed by KEIFCA. Information received covered issues such as non-compliance with the whelk byelaw, unregistered fishing vessels, and bass fisheries. 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. Due to reduced staffing officers have chiefly focused on targeting high priority incidents such as bass regulations and the whelk fishery.

Enforcement Activity

Joint working

Throughout this period, we have maintained strong communication channels and practical joint work with partner agencies. Essex IFCOs attended a rural enforcement training day organised by the Environment Agency at Hanningfield reservoir which was a fantastic networking opportunity. The team hosted a stall to promote awareness of the IFCA's role and responsibilities while also making new contacts in local authorities, police and other organisations.

In March KEIFCA were invited to send an officer aboard the MMO's Offshore Patrol Vessel (OPV) "Trafalgar Sentinel" for a week at sea, to carry out the first joint IFCA patrol on an OPV. The aim was to improve understanding of how the MMO operate at sea, promote good working relationships, and share best practise while addressing shared compliance issues both inside and outside the 6 nautical mile limits. KEIFCA came away with a better understanding of the MMO's boarding practises, use of the new technology including the mobile working app, and tactical targeting methods. The patrol was regarded as a success by both KEIFCA and MMO and will lay the foundation for many more joint patrols of this kind in the coming years, and ultimately improve the ways in which our organisations work together.

Below: Marine Enforcement Officers from the MMO welcomed out KEIFCA's Lead Compliance Officer Hayden Hurst (right) aboard OPV Trafalgar Sentinel for a week of joint working, inspecting fishing vessels both inshore and offshore.



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. The majority of the commercial fleet in Kent and Essex have now been fitted with Inshore Vessel Monitoring Systems (iVMS) for the under 12m fleet, however the anticipated Statutory Instrument to bring iVMS transmission as a legal requirement has not yet come into force. In the meantime, 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 have worked with the with MMO VMS team 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 spring. Whelk fishing effort has increased as weather improved throughout the period, and officers have carried out targeted landing inspections of permit holders to assess compliance with minimum size and other requirements. Compliance overall has been good, with only one offence detected for undersized whelks on landing. A number of gear inspections at sea have also taken place, with no offences detected. With the new permits having been issued in April for the 2023 fishery, there will be increased focus on gear inspections in the forthcoming months to ensure new permit tags are fitted and all pots are constructed with the required 10x25mm escape holes.

Bass

Bass fishing for recreational anglers was restricted to catch and release only until March when a bag limit of 2 per person came into effect again. Officers have carried out numerous angling inspections but only detected one offence relating to recreational bass being landed during the closed season, and in addition found undersized bass in the same inspection. The investigation of this case remains underway.

For commercial fishers, bass landings have been permitted since April subject to gear and catch allowances, with bass landings being prohibited in February and March to protect spawning individuals. Officers have carried out landing inspections of gillnetting vessels and have seen reasonable catches of bass, although landings have typically comprised mixed finfish which reflects compliance with regulations that stipulate bass must only be caught as a bycatch, rather than a target species.

Fishing by drift nets remains illegal, but despite this some individuals still use surface set drift nets to target bass in an extremely efficient manner. In April, FPV Tamesis discovered a surface set drift net off the Essex coast. The net was hauled for inspection and was found to be extremely tangled, containing a huge volume of dead seabass, smoothhound and a grey seal which had become entangled and drowned in the net. Contrary to national legislation, the net was not marked so the owner could not be identified, and there were no records of lost fishing gear lodged with the authorities. As such the net was seized, and despite serving notice of gear seizure in neighbouring ports, no one came forward to claim the net. The impact and waste of key commercial fish stocks,

and the death toll for other marine life that became trapped in the net, was clear. In response, KEIFCA have sent a letter to all fishermen in the district to advise on legal requirements to mark gear and report any lost gear to the authorities as soon as practicable to facilitate early retrieval, and prevent the devastating impacts of ghost fishing, sadly exhibited in this case (photos below). The investigation into the drift net in this case is ongoing, with no ownership discernible the net will be destroyed in 3 months from the date of seizure if no one comes forward to claim it.

Below: Photographs of the abandoned drift net seized by KEIFCA off the Essex coast. In addition to over 200 prime commercially valuable fish (primarily bass and smoothhound) a dead seal was also entangled in the net, highlighting the impact of ghost fishing on key stocks and other wildlife alike.





Offence Reports in the last quarter

- X1 offence notice for unmarked gear.
- X1 drift net seized, suspected to be used in targeting seabass, offences being unmarked and not reported missing to the authorities. No ownership has been claimed and the net will be destroyed in 3 months from the date of seizure if no one comes forward to claim it.
- X1 offence detected on landing inspection of a whelk fishing vessel for retention of undersize, slightly in excess of the 5% tolerance for <53mm whelks. Verbal warning issued to skipper for first offence.
- X4 offences detected on landing inspection of a whelk fishing vessel, including retention of undersize, using a skipper that was not nominated on the permit, and failing to separate catches from inside and outside the district. The case file is currently sat with KEIFCA legal advisors pending outcomes.
- X1 offence for recreational angler retaining bass in a closed season, resulting in the fish being seized. The investigation is ongoing.
- X1 offences for recreational anglers retaining undersized fish. The investigation is ongoing.

Scientific dispensations issued:

Nine scientific dispensations have been issued since February, granting exemption from KEIFCA byelaws for sampling including trawl and seine netting surveys where retention of undersize fish for biological analysis was required.

Hayden Hurst, Lead Compliance Officer