



Agenda Item C7

By: Assistant Chief IFCO

To: Kent and Essex Inshore Fisheries and Conservation Authority –
19th May 2015

Subject: **ENFORCEMENT REPORT**

Classification: Unrestricted

Summary: To report on enforcement deterrents completed

1. 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 are compliant with the regulation and control that affects them. KEIFCA works to try to ensure that all parties understand both what rules apply to their particular industry and the rationale for the regulation being necessary.

Where people, organisations and industry are not aware of the rules that apply to them, or require further guidance to ensure they are compliant, KEIFCA aim to assist by providing guidance and/or assistance and will raise awareness, where possible, as a first step to achieving compliance.

Full compliance with EU, UK and in particular 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.

The reporting period is for the outcomes of enforcement action not when the actual offence occurred. Where a successful prosecution has taken place, details including the person committing the offence, the specific offence committed and the penalty handed down by the court will be reported. However for all other deterrents, the specific details of the offence will not be made public.

2. Verbal Rebriefs

No verbal warnings were issued in this period.

3. Written Warnings

Three written warnings were issued in this period. Two for incorrect marking of whelk pots and non-compliance with the tagging requirements of the whelk permit byelaw in Kent and one for incorrect marking of lobster pots in Essex.

4. Formal Cautions

No formal cautions were issued in this period.

5. Financial Administrative Penalties (FAPs)

No FAPs have been issued in this period.

6. Prosecutions

Mr. Terry Stimpson appeared in front of Basildon Magistrates Court on Wednesday 22 April 2015 charged with two counts of breaching a Kent and Essex IFCA byelaw on engine power. The byelaw was introduced to protect sensitive inshore marine habitats and fish stocks from the impact of heavy fishing gear used by more powerful boats.

On 19 August 2013 fisheries officers boarded the fishing vessel "Seaglory II ST2" whilst it was towing a trawl inside the district.

On 1 September 2014 the same vessel was observed towing something inside the district, but as officers from the Fisheries Patrol Vessel "Tamesis" approached the "Seaglory II" the skipper released what he was towing into the water.

Mr. Stimpson accepted in court that his derated vessel engine power of 245kW was in excess of that permitted in the byelaw (221 kW) but claimed that on the first occasion the trawl was not fishing and that on the second occasion he was towing a chain in order to encourage fish to swim in to his drift nets.

The magistrates found that he was fishing on the first occasion, and on the second occasion that a chain could still be classed as a towed fishing instrument, and therefore in breach of the byelaw.

Mr. Stimpson was found guilty on both counts and fined £500 per offence and ordered to pay £750 in costs.