



## **Agenda Item C6**

### **Compliance and Enforcement Update**

#### **Kent and Essex Inshore Fisheries and Conservation Authority**

#### **Quarterly report for the period August 2018 to November 2018**

### **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 justification for this regulation.

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.

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 tax payer receives value for money.

### **Prevention Activity**

Education and prevention has long been used within newly established MPAs, to educate and inform. Proactive contact with new whelk license holders and early inspections has proved to be beneficial, mapping out our expectations from an early stage. Fishing activity has been reported in the Medway Estuary adjacent to the bass nursery area. Officers have refreshed local awareness of the byelaw.

### **Intelligence Activity**

The intelligence sharing and bi-weekly tasking and coordination meeting for staff is now well embedded. Information is exchanged mainly with the Marine Management Organisation but other agencies such as police, border force and HM Coastguard have shared information with us. The vast majority of our intelligence comes from within the fishing industry itself, through effective working relationships.

Joint tasking and coordination meetings ensure enforcement activity is coordinated between fishing regulators. Every month we receive reports from other agencies, which assist us in keeping staff safe and focusing enforcement activity.

## **Enforcement Activity**

Joint working with Border Force continues to bring tangible benefits for both organisations and enhances officer safety. The Eastern Channel continues to be a 'hot spot' for illegal migrant activity, with five interceptions by Border Force in the week prior to this report.

IFCA are able to task Border Force through the National Maritime Information Centre at Portsmouth. On our behalf, they are monitoring one of our sensitive marine protected areas for fishing activity. We have assisted Border Force with a deployment, where they requested use of specialist equipment on board FPV Nerissa.

Shore collection continues to generate reports from the public. Officers collate information and respond where appropriate, mainly in support of partner agencies.

Joint sea patrols with the Marine Management Organisation have continued, utilising their national maritime skills trainer to coach officers.

### *Cockles*

A comprehensive debrief of all staff has identified a number of tactical options to deliver more effective enforcement in 2019. Officers are conducting a post-season review of data from a number of sources, to ensure directions were fully complied with at all times during the 2018 season. Options for cost-effective enhanced electronic remote monitoring of fishing activity are being considered and will be consulted upon.

### *Marine Protected Areas*

Marine Protected Areas continue to be monitored from sea and shore. An intelligence led response, supplemented by targeted enforcement has been adopted. Further signage and publicity in Medway is sought.

A serious infringement against the Essex Estuaries Bottom Trawling (Prohibited Areas) Byelaw 2016 in the Swire Hole area resulted in a fisherman being offered and accepting a £1000 financial administrative penalty as an alternative to prosecution. Patrol activity continues to monitor MPAs and it is hoped this penalty will act as a deterrent to others.

### *Whelk Fishery*

Whelk byelaw compliance will be our main enforcement focus in Kent over the next three months. Whelking activity from Dungeness was considerable towards the end of the summer. Activity in North Kent and Essex has been late starting, due to warm waters.

Whelk return rates have improved but still remain an area of continued focus.

KEIFCA have taken delivery of a mechanical rotating whelk riddle for compliance checks and if appropriate trials by the industry. Robust and carefully calibration checks have been undertaken. Results indicate the riddle is more consistent than hand riddling.

## *Bass Fishery*

Bass remain a priority for the Marine Management Organisation and Kent and Essex IFCA. Particularly in Essex joint patrols have provided a visible presence at sea and on shore. Three offences have been identified. Two were dealt with by way of written warning and one is ongoing.

### **Offence Reports**

In addition to the FAP and written warnings, four cases are currently under investigation. It would be inappropriate to comment on detail within this report.

### **Training and developing staff**

Staff expertise in enforcement and procedure continues to grow. All officers have undertaken a full days training on the Criminal Procedures and Investigations Act, which governs disclosure in criminal cases. Failure to comply with this legislation is the primary cause of miscarriages of justice in other spheres of the criminal justice system. All officers are now fully familiar with their duties.

Six officers had the opportunity to act as role players for a Kent Police advanced detective interview training course in October. This gave officers the opportunity to observe experienced interviewers interview technique and understand the situation defendants find themselves in.

Jon Holl

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