



Agenda Item No. B3

By: Lead Compliance Officer
To: Kent and Essex IFCA – 29 November 2019
Subject: **Enforcement update**
Classification: Unrestricted

Summary:

This paper will provide Members with a summary of work undertaken in respect of enforcement of legislation by IFCA officers

Recommendations:

Members are asked to **NOTE** and provide **COMMENT** on this report

Background:

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 within 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 EU, UK and 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 taxpayer receives value for money.

Prevention Activity

New educational materials have been distributed this quarter, specifically posters of current recreational bass regulations highlighting the change to catch and release

only from November to December. Minimum size stickers have been used to advertise continued size limits under the recently implemented Fish, Mollusc and Crustacea minimum size emergency byelaw 2019, introduced due to changes in EU legislation. Officers promoted these materials by paying regular visits to angling shops and other maritime businesses in the local area, in addition to providing advice directly to members of the public and fishing community.

Officers have also been engaging with industry to assess the current management measures for whelk fishing inside the district. This has involved the distribution of a questionnaire to commercial fishermen at all major ports in the district, with a management meeting scheduled for early December.

Intelligence Activity

Intelligence continues to be generated by officer interaction with industry, reports from the public and shared information from partner agencies. This information is assessed and collated to prioritise objectives through the bi-weekly tasking and coordination group meetings (TCG). A total of 55 intelligence reports have been processed and disseminated during the last quarter. TCG meeting taskings have given enforcement officers clear direction to focus on significant non-compliance issues while simultaneously improving officer safety by increasing awareness of potential risks. KEIFCA have disseminated TCG outputs to Eastern IFCA, Sussex IFCA, the Marine Management Organisation, UK Border Force and the Environment Agency in the last quarter, and in doing so have fostered important relationships information sharing.

Enforcement Activity

Joint working

KEIFCA have continued to work with key partners such as the Eastern IFCA and the Marine Management Organisation to conduct joint patrols in the district. This has included joint RIB patrols on the River Stour which borders Suffolk and Essex. Aside from fostering good relations, this work enables patrols to bridge gaps in respective statutory responsibilities for managing and enforcing various aspects of marine fisheries and environmental legislation.

Cockles

The final trips of the 2019 Thames cockle fishery were without serious incident, with only two offences being detected during September. However, several interviews under caution have been conducted to investigate the circumstances surrounding suspected offences which took place earlier in the season, and six cases currently remain under investigation by KEIFCA.

KEIFCA implemented an intensive enforcement operation to ensure compliance with byelaw permit conditions during the annual "outside" cockle permit fishery. With visiting vessels from the Wash and a suite of vessels from inside the district taking part, KEIFCA implemented round the clock patrols and inspections both at sea and ashore, KEIFCA maintained a highly visible presence during the fishery, which resulted in fishing operations running smoothly and fairly for all fishers that took part.

At the last Authority meeting a request was made for the Chairman, Vice Chairman and officers to meet with the cockle licence holders to discuss concerns they had with regard to the management of the fishery. The Thames Estuary Fishermen's Association has been contacted to ask they provide a suggested agenda and suitable dates for a meeting. They advised they would contact us once they had spoken to their members but at the time of writing this paper, we have had no response from them.

Marine Protected Areas

Marine Protected Areas continue to be monitored from sea and shore. Sea patrols in Essex have increased during the last quarter with the patrol RIB "Blue Jacket" repaired for active duty. While on patrol officers detected a vessel trawling in the Essex Estuaries Special Area of Conservation (SAC), which constitutes an offence under KEIFCA byelaws. The byelaw prohibits use of all types of bottom trawl in specified areas of the Essex Estuaries SAC to protect the designated features of those areas and therefore prevent damage to or deterioration of the site. Officers have interviewed the skipper under caution and gathered all available evidence, and now the case file has been put to the Chief Fishery Officer for review before an enforcement decision is reached.

Whelk Fishery

In North Kent, inshore whelking activity has increased as the sea temperature has dropped during autumn, although Folkestone and Dungeness vessels continued whelking throughout the summer. During the summer patrol vessels found two fleets of illegal whelk pots from commercial vessels, and in both instances offending skippers were issued financial administrative penalties (FAP) in the last quarter.

KEIFCA have been designing improvements for the rotary whelk riddle due to transport issues, with a new more compact riddle built and ready for use. As part of continual development of management measures for this rapidly expanding inshore fishery, KEIFCA are consulting with whelk fishermen to achieve an approach that ensures the stock is fished sustainably and fairly.

Bass Fishery

Bass remain a priority for the Marine Management Organisation and Kent and Essex IFCA. Inspections of commercial vessels have demonstrated compliance with bass regulations for fixed nets, trawls and hook and line gears. KEIFCA have remained vigilant to respond to recreational angling offences for retaining multiple bass.

Offence Reports

- Three financial penalties have been issued for whelk fishing offences.
- A fleets of abandoned nets were seized from shore in Thanet.
- Several gear marking offence notices have been issued by patrol vessel crews.
- Six individuals have been interviewed regarding suspected breaches of licence conditions by five vessels operating in the Thames Estuary Cockle Fishery Order 1994 and remain under investigation pending outcome.

- A skipper was interviewed regarding suspected breaches of the Essex Estuaries Bottom Trawling (Prohibited Areas) Byelaw 2016 and is under investigation pending outcome.

Training and developing staff

Eleven officers are warranted including the chief and assistant chief IFCO, with two members of staff due to attend the Torquay Enforcement Course in February before attaining their warrants. Continued professional development is vital for enforcement officer keep up to date with legislation, further existing skills and develop best practise.

Two training days focussing on investigative interviewing took place in September, delivered by the new national IFCA training officer. Three senior officers attended the new national "Advanced Officer" training course which took place over a week during November with representatives from other IFCAs. Here they received in-depth, scenario-based training on relevant investigative legislation, operational planning, court procedure, and case file management.

Recommendations:

Members are asked to **NOTE** and provide **COMMENT** on this report