



Agenda Item C5

Compliance and Enforcement Update

Kent and Essex Inshore Fisheries and Conservation Authority

Quarterly report for the period December 2019 to January 2020

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 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

Educational materials have been distributed this quarter, specifically posters of current recreational bass regulations highlighting the change to catch and release only from November -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 an industry stakeholder meeting with commercial fishermen in 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 15 intelligence reports have been processed and disseminated during the last period. 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 continue to disseminate TCG outputs to Eastern IFCA, Sussex IFCA, the Marine Management Organisation, UK Border Force and the Environment Agency, 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 shore patrols in both Kent and Essex. In addition, FPV Nerissa has been chartered by the MMO to conduct six patrol outside the district to monitor and enforce commercial fishing activity as EU exit approaches. 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

All cockle fisheries within the district have been closed since October, however a patch of cockles was found just outside the 6NM limit during Autumn. As the permit byelaw and regulating order do not apply to this area, the cockle bed was lawfully fished by several local vessels and also attracted three visiting boats from outside the district, and cockles have been landed at Leigh on Sea, Brightlingsea and Whitstable. Regular sea patrols and vessel inspections were undertaken to ensure that cockle beds within the district remained undisturbed.

Marine Protected Areas

Marine Protected Areas continue to be monitored from sea and shore. Sea patrols in Essex have been conducted with the patrol RIB "Blue Jacket" during the last quarter despite adverse weather conditions. An enforcement decision was made regarding a skipper who was found to be bottom trawling in the Essex Estuaries Special Area of Conservation (SAC), which constitutes an offence under KEIFCA byelaws. The individual has been issued a Financial Administrative Penalty for illegal trawling activity, which has the potential to adversely impact protected seabed habitat features.

Whelk Fishery

In North Kent, inshore whelking activity has been sustained as the sea temperature remains cool during the winter months, although effort decreased over the Christmas period. In South Kent, whelk fishing effort has shown a seasonal reduction with Folkestone boats ceasing to set whelk pots during November and December.

Enforcement patrols have been focused on conducting boarding inspections of working whelk boats at sea while they are hauling pots, as this allows a full

inspection of a fleet of pots (hailed by the fishermen themselves which is safer than officers hauling pots from the patrol vessel) at the same time as inspecting riddle and catch with the skipper present. When gear is found with no nearby fishing vessel however, the crew of FPV Nerissa have been hauling and inspecting whelk pots to check byelaw compliance. No offences have been detected during the last period which demonstrates an excellent level of compliance among permit holders.

KEIFCA taken feedback on board from industry regarding the current whelk byelaw after a management meeting held in December. As part of continual development of management measures for this rapidly expanding inshore fishery, KEIFCA have been working to review the current legislation to develop a new inspection procedure that will be more easily verifiable for fishermen to determine if their catch is compliant while continuing to safeguard sustainable exploitation of whelk stocks.

Bass Fishery

Bass enforcement remains to be a priority for the Marine Management Organisation and Kent and Essex IFCA, however, catches during December and January have been greatly reduced due to the seasonal absence of bass in the district at this time of year. It is anticipated that catches will improve during the spring run and targeted enforcement will therefore increase concurrently at this time.

Offence Reports

- Four financial penalties (FAPs) have been issued, one for whelk fishing offences, two for cockle offences, and one for an MPA offence.
- Several gear marking offence notices have been issued by patrol vessel crews.
- A FAP issued in relation to multiple breaches of the whelk permit byelaw was not paid, and therefore in line with legislative protocol KEIFCA have launched proceedings for the prosecution of the permit holder in question.

Training and developing staff

Eleven officers are warranted including the chief and assistant chief IFCO, with two new 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.

H Hurst

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