



**Agenda item C5
Compliance and Enforcement Update
Kent and Essex Inshore Fisheries and Conservation Authority
Enforcement report for the period February 2020 to September 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.

COVID-19

Following the outbreak of COVID-19 there have been considerable changes in the way we work. Under normal conditions, enforcement officers spend a large proportion of their time in the field, conducting patrols and inspections which require direct interaction with stakeholders and members of the public. As the role of an IFCO is highly practical, the risks of COVID-19 and need for social distancing had a knock-on effect for enforcement activities.

At the outset of the outbreak in March, the government identified IFCOs as key workers necessary for the continuation of essential public services, specifically the enforcement of fisheries management measures critical for food production sustainability and human health. KEIFCA has often been the first point of contact to support the fishing industry, and we will continue to work closely with partners such as the MMO to provide reliable intelligence on the impacts of COVID to DEFRA for national decision making.

In response to the continued need for KEIFCA to monitor and address compliance risks throughout the district, we have developed new risk assessments, obtained necessary PPE, and worked with partner agencies to develop protocols to ensure a joined-up approach to safe working practises. Officer safety is paramount, and

therefore individual staff vulnerability is under continual review. Although KEIFCA was operating with fewer enforcement officers than usual at the outset of lockdown, this has gradually returned to more normal levels as the situation stabilises. With the careful planning we have been able to meet statutory duties and deliver a robust compliance regime at this critical time.

Prevention Activity

At the outset of this period, IFCOs spent a large proportion of time demonstrating whelk landing inspections to industry. With the new whelk minimum size emergency byelaw in place, fishermen are required to demonstrate that less than 5% of the whelks in the catch were below 53mm shell length on inspection. During the initial stages of the emergency byelaw's introduction, officers did not take enforcement action on non-complaint whelk inspections. Instead, IFCOs provided advice and guidance to skippers that did not pass inspection regarding their riddling method, giving an opportunity for them to make necessary changes to gear or method to ensure compliance in future. Fortunately, the vast majority of whelk fishers were found to be compliant on the first inspection, with 70% of fishermen achieving less than 5% of whelks under 53mm shell length on the first inspection.

Since the COVID outbreak, KEIFCA have strived to promote preventative and educational material via social media and our websites. There has also been an increase on promoting the Medway Nursey area in response to instances of illegal fishing in this protected area, with officers putting up posters on the relevant areas of shoreline. In August officers also resumed whelk inspections to demonstrate the methods used under the emergency byelaw as described above.

Intelligence Activity

Intelligence reporting has been unparalleled with a record total of 339 intelligence reports processed and disseminated during the last period. A large proportion (totalling 90) of these reported on changes and issues that have occurred on the coast in response to the COVID-19 pandemic. KEIFCA along with the other nine IFCA's around England were tasked nationally by MMO and DEFRA to provide as much information as possible on how COVID had impacted the fishing industry and the marine environment through the intelligence reporting system. KEIFCA have acted as the government's eyes and ears on the coast, providing key information on the impact of COVID on industry, which has been used to inform national strategic decisions such as relief funding. Furthermore, we have maintained our usual efforts to report and act on instances of non-compliance which have occurred since the outbreak.

As usual, all intelligence is assessed and collated to prioritise our enforcement objectives through the bi-weekly tasking and coordination group meetings (TCG). TCG taskings give enforcement officers clear direction to focus on significant non-compliance issues while simultaneously improving officer safety by increasing awareness of potential risks. At the initial stages of the COVID lockdown KEIFCA focused on the highest risks only due to reduced capacity, but since this have adopted new safe working protocols to enable us to address as many threats to non-compliance a possible. KEIFCA continue to disseminate TCG outputs to our partner agencies, and in doing so have maintained working relationships and information sharing.

Enforcement Activity

Joint working

Due to social distancing requirements conducting face-to-face joint agency work was initially more difficult, but throughout the period our officers have continued to communicate effectively with partner agencies such as neighbouring IFCA's and the MMO to share information and intelligence.

During full lockdown KEIFCA provided the new RIB to conduct joint patrols with Essex Police Marine Unit, helping the police enforce "stay at home" measures by directing recreational sea users to return to port.

As the COVID situation stabilised nationally, KEIFCA took a leading role in conducting joint operations in response to increased hand gathering activity across the district. While hand gathering in itself is not illegal, there are a number of regulations that control such activities, particularly those which are for commercial purposes. This has required a joint agency approach, working with local council environmental health officers, local police forces, Border Force, and Gangmaster's and Labour Abuse Authority. KEIFCA remain actively involved with two major multi-agency operations, one in Kent and one in Essex to combat illegal shellfish harvesting amongst other issues. KEIFCA alone have conducted dozens of inspections and have taken enforcement action on 5 offences relating to illegal shellfish gathering including the taking of cockles without a licence and retaining undersize spider crab. In all cases, the shellfish was returned to the sea unharmed. Working with Environmental Health Officers from local councils in the district, IFCOs have assisted in the seizure of hundreds of kilograms of shellfish destined for commercial sale in the human food chain, where the shellfish was unsafe for human consumption. We will continue respond to reports of shellfish gathering and inspect individuals to ensure compliance with relevant byelaws, in addition to working on multiagency operations to lend fisheries expertise and manpower to other relevant enforcement priorities.

Cockles

The Thames Estuary Cackle Fishery licence holders have been working since the season to opened in June, and this fishery remains a major enforcement focus for KEIFCA during the summer months. The new RIB FPV Vigilant has proved to be an excellent platform to conduct compliance checks of the cockle fleet, ensuring that vessels are fishing only within specified times and areas, and that damage rates are within acceptable limits. Changes to licence conditions have meant that specific areas of the TECFO were closed at various times to alleviate fishing pressure on popular fishing grounds, and this has been monitored closely with the aid of remote satellite Vessel Monitoring Systems. Compliance levels from the cockle fleet have dramatically improved compared to last season, with only three minor infringements detected.

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 with the patrol RIB "Vigilant" to monitor Essex Estuaries SAC in particular, areas of which are closed to bottom trawling. In Kent, officers seized an illegal shore set gillnet from the Medway Nursey Area no take zone. A notice of seizure was left for the owner on site and post put up on KEIFCA twitter page; however, no one came forward to claim ownership and therefore the disposal of the net has been authorised.

Whelk Fishery

In North Kent, inshore whelking activity was sustained as the sea temperature remains cool during spring, although prices reduced from £1.40 kg to £1.00 kg following the COVID-19 outbreak. In South Kent, whelk fishing effort has started again as weather conditions improved, although markets have been more limited.

Enforcement patrols have been focused on conducting landing inspections of whelk boats in ports to assess compliance with the new emergency minimum size byelaw as discussed in the above section on Prevention Activity. KEIFCA are using national inspection protocols developed in response to COVID-19 to ensure these checks can continue to safeguard the sustainability of this key fishery in the district.

Bass Fishery

Enforcement of bass regulations has been a high priority for KEIFCA, particularly in Essex where there have several instances of illegal drift netting by the commercial fishing fleet. Fishery Patrol Vessels have successfully disrupted fishers who have exploited vulnerable bass stocks with illegal gear and have conducted targeted enforcement operations to address the issue based on best available intelligence. Officers have also dealt with two offences by recreational fishers for breaches of bass regulations.

Offence Reports

- Seven gear offence notices resulting in the seizure of two illegal gillnets and one fleet of illegal lobster pots.
- Eleven verbal warnings issued for minor infringements, with the majority relating to cockle licencing and bass regulations.
- Three financial penalties paid for outstanding offences from the previous quarter.

Training and developing staff

Ten officers are warranted including the chief and assistant chief IFCO, and two new officers were recruited during spring. During COVID lockdown, officer used time when working from home to work towards achieving the National IFCA accreditation, making use of time behind a laptop for continued professional development. Training such as this is vital for enforcement officers keep up to date with legislation and best practise for safety when working. This has been furthered through the delivery of training on National COVID protocols, designed to ensure our officers are informed about health and safety and procedures that minimise risk. This has enabled our officers to continue conducting their work safely and effectively in the context of COVID-19.

H Hurst

Lead Compliance Officer