



Agenda item C6

Compliance and Enforcement Update

Kent and Essex Inshore Fisheries and Conservation Authority

Enforcement report for the period September – November 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 has a knock-on effect for enforcement activities.

With the announcement of a second lockdown in November, the government again 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.

With COVID -19 now included in all risk assessments and national joint IFCA/MMO working protocols, we are able to meet statutory duties and continue to deliver a robust compliance regime at this critical time.

Prevention Activity

Throughout this quarter IFCOs have continued to engage with whelk fishermen by conducting demonstrative whelk landing inspections under the new emergency byelaw, which requires fishermen to land less than 5% of the whelks below 53mm shell length. After the first round of inspections achieved 75% compliance across the whelk fleet, a second round of inspections were carried out between September and November to encourage improvement and collect more data. This prioritised inspection of vessels that failed first time to assess whether skippers had adjusted their fishing practises in order to achieve compliance. After the second round of inspections completed in October, all whelk fishers showed that they could achieve the 5% tolerance when a thorough riddling process was implemented on board.

KEIFCA have continued to promote preventative and educational material via social media and our websites. This has included promoting the Medway Nurse Area “No Take Zone” by putting up posters in areas where illegal fishing has been taking place. Officers have also been educating recreational angling community on minimum sizes for finfish by distributing minimum size stickers at angling inspections.

After an increase in shellfish gathering activity from shore over the summer, KEIFCA been working with partners from Kent Police and Local Authority Environmental Health to develop a prevention campaign to promote compliance with hand gathering regulations. This includes a suite of promotional materials including signs, leaflets and social media posts that will be released in Spring 2021 when gathering activity is anticipated to increase.

Intelligence Activity

Intelligence reporting has been consistent with a total of 86 intelligence reports processed and disseminated during the last period. KEIFCA have continued to provide DEFRA with “on the ground” information of how COVID-19 and EU Exit are affecting the fishing industry and the marine environment through the intelligence reporting system. COVID reporting has decreased since the initial outbreak, and it appears that with the second lockdown industry and markets are better prepared and have been less impacted as a result.

In addition to COVID intel, we have maintained our usual efforts to report and act on instances of non-compliance. 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. With the second lockdown in place, KEIFCA have focused primarily on the high-risk targets under safe working protocols to reduce risk of virus transmission. KEIFCA continue include partner agencies in our planning and intel processes, and in doing so have maintained strong working relationships throughout the pandemic despite the lack of conducting joint patrols in person.

Enforcement Activity

Joint working

Due to social distancing requirements conducting face-to-face joint agency work is more difficult than usual, although we have continued to communicate with partner agencies such as neighbouring IFCAs and the MMO to share information and intelligence.

KEIFCA continue to take a leading role in joint operations to address hand gathering activity across the district with local council environmental health officers, local police forces, Border Force, and Gangmaster's and Labour Abuse Authority. Although activity has reduced as we move into the colder months of the year, KEIFCA have been responding to reports of gatherings, inspecting groups to ensure compliance with relevant byelaws, and working lending fisheries expertise to other agencies.

Cockles

The Thames Estuary Cockle Fishery closed at the end of September after an excellent year in terms of compliance. Regular Sunday night patrols were conducted to ensure vessels did not start before the fishery opened at 18:00 each week. Changes to licence conditions have meant that specific areas of the TECFO were closed at various times to alleviate fishing pressure on certain fishing grounds, and this has been monitored closely with the aid of remote Vessel Monitoring Systems in addition to sea patrols. Compliance levels from the cockle fleet have dramatically improved compared to last season where fines were issued for more serious regulation breaches. This year only six minor infringements detected all of which were dealt with by issuing warnings for a first offence.

The Permit Cockle fishery was not as productive as previous years and very little catch was landed by participating vessels. Despite this KEIFCA implemented a comprehensive operation with a constant patrol presence at sea and on shore, and all permit holders showed exemplary compliance with permit conditions while the fishery was open.

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 aboard FPV Vigilant to monitor Essex Estuaries SAC and BCRC MCZ and no infringements were detected. In Kent, officers seized another illegal shore set gillnet from the Medway Nursey Area no take zone, and also issued two written warnings for recreational fishing. As with a similar net seized last April, 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

Whelks remain a key winter enforcement priority for KEIFCA. In North and East Kent, the inshore whelk season has started again with good catches reported. Prices have remained constant at £1.10 – £1.20 kg despite the second lockdown. In the last quarter, IFCOs have conducted 17 landing inspections of whelk vessels to assess compliance with the whelk minimum size emergency byelaw. As discussed in the above section on prevention, the vast majority of the fleet have engaged well and taken steps to reduce undersize in their catch to the permitted 5% tolerance. Regrettably, one skipper was issued a warning for retaining under 45mm whelks below the statutory minimum size (for which there is no tolerance). Since this the skipper in questions has taken steps to improve the riddling process on board to eliminate small whelks from the catch. KEIFCA have high ambitions that the whelk fleet will be entirely compliant, and therefore fishing sustainably, by the time the new Whelk byelaw is made permanent.

Bass Fishery

Enforcement of bass regulations has remained a high priority for KEIFCA throughout the last period as a good autumn run of bass has resulted in sustained catches well into November. In Essex there

have been continued instances of illegal drift netting by the commercial fishing fleet, which have been disrupted wherever possible by FPV presence at sea. Since the second lockdown there has been increased recreational angling activity, and unfortunately several offences have been detected where numerous undersize fish have been retained including bass. KEIFCA are currently investigating four separate incidents for retaining undersized fish from Dungeness.

Offence Reports in the last quarter

- Eight verbal warnings for minor infringements, including breaches of TECFO regulations and hand gathering for undersize/prohibited shellfish.
- One seizure of an illegal gillnet set inside the Medway Nursery Area no take zone.
- Two written warnings for recreational fishing/shellfish gathering inside the Medway Nursery Area no take zone.
- Notice of offence issued for a fleet of unmarked lobster gear.
- Five offences of undersize fish retained by recreational anglers currently under investigation pending enforcement outcome. Severity of the offences vary from one to 45 undersize fish per person.

Training and developing staff

Ten officers are warranted including the chief and assistant chief IFCO, and in addition our two junior IFCOs are able to work as warranted officers under supervision under s260 of the Marine and Coastal Access Act. Unfortunately, in the last period all National IFCA accreditation training has been suspended until a new National Lead Training Officer is appointed. STCW training has been delivered for our newest recruits to full equip them with safety skills for working at sea. In the context of a second lockdown, KEIFCA updated and informed staff on National COVID protocols to minimise risk of virus transmission in the workplace.

Hayden Hurst

Lead Compliance Officer