



Agenda item C6

Compliance and Enforcement Update **Kent and Essex Inshore Fisheries and Conservation Authority** **Enforcement report for the period November 2020 – January 2021**

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.

EU Exit

The United Kingdom secured a trade deal with the European Union before 1st January 2021, finalising our full departure from the EU. Although the deal secured many of the same legislative aspects for the time being, there have been a number of changes to the way in which commercial fishing operates. KEIFCA are aware that the trade deal has been regarded as unsatisfactory by many in the UK fishing industry, and we have been listening to concerns closely in order to relay feedback directly from fishermen to EU Exit teams at DEFRA and MMO. Alongside colleagues at MMO we have also provided advice on new export arrangements where possible in an effort to support the industry with the transition to a new system.

Along with other IFCAs across the country, KEIFCA have been chartered to conduct sea patrols of territorial waters along the 6nm limit, monitoring activity and gathering intelligence to build up a national picture of activity and compliance. At the time of writing, EU vessel licences to fish in the 6-12 nm limit have not been issued and therefore fishing in this area by foreign vessels is not

permitted. Monitoring vessel activity in the 6-12 limit has therefore been a key focus for our sea patrol teams.

COVID-19

With the ongoing COVID-19 pandemic KEIFCA like many other organisations, is still operating under abnormal circumstances. Enforcement officers are required to 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 third lockdown in January, 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 regarding the emergency byelaw which was made permanent during the November Authority meeting. The byelaw requires fishermen to land less than 5% of the whelks below 53mm shell length.

KEIFCA have continued to promote preventative and educational material via social media and our websites. This has included promoting the Medway Nursey 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 regarding bass restrictions (catch and release only from December) and minimum sizes for finfish.

KEIFCA have continued to work with partners from Kent Police, Local Authority Environmental Health and Natural England to develop a prevention campaign to promote compliance with shellfish 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 lower compared to other times of year, with a total of 39 intelligence reports processed and disseminated during the last period. Many of these reports have been COVID-19 and EU Exit focused, and subsequently have provided MMO and DEFRA with "on the ground" information of how these rapidly changeable factors affect the fishing industry and the

marine environment. COVID related intelligence reporting saw a resurgence with the announcement of a third national lockdown, with markets linked to the hospitality sector being most severely affected. Furthermore, EU Exit intel has provided information on the difficulties of exporting fish and seafood products to the EU since the UK's full departure on 1st January 2021.

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 third lockdown in place, KEIFCA have focused primarily on the high-risk targets under safe working protocols to reduce risk of virus transmission.

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 IFCA's and the MMO to share information and intelligence via the TCG process and national COVID Sitreps.

KEIFCA continue to take a leading role in developing a promotional campaign to prevent the illegal harvest of shellfish from shore gathering. We have been working closely with local Kent Environmental Health and Natural England to devise eye-catching educational material to be displayed in key hotspots such as the Isle of Sheppey.

Cockles

With both the Thames Estuary Cockle Fishery regulating order and KEIFCA permit fishery both remaining closed throughout the period there is no activity to report on. We anticipate the Thames fleet will start gearing up for the summer fishery as usual during the new year.

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 have made regular visits to the Medway Nursey Area no take zone from shore, but no further illegal activity has been detected during the last period.

Whelk Fishery

Monitoring the winter whelk fishery remains a key winter compliance priority for KEIFCA. In North and East Kent, the inshore whelk season had good catches reported, however following EU Exit on 1st January some fishers have reported difficulties in exporting to processors in the Republic of Ireland. Prices have

remained constant at £1.10 – £1.20 kg despite the third lockdown. KEIFCA are currently investigating a commercial vessel in Kent for suspected offences of fishing inside the district without a current whelk permit. Since the lockdown IFCOs have focused on observing and monitoring the fleet instead of conducting full inspections to reduce the risk of COVID transmission.

Bass Fishery

Bass activity has reduced over the winter months as usual for the time of year, and in the meantime, officers are preparing to conduct a targeted bass operation once the spring run arrives in March. KEIFCA are still investigating four separate incidents for retaining undersize fish, including bass, from Dungeness in November.

Offence Reports in the last quarter

- 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.
- One offence under investigation for fishing for whelks inside the district without a current KEIFCA whelk permit.

Training and developing staff

Ten officers are warranted including the chief and assistant chief IFCO, and in addition one junior IFCOs is able to work as warranted officers under supervision under s260 of the Marine and Coastal Access Act. KEIFCA are working with the Environment Agency to deliver cross-warrant training for each of our respective officers, in order to support and enhance each other's intelligence gathering and compliance presence.

Hayden Hurst

Lead Compliance Officer