



Agenda item C6

Compliance and Enforcement Update

Kent and Essex Inshore Fisheries and Conservation Authority Enforcement report for the period February 2021 to May 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.

COVID-19

Throughout the third lockdown the government recognised IFCOs as key workers necessary for the continuation of fisheries management measures critical for food production sustainability and human health. KEIFCA has continued to be the first point of contact to support the fishing industry, and 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 the ongoing COVID-19 lockdown throughout the majority of the period KEIFCA were still operating under irregular circumstances. Enforcement officers focused on high-risk priorities during February -March while tight COVID restrictions were in place, conducting all work in accordance with social distancing measures, for example conducting non-boarding inspections at sea instead of full boarding inspections. With the lifting of restrictive measures, our officers have increased their effort on patrols and inspections, facilitated by patrol vessels now being operated by a full complement of crew.

With COVID infection rates decreasing we are finally returning to a more business as usual working environment. I am very proud that our officers have managed to meet statutory duties and deliver a robust compliance regime throughout the pandemic despite the challenges it presented.

Prevention Activity

Normal face-to-face public engagement has been challenging during lockdown, although KEIFCA has continued to promote preventative and educational material via social media and our websites. Building on the concept of the ever-popular KEIFCA minimum size stickers as engagement tool for the angling community, we have taken steps to develop permanent minimum size boards which will be installed in key angling hotspots, such as piers.

Following a dramatic increase in shellfish gathering on the Isle of Sheppey last spring, KEIFCA have led a joint agency prevention campaign with Kent Police, Swale Council and Natural England to promote compliance relevant regulations. We will now have 20 signs on the island to inform shellfish gatherers and bait diggers about regulations (see images below). These cover KEIFCA byelaws concerning shellfish, Food Standards Agency guidelines on collecting for personal consumption, and the prohibition of intentionally disturbing wildlife in protected Sites of Special Scientific Interest (SSSI) enforced by Natural England. The signs are a testament to coordinated joint agency working and a proactive compliance approach. Next on the campaign agenda will be the development of leaflets and social media promotion to educate on the issue further.



Above: infographic signs are to be installed in shellfish gathering hotspots on the Isle of Sheppey to educate and improve compliance. SSSI protected areas have

"NOT ALLOWED" signs (pictured left), all other areas have "RULES APPLY" signs (pictured right). Four different government agencies who are responsible for enforcing associated regulations contributed to the project, including KEIFCA.

Intelligence Activity

Intelligence reporting has increased greatly over the last period, with a total of 141 intelligence reports processed and disseminated by KEIFCA. A number of these reports have been COVID-19 and EU Exit focused, providing MMO and DEFRA with current information on the impact on industry. Throughout the period industry has had time to adapt to new ways of working as a result of both EU Exit and COVID, making the impact been less severe. However, the effect on certain markets such as the restaurant trade and EU exports are still being felt.

In addition to COVID and EU Exit 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. With the third lockdown measures being relaxed officers have continued to tackle high priority targets but have also widened the scope of enforcement operations to address routine and low-medium risk compliance issues more regularly.

Enforcement Activity

Joint working

Due to social distancing requirements, conducting face-to-face joint agency work remained more difficult than usual at the beginning of the period. However, since lockdown has relaxed, we have resumed joint agency shore patrol work again. Throughout the lockdown we have maintained frequent communication with partner agencies such as neighbouring IFCA's and the MMO to share information and intelligence via the TCG process and national COVID Sitreps.

In March KEIFCA and the Environment Agency delivered a training course to cross warrant respective officers, enabling them to carry out each other's functions in the district. This will prove especially useful when dealing with crossover issues, particularly relating to fish found in estuaries which encompass the remit of both the EA and IFCA. Six officers from KEIFCA have now been issued SAFFA cross warrants and will be supporting the Environment Agency on joint patrols.

Cockles

With both the Thames Estuary Cockle Fishery regulating order and KEIFCA permit fishery both remaining closed throughout the period there is no fishing activity to report on. The spring cockle surveys have now been conducted and enforcement operation plans are being drawn up for the opening of the fishery in June.

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 offences have been detected during the last period.

Whelk Fishery

Monitoring the whelk fishery remains a key spring compliance priority for KEIFCA. In North and East Kent, the inshore whelk season had good catches reported. Prices have remained constant at approximately £1.20 kg despite the third lockdown. KEIFCA are currently investigating three offences for setting whelk pots illegally (without a permit and illegal pot configuration) resulting in two fleets of gear being seized. Furthermore, KEIFCA have issued a FAP to the owner of another vessel for fishing without a permit in the last period. With all patrol vessel now fully operational again there has been an increased effort to haul and inspect gear at sea, and also increased landings to inspect catches.

Bass Fishery

Bass activity has increased dramatically with the spring run, which we have responded to by increasing officer presence both at sea and on shore to address reports of breaches to bass regulations. Officers have been conducting frequent RIB operations to disrupt illegal drift netting off the Essex coast, with a number of commercial vessels being intercepted.

Offence Reports in the last quarter

- Five written warnings issued to anglers for the retention of undersize fish.
- One FAP issued for an offence of fishing for whelks without a permit.
- One offence under investigation for setting fixed nets in a closed area, contrary to the Herring Byelaw.
- Two offences under investigation for commercial operators setting whelk pots without a permit, including the seizure of a fleet of whelk pots.
- One fleet of unmarked illegal whelk pots seized, with seizure notices served on all possible owners. No one as yet has come forward to claim ownership of the gear as the investigation continues.

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 and the EA have now delivered cross-warrant training for each of our respective officers, in order to support and enhance each other's intelligence gathering and compliance presence. Four officers also attended a zoom-based Open Source Intelligence

training course in order to improve skills in extracting useful compliance information online.

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Lead Compliance Officer