



Agenda Item C6 Compliance and Enforcement Update

Enforcement report for the period May - August 2024

Introduction

In undertaking its regulatory responsibilities, KEIFCA starts from the position that most people, organisations, and industries that use the marine area in 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 national and local 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.

Engagement Activity

Engaging and educating stakeholders is key to achieving compliance objectives and is promoted in person during patrols and remotely via social media and our website. We continued to promote and educate on compliance with recreational angling measures by distributing free minimum size stickers and business cards at angling hotspots and tackle shops. Over the summer we have ramped up visible presence in favoured angling locations both at sea and on the coast to promote awareness of minimum size and seabass conservation measures. The recently introduced post of Angling Liaison Officer has assisted with engagement work immensely, having carried out 28 engagement patrols and engaged with over 650 anglers through tackle shops, competitions, piers and other hotspots. This work is crucial in ensuring that local concerns are listened to through a "soft engagement" approach as opposed to engagement during inspections by enforcement officers. As always, we encourage the fishing community to communicate with IFCOs and have responded to numerous enquiries from commercial and recreational fishers where they require clarification on our byelaws or other legislation.

Intelligence Activity

IFCAs and MMO have migrated on to a new purpose-built intelligence system "Clue" during the last quarter. This system standardises and modernises

intelligence reporting and sharing between partner organisation on the coast, making information more searchable, creating links between compliance risks, and allowing more effective enforcement planning.

Intelligence reporting more than doubled in the last period with 76 reports processed by KEIFCA. These reported potential breaches of legislation including categories such as bass regulations infringements from both the commercial and recreational sector, non-compliance with KEIFCA byelaws, unregistered netting, and shellfish gathering. All intelligence reports are assessed and collated, and then used to inform the prioritisation of enforcement objectives through the biweekly Tasking and Coordination Group (TCG) meetings. TCG taskings give enforcement officers clear direction to focus on significant non-compliance issues, and therefore plan targeted patrols to have the greatest impact.

Enforcement Activity

Joint working

It has been an excellent summer of joint working, with multiple joint agency patrols both at sea and on shore. This included a dedicated operation to inspect commercial vessels across North Essex ports with East Marine Team MMO officers, with a constant 48-hour coverage in key port by officers during the operation. This resulted in the inspection of seven commercial vessels of interest, six vehicle transport inspections and fourteen premises inspections.

KEIFCA also participated in organised joint agency days of action led by Southend Council environmental health officers to target illegal shellfish gathering from shore. This is an ongoing issue which primarily concerns public health risk associated with shellfish from unclassified beds being gathered by organised gangs and being sold into the human food chain. Over the two days of action, Southend EHOs were supported on one day by Essex Police, and by KEIFCA on the other. In total over 40kg of illegal shellfish was seized in addition to a range of tools and containers used to harvest the shellfish. In addition to these EHO seizures, KEIFCA officers also detected fisheries offences, and issued verbal warnings to gatherers for offences of undersized clam retention and retaining cockles without a permit.

Lastly, KEIFCA have been working closely with Essex Police Marine Unit, Wildlife Crime, and Firearms Licencing unit to address issues relating to possible firearms offences and shooting of seals. Previous legislation which permitted the shooting of seals under a "Netsman's defence" had been removed in 2021, however intelligence indicated that a commercial fishing vessel operator had continued to shoot seals despite this. Following joint agency planning meetings which also included the MMO, firearms licencing officers gave clear direction to the vessel owner that there was no legal justification for any firearm to be carried on board the vessel. After this clear direction was given, KEIFCA and Essex Police Marine unit carried out a full search of the vessel during a landing inspection and no firearms were found on board the vessel, although KEIFCA did detect a minor landing obligation infringement which was disposed of via verbal warning. Aside from this, Essex Police are continuing to investigate allegations relating to the potential killing of a seal, which is an offence under the Conservation of Seals

Act 1970 and Wildlife and Countryside Act 1981. KEIFCA and the police are aware of the ongoing challenges of damage to catches from seals, predominantly for commercial gillnetters particularly on the East Coast. The MMO are currently investigating non-lethal methods of seal deterrent to address these challenges, however in the meantime this joint operation has sent a clear message to industry that despite frustrations, the killing of seals is illegal in all forms and will not be allowed to continue.

Cockles

The Thames Estuary Cockle Fishery Order (TECFO) opened in June this year, and as usual KEIFCA have implemented a comprehensive operation for control and enforcement of our keystone fishery. Both FPV Nerissa and FPV Vigilant were deployed at sea extensively over the first month of the fishery, with officers carrying out at sea boarding to assess damage rates of all vessels in the fleet. Most vessels passed their initial assessment with less than 10% damaged cockles in sampled catches; however some vessels failed initially and were advised to make alterations to the gear to reduce damage to cockles, and then passed on second inspection. After damage rate inspections were complete, the enforcement focus turned to landing inspections from shore to check compliance with catch limits. This remained the primary focus until the start of September, when the permit cockle fishery opened. With strict spatial restrictions for this fishery, the patrol vessels have been out regularly ensuring that the twenty four participating vessels do not fish outside of the permitted fishing zones.

There have been several infringements detected in the cockle fishery this season. More serious breaches include one offence for repeated overloading, and two offences of fishing closed areas, all of which remain under investigation at the time of writing. Verbal warnings have also been issued for more minor offences including smaller overloading infringements and failure to report 2-hour notice of landing.

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, several patrols have covered prohibited areas for bottom towed gear including Thanet Coast and Folkestone Pomerania with no compliance issues.

Whelk Fishery

Whelk fishing has dropped off in the Thames during this period as fishers have sought to exploit other fisheries over the warmer months. Eight whelk inspections have been carried out in the last period, and compliance has been high with only one verbal warning issued for a very small quantity of undersized whelks landed by a hobby permit fisher. Commercial compliance has therefore been excellent with assessments of minimum size typically yielding 1% <53mm whelks, far less than the 5% tolerance incorporated into the permit conditions.

Bass

Bass catches were good for both commercial and recreational vessels in spring and early summer, before dropping off in mid-summer, only to bounce back again in August. KEIFCA officers have been carrying out targeted angling inspections and searching recreational boats to check compliance with the two bass per day bag limit. No offences have been detected but officers are remaining vigilant as intelligence has suggested that certain individuals are discarding excess bass at sea when they see officers' approach.

In the commercial sector, fishing by drift nets remains an ongoing issue, as this gear type is prohibited to be used when catching bass. KEIFCA have worked closely with the MMO on both sides of the Thames to combat illegal drift netting and other gear related offences with targeted operations based on the best available intelligence. KEIFCA have also carried out joint patrols with EMT MMO to inspect premises that may have been buying bass from unregistered fishers. Selling catches requires a commercial licence and the penalties for buying or selling fish without being registered can carry severe penalties.

Offence Reports in the last quarter – 29 offences detected in total

- X3 offence notices for unmarked gear
- X2 offences where lobster pots were seized for significant breaches of the parlour pot byelaw – no identifying marking, no/incorrect/obstructed escape gaps, pots cable tied shut.
- X3 verbal warnings issued to minor TECFO offences including first offence overloading and failure to provide 2-hours landing notice
- X2 offences for commercial cockle vessels fishing in a closed area. The cases are currently under investigation by KEIFCA.
- X1 offence for overloading cockles on a second occasion following verbal warning. Master was interviewed under caution and investigation is ongoing.
- X1 offence detected on landing inspection of hobby whelk fishing vessel for retention of undersize whelks (small percentage 45mm statutory size) - verbal warning issued to skipper for first offence.
- X1 verbal warning issued for breaching landing obligation requirements – not storing undersized fish separately from the rest of the catch when landed for non-human consumption under the landing obligation.

Scientific dispensations issued:

Eight scientific dispensations have been issued since May, granting exemption from KEIFCA byelaws for scientific research including trawl, seine netting and crab sampling surveys.

Hayden Hurst, Lead Compliance Officer