

# NWIFCA Quarterly Meeting

16<sup>th</sup> June 2017: 11.00 a.m.

AGENDA

ITEM NO.

10

## HEAD OF ENFORCEMENT QUARTERLY REPORT – 1<sup>ST</sup> FEBRUARY 2017 TO 30<sup>TH</sup> APRIL 2017

### Introduction

**Recommendations: The report is received**

### Patch Summary

1. A patch summary for the quarter is given in the table below:

Patch	Summary Points
Haverigg Point – Burgh Marsh Point – IFCOs Thinnesen and Sparks	<ul style="list-style-type: none"><li>• Prawn trawlers started late Feb with variable landings</li><li>• Trawlers - had some decent catches of thorn-backed rays 10-30 boxes per day. Huss only other significant species - mostly sold to for whelk bait</li><li>• Shrimp fishing - patchy landings with catches varying 15 – 500 with larger landings from the Scottish side</li><li>• Licensed potters in full swing by early May. Catches 10-100 Kg of Lobsters and 15-1000 Kg of Brown Crab.</li><li>• Whelk boats landing regularly into Whitehaven (8 - 10t at time)</li><li>• Angling - good catches of Codlings (in the dark), Plaice and Smooth Hounds. Cod catches typical for time of year.</li><li>• Beach nets - moderate activity with max of 5-15 nets observed</li><li>• Offshore netting – poor returns with occasional decent catches of Thorn back rays (5 - 10 boxes)</li><li>• Regular crewing assistance on the Solway Protector</li></ul>
Haverigg Point – Arnside – IFCO Dixon	<ul style="list-style-type: none"><li>• Cockling – Leven cockle fishery continued to start of closed season- see below</li><li>• Musseling- very low levels of effort</li><li>• Potting – Two vessels fishing outside the district, no MLS issues when inspected. One licensed vessel prospecting for Whelks in Walney channel</li><li>• Shrimping – began in April. Up to 4 tractors observed in the Leven channel area, catches moderate to poor</li><li>• Netting – no vessels observed during the period. 1 beach net set for pot bait observed in the Leven estuary. Very little beach net activity due to Bass regs.</li><li>• Angling – Increased activity in April, other than that it was the usual angling for flatfish, Local competitions were well attended in Walney channel and at Aldingham.</li><li>• Crab/Lobster hooking- Five people inspected in Walney channel/Thorney Nook, one diving, no MLS/limits detected</li><li>• Bait crabbing – several bait collectors inspected during April as the peel started. No Edible crab MLS issues</li></ul>
Arnside – Knott End – IFCO Moulton	<ul style="list-style-type: none"><li>• Minimal activity of musseling</li><li>• Shrimping has been at a low level</li><li>• Recreational angling continued at a steady level across the patch</li><li>• Continued to obtain environmental health samples for West Lancs council</li></ul>
River Wyre – River Alt – IFCO Walters	<ul style="list-style-type: none"><li>• Recreational angling prominent on Blackpool North wall</li><li>• Very low levels of vessel activity due to weather</li><li>• Shrimping activity was sporadic</li></ul>

Mersey, Wirral and Dee – IFCO Brownrigg	<ul style="list-style-type: none"> <li>• Cod was observed being caught in the Mersey and Charter vessels are now fishing over the wrecks</li> <li>• Shore / and small boat angling continued</li> <li>• Cockles - Wirral North cockle bed monitored and Dove point surveyed. Normal hygiene samples taken</li> <li>• Mussels - No gathering took place due to lack of stock</li> <li>• Razor and Otter Clam - March saw the return of recreational Razor/ Otter Clam gathering. No MLS issues</li> <li>• Netting - Four nets north Wirral three Ainsdale area. No compliance issues</li> </ul>
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**General Update**

2. General points

- HoE attended a National Inshore Marine Enforcement Group (NIMEG) meeting
- IFCOs assisted the science team with Cockle/mussel surveys and small fish surveys
- IFCO Moulton gave a talk to Port of Manchester Port Health Special Interest Group
- Southern IFCOs underwent net measurement training

3. Staff

- IFCOs Brownrigg, Sparks and Walters were all inducted onto the accreditation scheme on the 13<sup>th</sup> April and have started working through the modules of unit one – finally working towards a QCF Level 3 Certificate in Fisheries and Marine Enforcement
- HoE continued to attend standardisation meetings as part of his Quality Assessor (QA) role within the accreditation scheme
- IFCO job plans were agreed in early February following appraisals in January

Byelaw Review

4. Officers have begun working on the review of Byelaw 3. While the current Byelaw 3 represents significant progress from previous byelaws officers have identified areas that could be improved:

- Addressing the lack of dynamism in Byelaw 3. A flexible permit scheme that is now available to IFCA's appears to be the only mechanism for this
- The fixed "commercial areas" (Ribble and North Morecambe) don't offer district coverage when and where required
- The current Byelaw 3 does not regulate those buying Cockles and Mussels and officers feel this merits consideration

5. An internal consultation with IFCOs was conducted during the quarter.

6. A paper was presented to the Technical Science and Byelaws (TSB) Sub-Committee on the 16<sup>th</sup> May and the following was approved by members:

- The time table for reviewing the byelaw - given in the table below
- Consultation with all stakeholders prior to officers recommending measures to members at the TSB on the 8<sup>th</sup> August

<b>Timescale for review of cockle and mussel byelaw 3</b>	
16 <sup>th</sup> June	Report to the Authority
8 <sup>th</sup> Aug	TSB Agree management measures

15 <sup>th</sup> Sept	Authority Report progress with draft byelaw. Outcome of consultations with industry and MMO
31 <sup>st</sup> Oct	TSB Agree full draft of the new byelaw
8 <sup>th</sup> Dec	Authority makes byelaw and statutory consultation starts
End 2017	Following statutory consultation, byelaw signed off. NB: This is an ambitious timescale dependent on internal and external constraints.

7. A consultation with all stakeholders was started on the 7<sup>th</sup> June and will run until the 2<sup>nd</sup> July. This consultation is web based and consults on the following areas:

- Permit numbers
- Management of the permit system
- The charge for the permit
- Support workers
- Entry of young people into the industry
- Safety certification in the new byelaw
- Regulation of buyers
- Management of the 5kg personal consumption limits
- Methods of hand gathering
- Management of riddling within the new byelaw

#### NWIFCA Byelaw 3 Permits

8. The current Byelaw 3 permit numbers are:

- 121 in total (101 currently issued and 18 requiring renewal)
- 2 waiting list spaces under offer

#### Health and Safety

9. The review of the IFCA's Health and Safety policy and procedures continued during the quarter.

10. There were no near misses during the reporting period.

#### Legislative Changes and Issues

11. The table below summarises legislative changes and issues relevant to the IFCA's district during the quarter:

<b>Legislation</b>	<b>Comments</b>
Prohibition on Foul Hooking 2017 and Restrictions on the use of a Dredge 2017	<ul style="list-style-type: none"> <li>• Both byelaws went through the two week statutory consultation – the byelaws were advertised in Fishing News and on the IFCA website</li> </ul>
Emergency Byelaw: Restrictions on Fishing for Bivalve Molluscan Shellfish	<ul style="list-style-type: none"> <li>• The extension granted by the Secretary of State in late January was in effect during the quarter – the extension will be in place until August 2017 if required</li> </ul>
Sea Fishing (EU Enforcement) Regulations 2017 (the 2017 Regulations)	<ul style="list-style-type: none"> <li>• Further progress was made with this SI, which is the replacement for the Enforcement of Community Measures Order (SI 1081 of 2000) which was revoked in error – it will provide the new mechanism for IFCOs to enforce EU tech con and Bass regulations</li> <li>• National Inshore Marine Enforcement Group (NIMEG) was consulted</li> </ul>

	<ul style="list-style-type: none"> <li>Final consultation stage is on-going</li> </ul>
Possible Berried Lobster SI	<ul style="list-style-type: none"> <li>Officers contributed to a DEFRA consultation on a possible SI prohibiting the landing of Berried Lobsters and Crawfish – the IFCA already has provision for this in the northern district for Lobsters with Byelaw 8</li> </ul>
New hobby limits in Scottish waters	<ul style="list-style-type: none"> <li>Marine Scotland have introduced an SI ((The Shellfish (Restrictions on Taking by Unlicensed Fishing Boats) (Scotland) Order 2017)</li> <li>Limits unlicensed vessels to the following - Lobster 1, Nephrops 10, Crab (any species), 5 and Scallops 6</li> <li>The HoE will be raising NIMEG the possibility of a similar SI in England</li> </ul>

## Specific Fishery Report

### Cockle Fisheries

12. Two specific Cockle fisheries ran during the quarter:

- The Pilling and Leven Cockle fisheries – which have been open since 7<sup>th</sup> November 2016 (total of 175 days)
- Both were open for the duration of the quarter and stopped on the 30<sup>th</sup> April as the closed season started
- The Pilling fishery saw very low levels of activity from the very start. This was due to a combination of relatively low stock levels, MLS issues on the first day and a bird flu outbreak in the locality
- The Leven cockle fishery saw sustained but moderate levels of activity for the duration

13. Summary points (full fishery – not quarterly) in respect of both fisheries are given in the table below:

<b>Leven Cockle Fishery</b>	<b>Pilling Cockle Fishery</b>
Summary statistics: <ul style="list-style-type: none"> <li>1004 overall sightings</li> <li>Average daily attendance 18 per day</li> <li>454 MLS inspections were conducted</li> <li>45.2% of landings were inspected for MLS compliance</li> <li>Total removed from the bed 312,115kg</li> </ul>	Summary statistics: <ul style="list-style-type: none"> <li>9 over all sightings</li> <li>Other stats relevant due to low activity levels</li> <li>Total removed from the bed 19,459kg</li> </ul>
Compliance: Main compliance issues were <ul style="list-style-type: none"> <li>MLS non-compliance was encountered at the start of the fishery</li> <li>One instance of a breach of authorised area, other reports were received</li> <li>One instance of failure to riddle Cockles</li> <li>Serious returns non-compliance has been encountered– HoE will verbally update at the meeting</li> </ul>	Compliance: Main compliance issues were: <ul style="list-style-type: none"> <li>Expected MLS compliance were encountered at the start of the fishery</li> <li>No other compliance issues</li> </ul>
Sanctions: <ul style="list-style-type: none"> <li>1 FAP – (to 2 individuals for MLS breaches)</li> <li>15 Official warning letters (1 for MLS breach. 2 for failure to riddle and 12 for returns non-compliance)</li> <li>7 Advisory Letters – (1 for non-possession of permit and 6 for failure to supply returns)</li> <li>Verbal warning – 2 (breaches of the authorised area)</li> </ul>	Sanctions: <ul style="list-style-type: none"> <li>FAPs – 2 (3 individuals for MLS breaches)</li> </ul>

\*Fixed Administrative Penalty

## **Bass**

14. The regulation (article 10 of Council Regulation 2017/127) was in force during the quarter and the relevant limits were:

- Recreational catches from the shore/vessels were catch release
- Commercial catches from the shore were prohibited
- HoE/IFCOs liaised with the MMO regarding licensed vessel authorisations which were as follows:
  - Trawl by-catch 3% by weight of unavoidable by-catch
  - 250kg unavoidable by-catch per month for fixed gill nets
  - 10t per month for vessels using hook and lines (1<sup>st</sup> April-31<sup>st</sup> Dec)
- A reference period of the 1<sup>st</sup> July 2015 to the 30<sup>th</sup> September 2016 is being used for the issuing of the authorisation
- HoE is unable to update members on numbers or which vessels have which authorisations

## **Shore Based Activity Report**

15. A summary of shore based activity is given in the table below. Areas the IFCOs focused on this quarter were:

- Cockle enforcement at the Leven – specifically focused on MLS and authorised area compliance – both ATV and shore based
- High number of shore patrols with respect to the Bass regulations were conducted
- ATV patrols were focused on Leven compliance and assisting with shellfish hygiene sample runs and scientific surveys
- No ATV patrols were possible in the northern district due to the IFCOs assisting as crew on the Solway Protector

<b>Number of:</b>	<b>Haverigg Point – Burgh Marsh Point</b>	<b>Haverigg Point – Arnside –</b>	<b>Arnside – Knott End –</b>	<b>River Wyre – River Alt –</b>	<b>Mersey, Wirral and Dee</b>
Shore patrols*	42	75	22	24	48
ATV patrols	0	12	3	7	2
ATV patrol hrs	0	21.33	5.5	17.5	3
ATV kms covered	0	181	60	83.8	36
Inspections under taken	176	354	12	317	107

\*undertaken either by vehicle or on foot without using ATV

## **Maritime Activity Report**

16. A summary table of Maritime patrols is provided below. Areas of focus were:

- Periods of intense Nephrops activity in and close to the 6nm limit in the northern district
- No separate patrols were conducted with Protector Bravo due to being an IFCO down. Protector Bravo was used regularly from the Solway Protector
- Protector Gamma and Bay Protector not used due to focus on other areas of risk

<b>Vessel</b>	<b>No of patrols</b>	<b>Distance patrolled</b>	<b>Time on patrol</b>	<b>Boarding's</b>	<b>Closings</b>	<b>Sightings</b>	<b>Static inspections gear</b>
Solway Protector	8	376.1	38.09	0	19	28	2
Protector Bravo	0	0	0	0	0	0	0

Protector Gamma	0	0	0	0	0	0	0
Bay Protector	0	0	0	0	0	0	0
Zodiac Bravo	0	0	0	0	0	0	0
<b>Totals for the quarter</b>	<b>8</b>	<b>376.1</b>	<b>38.09</b>	<b>0</b>	<b>19</b>	<b>28</b>	<b>2</b>

### **Sanctions, Infringements and Court Activity**

17. There was no court activity during the quarter. Summary of sanctions used this quarter is given in the table below:

<b>Sanctions</b>	<b>Comments</b>
<b>Verbal</b>	<ul style="list-style-type: none"> <li>• None</li> </ul>
<b>Advisory Letters</b>	One for non-possession of permit at Leven
<b>Official warning letters</b>	6 in total: <ul style="list-style-type: none"> <li>• Two for failure to notify change of address – Byelaw 3 permit</li> <li>• Two for failure to riddle at the Leven cockle fishery</li> <li>• One following seizure of pots on the 28<sup>th</sup> April for Byelaw 25 escape gaps offence</li> <li>• One following seizure of pots on the 28<sup>th</sup> April for failure to mark gear correctly – same seizure as above</li> </ul>
<b>Home office Cautions</b>	<ul style="list-style-type: none"> <li>• None</li> </ul>
<b>FAPs</b>	<ul style="list-style-type: none"> <li>• None</li> </ul>
<b>Prosecutions pending</b>	<ul style="list-style-type: none"> <li>• None</li> </ul>
<b>Prosecutions</b>	<ul style="list-style-type: none"> <li>• None</li> </ul>

### **Annex A**

#### **Quarterly and annual catch summary**

Number of beds fished within the district	<ul style="list-style-type: none"> <li>• 2 Cockle beds fished</li> <li>• 2 Mussel beds fished</li> </ul>
Number permit holders who fished	<ul style="list-style-type: none"> <li>• 39</li> </ul>
Tonnage gathered	<ul style="list-style-type: none"> <li>• Cockle from Pilling = 1</li> <li>• Cockle from Leven = 142.02</li> <li>• Mussels from whole district = 12.3</li> </ul>

## Annex B

Patrol Vessel	Patrol Date	Patrol Time	Distance	Area Covered	Risk/Purpose	Sectors Covered	No. of Boarding	No. of Closings	No. Of Sightings	No of Static gear Inspections
Solway Protector	07/02/17	4.5	46.1	Whitehaven to Silloth	Static gear activity, shrimp beamers	Solway Firth EMS	0	0	1	0
Solway Protector	08/02/17	5.25	66	Whitehaven to Haverigg Point	Nephrops activity & static gear		0	1	3	0
Solway Protector	27/02/17	4.67	43	Sellafield & Maryport	Nephrops activity & static gear	B20 plaice box	0	2	2	0
Solway Protector	28/02/17	2.25	23	Whitehaven to Maryport	Static gear activity	B20 plaice box	0	0	0	0
Solway Protector	13/03/17	13.67	117	Lune Deep & Workington	Trawling activity	B6 - EMS	0	0	0	0
Solway Protector	03/04/17	1.42	12	Passage to Maryport	Slipping of the patrol vessel		0	0	0	0
Solway Protector	08/04/17	1.33	14	Passage from Maryport to Whitehaven	Return to Whitehaven		0	5	5	0
Solway Protector	28/04/17	5	55	Whitehaven to Prawn Pitch	Nephrops activity & static gear	B20 plaice box	0	11	17	2
<b>Total</b>		<b>38.09</b>	<b>376.1</b>				<b>0</b>	<b>19</b>	<b>28</b>	<b>2</b>