

NWIFCA Meeting: 23rd June 2022: 11:00 a.m.

**AGENDA
ITEM NO.
10**

HEAD OF ENFORCEMENT QUARTERLY REPORT – 1ST FEBRUARY – 30TH APRIL

Purpose: For information.

Recommendations:

1. That the report is received
2. Members approve HoE progressing discussions on cross warranting

Introduction

Patch Summaries for the quarter are given in the table below:

Patch	Summary Points
Haverigg Point – Burghmarsh Point – IFCO Thinnesen	<p>Little shore based enforcement was carried out this quarter, due in the main to sick leave, returning from long term sick leave, annual leave and other duties. However a couple of patrols were undertaken between St Bees and Workington, and Whitehaven to Tarn Point. Low levels of angling activity was seen on these days.</p> <p>OTHER DUTIES - Other duties undertaken once back at work was VMS satellite surveillance work, and crewing on board North Western Protector.</p> <p>Details of all patrols carried out on shore this quarter can be found in the appendix</p>
Haverigg Point – Arnside – IFCO Dixon	<p>Mussels – usual low level of activity on Foulney on suitable tides, usually less than 6 gatherers fulfilling small orders. The Duddon mussel bed was fished on spring tides in March and April by up to 9 gatherers, no issues with the mls, orders were limited to approved relaying areas due to the classification, much of the Duddon mussel bed was washed off by the storms.</p> <p>Shrimps – Reports from a fisherman working the Leven estuary that shrimps had been caught in enough quantities to make it economically viable all spring, with shrimp sizes being larger than the past years catches. Very little activity was observed in the central Morecambe Bay area.</p> <p>Potting – one new vessel to the Barrow area began working a relatively small number of pots in the Irish sea west of walney, with one other Barrow based vessel also increasing activity in this area as the season began. 2 other potting vessels from Barrow continue to work pots outside of the district.</p> <p>Netting – slight increase in netting activity from licensed vessels towards the end of the reporting period as target species of fish arrived in the area, some vessels were observed targeting pot bait. No beach nets were observed in the reporting period.</p> <p>Angling – Activity increased towards the end of the quarter as Bass numbers increased, with the coast road and walney island being popular, angling vessel activity also began to increase in late April. 1 new licensed vessel to the area was observed angling for Bass.</p> <p>Bait collection – From Easter onwards there was a noticeable increase in crab tiling activity in the area between Foulney and Roa Island and all along walney channel between Roa Island and North scale. 2 commercial bait diggers were observed regularly in the Duddon estuary.</p>

<p>Arnside – Lytham IFCO Graham & Burdekin</p>	<p>Protector Gamma</p> <p>Protector Gamma has been laid up awaiting a new radar. IFCO Burdekin has carried out other essential maintenance during quiet periods to ensure the vessel is seaworthy when the radar is delivered and fitted.</p> <p>Cockles & Mussels</p> <p>Very low activity at Pilling cockle fishery with officers generally seeing between 4 and 6 gatherers a tide fulfilling small orders.</p> <p>Small scale gathering of mussels has occurred at Knott End on the lowest tides and off Fleetwood. Again, the fishery is only being prosecuted by around four gatherers.</p> <p>Angling</p> <p>Heysham Bass Nursery area continues to see regular offending. Officers have been patrolling the area with the assistance of the Civil Nuclear Constabulary. There is no targetable pattern beyond offending generally occurring at high tide. Two successful prosecutions for offences within this area have been achieved this quarter, one for obstruction and one for fishing contrary to NWIFCA Byelaw 5. In April officers encountered two further individuals fishing in the area and the investigation is ongoing.</p> <p>As the weather gets better boat based recreational angling has increased with recreational vessels spotted off Morecambe and Knott End.</p> <p>Bait Collection</p> <p>Commercial bait collection continues up the coast with the main concentration being the Fylde coast with 6 regular bait collectors pumping for worm from Lytham to Fleetwood. Bait digging by spade has only been sighted at Pilling by one individual.</p> <p>Netting</p> <p>Reports of intermittent shore based netting has occurred at Lytham and Pilling officers are continuing patrols to target this activity for inspection.</p>
<p>Dee- Southport – IFCO Brownrigg, Taylor</p>	<p>General</p> <p>The fourth reporting quarter has continued on in much the same format as the last report - a generally quiet winter period for enforcement. While always maintaining a 'foot' on the ground both officers have used this quarter to carry out maintenance work on PPE, vehicles and other associated equipment. This quarter has also offered the officers the ability to undertake some continued personal development and catch up on some outstanding leave.</p> <p>Recreational shore angling</p> <p>Area officers have carried out some 100 inspections of shore and beach anglers with Kings Parade, New Brighton and the promenades along Wallasey front (in particular, Seacombe and Magazine promenades) being most popular. Catch sizes have been minimum with codling and dab being recorded. To date, officers have not observed any MLS issues.</p> <p>Boat angling</p> <p>Area officers have continued to observe several small recreational angling vessels operating within the Liverpool Bay and river Mersey areas. To date, some 9 inspections have been undertaken during this quarter.</p> <p>Bait digging</p> <p>The Mockbeggar Wharf area of beach continues to be the most popular area of beach with some 16 inspections being undertaken with the 'pump' method being most popular.</p> <p>Netting</p> <p>The only netting activity recorded was in the latter part of this quarter. Taylor's Bank</p>

	<p>along the Sefton coastline has 4 x gill nets fixed out along the beach. Officers have also observed and inspected several purse seiner nets located along the north Wirral coastline and 4 x gill nets east of Hilbre Island. No MLS or Byelaw issues have been recorded.</p> <p>Other duties & comments One officer has now completed the RYA Radar course which will further enhance the ability the area's patrol vessel. Officers have also provided support to the Southport cockle survey. Officers continue to carry out routine premises inspections at Liverpool Fish Market where they have found the four independent sellers all to be compliant. Finally, Assistance to Merseyside Police, Mersey Port Health Authority, Natural Resources Wales, Wirral and Sefton Councils remain ongoing.</p>
<p>North Western Protector</p>	<p>I am pleased to report that once again the main patrol vessel has performed well throughout the quarter.</p> <p>Fuel prices are having a significant impact on the fishing industry at the moment with some vessels choosing to stay in port as they are worried they may not be able to recover the extra costs involved.</p> <p>Fishing activity in the district amongst the local fleet and visiting vessels, has on the whole been low key, with only light to moderate landings of Nephrops (prawns) and thornback rays, into Whitehaven.</p> <p>Whitehaven has now become the premier port in the eastern Irish Sea for landings of whelk. These vessels have continued throughout the quarter to make regular landings into the port. Reports from officers, who have spoken to the whelk fishermen are that recent landings have only been average.</p> <p>The whelk vessels "Lady Helen" FD65 and "Julia Anne" FD5 are currently on guard duty in Liverpool bay.</p> <p>Boat angling when the weather was settled, was quite popular throughout the district, with thornback ray again being the most dominant species of fish being caught.</p> <p>The lobster and brown crab fishermen are starting to get into full swing, with reports of small lobsters on the grounds in the northern part of the district, with landings only being moderate at best.</p> <p>As previously reported, we have been planning drying the vessel out in the upper Solway, in order to carry out cockle surveys that have been inaccessible in the past. Unfortunately we have been unable to carry out this task mainly due to poor weather conditions on the days when the tides were at the right height and time. The surveys will be carried out as soon as is possible. The patrol boat crew will continue to work closely with the science team to complete these tasks and to get the best use out of this equipment.</p> <p>Priorities/ patrols/ boardings/ inspections statistics:</p> <ul style="list-style-type: none"> • Patrol district for large vessel infringement of byelaws • Record data of nets and pots in district • Inspect lobster/brown crab pots and carry out checks on potting vessels • Inspect gill nets for compliance with EU legislation • Input enforcement information and vessel activities into MCSS (Monitor and control surveillance system) • Record data of nets • Inspect nets for compliance with Byelaw 10 (3) • Inspect vessels for compliance with EU fishing gear legislation • Record all vessel sightings data • Maintain service and repair patrol boats • Inspect and carry out checks with hobby fishermen/ vessels byelaw 26

- Patrol throughout district for detection of fishery limit line offences
- Byelaw 20 compliance

Fishing activities have been monitored throughout the district in North western Protector and Protector Bravo. The weather conditions this quarter have been poor, this along with officers being tasked elsewhere resulted in a number of patrol days being lost.

Patrols, boardings and inspections of vessels at sea, along with static gear inspections using both North Western Protector and Protector Bravo can be found attached to HoE's enforcement report.

Compliance with byelaws and other EU legislation has on the whole been good. However at the time of writing this report, three separate offences against byelaws 10 and 4 have been detected in the Northern part of the district and investigations are ongoing.

While out on a routine patrol on the 28th of April 2022 we were contacted on channel 12 VHF by an angling boat named the "Sea Hawk" which was in difficulty and aground on the rocks in Saltom Bay. We made best speed and arrived in the area approx. 10 minutes later. Protector Charlie was launched and picked up the crew within minutes. With the vessel then being much lighter, a tow line was attached in order to recover the vessel from the rocks. Protector Charlie managed to free the vessel from the rocks approx. 10 minutes after landing on scene. The vessel was towed into deeper water and her crew transferred across to the main patrol boat, for safety reasons in case the crew were suffering from shock and the possibility that the hull of the angling boat may have been breached. Protector Charlie then towed the vessel safely back to Whitehaven harbour and moored the vessel in the marina. Fortunately there was no major damage to the hull and the vessel remained afloat, much to the delight of the owners, who thanked officers for all their efforts and their professionalism shown throughout the whole process.

All vessel maintenance service schedules on North Western Protector, Protector Charlie and Protector Bravo are all up to date.

General Update

MOD Employer recognition scheme

NWIFCA have once again been awarded a silver award by the Ministry of Defence Recognition Scheme for continued support to Defence and the armed forces community.

IFCO Brownrigg who holds the rank of Major in the Royal Marines Reserves and is second in command of RMR Merseyside unit has recently been granted leave to continue his professional development attending a week long training event to keep up to date with current military requirements, this included visits to a series of Royal Navy and Royal Marine establishments.

NWIFCA is one of 51 employers to receive this status and this year will look towards elevating to the Gold Award.

The scheme was launched to reward employers who support defence personnel objectives, including employing serving and former members of the armed forces community and demonstrating flexibility towards training and mobilisation commitments for reservists and cadet volunteers.

Becht Family Charitable Trust/ Oceanmind – UK MPA Project

Phase three of the project has begun with sea patrols utilising North Western Protector planned using the stable platform of the vessel to test launch small aerial drones for use for evidence gathering and investigation in the marine environment.

There are various utilisations for drone technology which officers are exploring to assist with research, survey as well patrols and enforcement.

Cross Warranting

Head of Enforcement has held initial discussions with Lancashire constabulary and The Civil Nuclear Constabulary with regards to cross warranting wildlife officers and CNC officers with limited IFCO Powers.

There is considerable joint working between agencies currently with Lancashire Constabulary and the CNC assisting IFCOs with enforcement within the closed area under NWIFCA Byelaw 5 at Heysham Power station as well as joint working with wildlife officers across the Lancashire Coastline.

A number of incidents have occurred over the past few years where police officers have detected offences and have wished to take action but could not at the time due to not having warranted powers.

Where joint patrols take place police officers, MACAA already provides for assistance in enforcement situations where officers from NWIFCA and another agency are present by virtue of section 260 which reads:

*(1) To assist in carrying out any relevant functions, an enforcement officer may bring –
(a) any other person;
(b) any equipment or materials.*

(2) A person who is brought by an enforcement officer to provide assistance may exercise any powers conferred by this Act which the officer may exercise, but only under the supervision or direction of the officer.

Other IFCAs namely Cornwall, Southern and North Eastern have operated cross warranting schemes. Previously officers have reported that the system eliminates the “enforcement gap” between two legislative systems and offers a significant deterrent to offenders.

Head of enforcement believes that the warrants should be limited to the enforcement of certain Byelaws relating to areas of operation. Such as CNC officers only being warranted to enforce Byelaw 5 whereas Lancs Wildlife officers could have Byelaw 3 to assist with cockle offences around Lancashire.

There are a number similarities to the powers between Police officers and IFCOS available under their enabling legislation relating to search, seizure, inspection, where PACE is concerned police officers have powers of arrest and offenders must remain with them for the purposes of establishing identity. This does not apply to IFCOs

Head of Enforcement wishes to seek approval from the Authority to progress discussion with policing management on implementation of cross warranting.

Replacement of “Protector Bravo”

Following the last quarterly meeting officers have been discussing a revised specification for a replacement vessel for the vessel Protector Bravo in Whitehaven. It is recommended that procurement is progressed for an 8.5 metre catamaran vessel. North Western Protector will continue with the enforcement and lifting of heavy gear in the District while the new vessel will

assist in lifting and inspecting lighter gear and that which is set too close into shore for NWP to access.

Health & Safety

Only one near miss has been reported involving an incident with an ATV. No injuries occurred and procedures have been reviewed with the emphasis that officers take extra precautions when crossing shallow channels in intertidal areas.

Management have continued to review risk assessments alongside the consultant Elsa Mason and develop key performance indicators which assist in highlighting potential problem areas.

Byelaw Update

1. Further meetings of the Byelaw strategy working group have continued
2. Update on byelaws in development:
 - I. **Byelaw 3** Cockle and Mussel hand fishing permit 2019. Signed 7th June
 - II. **Byelaw 1** Minimum Conservation Reference Sizes. Byelaw has been returned for further amendments to wording although complicated to process they do not affect the ethos of the Byelaw. Once complete this will be returned to MMO/ DEFRA
 - III. **Byelaw 2** North Wirral Foreshore bivalve molluscs. Signed 7th June
 - IV. **Byelaw 4** Potting permit 2020: Signed 7th June

Netting byelaw: Drafting of Byelaw has continued, a working group meeting of members and officers resolved with actions for NWIFCA officers to produce charts detailing where current netting legislation covers and proposed spatial closures could take over to mirror legislation due to there being a number of overlaps.

Byelaw 3 reporting

February - April 2022		Mussels					Cockles	
		Foulney	Black Scar	Duddon	Knott End Spit	Knott End	Duddon	Pilling
Amount Removed (kg)	Feb-22	10016	0	0	360	0	0	7372
	Mar-22	16449	9760	10533	0	270	0	3423
	Apr-22	8921	1530	5300	0	2140	450	1563
Attendance	Feb-22	18	0	0	2	0	0	100
	Mar-22	33	22	19	0	1	0	62
	Apr-22	17	6	6	0	7	1	24
Hours	Feb-22	54	0	0	4	0	0	453
	Mar-22	97	54	34	0	2	0	277
	Apr-22	50	11	16	0	28	1	98
No. Inspected Fishing	Feb-22	0	0	0	0	0	0	0
	Mar-22	0	0	28	0	0	0	0
	Apr-22	0	0	3	0	0	0	0
No. MLS Inspections	Feb-22	0	0	0	0	0	0	0
	Mar-22	0	0	24	0	0	0	0
	Apr-22	0	0	17	0	0	0	0
Days Covered by IFCO's	Feb-22	0	0	0	0	0	0	0
	Mar-22	0	0	5	0	0	0	0
	Apr-22	0	0	3	0	0	0	0

Sanctions, Infringements and Court Activity

A total of 3 sanctions were applied during the quarter. The table below summarises these;

Sanctions	Comments
Verbal	
Advisory Letters	
Official warning letters	One- HBNA One- Static gear offence
Home office Cautions	
FAPs	
Permit suspension	
Prosecutions pending	
Prosecutions	One Prosecution for HBNA offence of failure to comply/obstruction
Seizure	3 Fishing rods, 2 sets of static gear for Byelaw 10 offences

On the 7th of April the Mr Karl Bruney was summoned to Lancaster Magistrates Court for the offence of Obstruction/Failure to comply with an IFCO. The offence relates to an incident on the 1st of September 2021 where Mr Bruney and a number of other individuals were found beginning to fish with Heysham Bass Nursery Area which is prohibited under NWIFCA Byelaw 5. All others present followed requests from IFCOs to stop what they were doing and leave the area, whereas Mr Bruney became extremely obstructive and prevented IFCOs from getting the details of some of the other anglers.

This behaviour is never tolerated towards IFCOs by management, in this case lower sanctions could have been applied and were for some of the other offenders. Mr Bruney escalated the matter to more serious offences which have to be prosecuted.

Mr Bruney was found guilty in absence and fined £220 and was ordered to pay £950 costs and £34 victim surcharge.

Shore Based Activity Report

Number of:	Haverigg Point – Burgh Marsh Point	Haverigg Point – Arnside	Arnside – Knott End	River Wyre – River Alt	Mersey, Wirral and Dee
Shore patrols by all NWIFCA officers*	20	76	16	106	
ATV patrols	1	14	11	6	
ATV patrol hrs	1	14	18.66	14	
ATV kms covered	10	138	125	166	
Inspections under taken	0	27	14	123	

*undertaken either by vehicle or on foot without using ATV

Annex A

Vessel	No of patrol (days)	Patrol time (hrs)	Distance patrolled (nm)	Boarding's	Closings	Sightings	Inspections (inc. gear inspections)
North Western Protector	12	67.75	545	0	53	61	150 (inspections of static gear)
Protector Bravo	2	6.66	64	0	7	7	32 (inspections of static gear)
Protector Gamma	3	9.50	58	0	0	0	0
Totals for the quarter	17	83.91	667	0	60	68	182

Annex B

Patrol Date	Patrol Time	Distance (nm)	Area Covered	Risk/ Purpose	Sectors Covered	No. Boardings	No. Closings	No. Sightings	No. Inspections
North Western Protector									
07.02.22	2.50	30	St Bees to Workington	Potting, netting, & angling activity	Cumbria Coast MCZ	0	0	0	0
11.02.22	7.50	70	Prawn pitch, Walney, Whitehaven	Trawling activity		0	0	1	0
01.03.22	9.25	16	Workington, Harrington, Parton, Whitehaven – dry out to check hull	Potting, netting & bass activity		0	0	0	0
03.03.22	2.50	24	Parton, Harrington, Workington, Maryport	Potting, netting, angling activity		0	5	5	0
17.03.22	10.67	40	Maryport, Flimby, Workington, Harrington, Parton, Sellafield	Potting, netting, angling activity, bass fishing		0	0	0	0
13.04.22	2.00	30	South west St Bees Head	Trawling, potting & netting	Cumbria Coast MCZ	0	3	3	0
14.04.22	1.67	20	West of Whitehaven with IOM fishery officers on board	Potting & netting activity		0	0	0	0
21.04.22	3.50	50	Prawn pitch, Seascale, Sellafield, St Bees Head	Potting netting, bass activity	Cumbria Coast MCZ	0	15	15	0
22.04.22	3.75	50	St Bees, prawn pitch, Seascale	Trawling, potting, netting & bass activity	Cumbria Coast MCZ,	0	14	19	0
26.04.22	9.67	110	St Bees, prawn pitch, Lune Deep	Potting & trawling activity	Cumbria Coast MCZ, Shell Flat/Lune Deep SAC	0	8	8	0
27.04.22	10.25	65	Parton, Harrington, Workington, Maryport, prawn grounds	Potting, netting & bass activity		0	0	2	0
28.04.22	4.50	40	Prawn pitch, St Bees, Saltom Bay	Trawling, potting, netting	Cumbria Coast MCZ	0	8	8	0
12 patrols	67.75	545				0	53	61	150 static gear inspections

Patrol Date	Patrol Time	Distance (nm)	Area Covered	Risk/ Purpose	Sectors Covered	No. Boarding	No. Closings	No. Sightings	No. Inspections
<u>Protector Bravo</u>									
27.03.22	4.33	24	W of Whitehaven, Workington	Inspections of pots & nets		0	1	1	2 nets, 20 pots
29.04.22	2.33	40	St Bees, Caulderton, Sellaifled	Potting, angling & inspections of static gear	Cumbria Coast MCZ	0	6	6	10 Pots
2 patrols	6.66	64				0	7	7	32 inspections

Patrol Date	Patrol Time	Distance (nm)	Area Covered	Risk/ Purpose	Sectors Covered	No. Boarding	No. Closings	No. Sightings	No. Inspections
<u>Protector Gamma</u>									
03.03.22	3.00	38	Lune no: 1 buoy, Glasson Dock, Fleetwood	Training & familiarisation – bass, potting and angling activity	Shell Flat & Lune Deep SAC	0	0	0	0
15.03.22	2.00	10	Walney Channel	Training & familiarisation – potting and angling activity	Walney Channel Morecambe Bay EMS	0	0	0	0
25.03.22	4.50	10	Foulnaze cockle bed	Survey	Ribble Estuary	0	0	0	0
3 patrols	9.50	58				0	0	0	0