

NWIFCA Technical, Science and Byelaw Committee

15th May 2018: 10:00 a.m.

**AGENDA
ITEM NO.
14**

COCKLE AND MUSSEL FISHERIES ENFORCEMENT REPORT

Purpose: To provide an update on the enforcement and compliance at the recent fisheries.

Recommendation: that Members approve the report.

Context

1. This report gives an activity, compliance and enforcement summary for all commercial cockle and mussel fisheries within the current period.

Activity, compliance and Enforcement Summary

2. The table below summarises industry and IFCO activity for the current fisheries. The data has been compiled from Byelaw 3 returns and IFCO sightings. It is therefore dependent on fishermen having submitted returns and IFCO's having been present. Where there maybe discrepancies this has been highlighted.

Activity	Leasowe cockles	Flookburgh/Leven cockles	Pilling cockles	Ribble Walls Mussels	West Kirby Musse ls
No x days					
January	6	421	283	10	12
February	2	188	166	7	17
March	0	277	242	11	0
Av per day					
January	low	14	9	low	low
February	low	7	6	low	low
March	0	9	8	low	0
No. inspected fishing	8	161	22	7	0
No. Inspected leaving	4	137	111	0	5
No. MLS inspections	4	160	89	7	2
Landings					
January	800kg	77,446kg	57,813kg	1,017kg	8,000kg
February	340kg	30,544kg	34,533kg	734kg	15,000kg
March	0	37,245	40,732kg	1,110kg	0
Totals	1.14tons	145.235tons	133.078tons	286.1tons	23tons
Hours worked					
January	28	1,959	1,316	26	Not recorded
February	10	837	716	24	Not recorded
March	0	1062	1078	41	0
Sanctions summary					
IFCO cautions	2				
Advisory letters					
Warning letters	4				
Verbal Warning	1				

FAPs	1
Permit Suspension	2
On-going investigation	2
Prosecution	1

3. Intelligence suggests the price of cockle in this period has been approximately £1300 per ton on average.
4. The total quantity of cockles harvested in the District was 279.453 tons having an estimated value of £3.63M

Sanctions

Roosebeck

5. A recreational gatherer was detected gathering cockles in a bucket. The cockles were immediately relayed once the offender realised the beach was closed. A verbal warning was issued by the IFCO at the time of the incident.

Byelaw 3 Returns Compliance

6. Byelaw 3 returns compliance improved in January after the significant compliance drive at the end of 2017.
7. Due to poor weather in February the royal mail postal services were severely disrupted and mail was only received intermittently to the Carnforth office. Therefore no enforcement was able to be conducted for failure to submit returns.
8. Compliance of nil returns has been poor through March, this has been followed up with letters reminding permit holders the need to submit nil returns.
9. At the writing of this report 7 gatherers had not submitted returns and sanctions are being prepared by the Head of Enforcement.

Prosecution

10. On the 23rd of February the trial of Mr Rafal Swiatek was heard at Liverpool Magistrates. District Judge Wendy Lloyd found Mr Swaitek guilty on both the byelaw offence and the obstruction charge. He was fined £250 for the byelaw offence, £200 for the obstruction, £30 victim surcharge and NWIFCA were awarded full costs of £1800.

Minimum Landing Size Compliance

11. Flookburgh: MLS compliance has been good with fishermen gathering in areas of larger cockles and using riddles where appropriate.

One incident resulting in an IFCO detecting undersize cockle at West Plain. Two fishermen admitted gathering the undersize cockle and therefore a FAP for £750 was issued. The FAP was paid and the fishermen discharged of the offence in March

12. Pilling: Excellent size compliance until the final week of the fishery when fishery effort suddenly increased. There was a new demand for small cockles. Weekend inspections detected attempts to land large amount of undersize cockles. 10 tons were in ton bags ready to be removed by hauliers. IFCO's seized the cockles and ordered the undersize to be relayed which was done. No person admitted ownership of the cockles although a trader must have agreed to the purchase. No enforcement action could be taken but it is likely that none of the

gatherers of that catch will be paid. Investigations are continuing but intelligence suggests cockle traders had ordered and indicated a readiness to buy small cockle. This shows the need to inspect and regulate cockles while still in the NWIFCA District when ownership has passed from gatherer to trader. Proposals will be offered to amend the cockle permit byelaw.

13. West Kirby Mussel Bed: A small number of Byelaw 3 permit holders have been fishing a limited amount of size mussel present. Inspections have been conducted by IFCO's and the size of the mussel was good.

Joseph Moulton
Head of Enforcement
May 2018