

NWIFCA Quarterly Meeting

19th March 2020: 10.30 a.m.

**AGENDA
ITEM NO.
10**

HEAD OF ENFORCEMENT QUARTERLY REPORT – 1ST NOVEMBER 2019 – 31ST JANUARY 2020

Purpose: For information.

Recommendations:

1. That the report is received

Introduction

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

Patch	Summary Points
Haverigg Point – Burgh Marsh Point – IFCOs Thinnesen and Sparks	<p><u>TRAWLING</u> Throughout the quarter, local Whitehaven trawlers put in very few days at sea. When they did get to sea nearly all at some point have targeted fish. Reports of mixed landings of dogfish or thornback rays were made. Over periods of 12 hours at sea, some vessels landed plaice, mostly for pot bait, due to the discard ban. Some undersize was being caught and retained and sold for bait, although most fishermen when fishing for plaice were using larger cod ends, and therefore the majority of juveniles escaped.</p> <p>At the start of December most of the Maryport vessels are fishing scallops in the IOM scallop fishery, one vessel fishing queen scallops, fishing with nets 10-12 miles west of Whitehaven.</p> <p><u>SHRIMP VESSELS – SILLOTH</u> Shrimp trawlers had some trawling days, where landings were poor. Reports are that 12-40 kilos had been caught for a full day's fishing, with prices being low due to the large amounts being caught on the continent.</p> <p><u>POTTING</u> Lobster and brown crab catches have been slight which is normal for this time of year. Inspections seen from vessels have revealed anything from 2-5 lobsters landed for a couple of days soak. Brown crab was poor, this is normal for this time of year from Whitehaven to Maryport.</p> <p>Whelk potters fished steadily with reports of 30 – 100 bags for 2 – 3 days. Some landings are reported to have been better than this, and prices have been up as high as £1200 per tonne.</p> <p><u>ANGLING</u> Angling reports have been mixed, depending whereabouts anglers have fished. Some fishing to the south of St Bees have seen some codlings at night, and the numbers suggest plenty of feed at night close inshore along cliffs and beaches. Inspections have seen unprecedented sizes, anything from 8lb to 18lb in weight, some females had roe in them.</p> <p>Some anglers inspected on piers have seen some small whiting, dabs and plaice, plenty of dogs around, with some anglers suggesting with every cast you get a dogfish.</p> <p><u>BAIT DIGGING</u> Bait diggers and bait crabbers have been seen but not in the large numbers of previous years. Some lugers had between 50 – 150. Reports from the commercial side are getting anything from 200 – 500 lugworms.</p>

	<p><u>BEACH NETTERS</u> Only a handful of beach netters have been seen and inspected over the quarter, with plenty of thornback rays being caught between Seascale and St Bees, south beach. Some codlings have also been caught, but not as much as the anglers.</p> <p><u>OTHER DUTIES</u> Shore Officers have been assisting with duties:</p> <ul style="list-style-type: none"> • on the North Western Protector on a number of occasions, assisting in boarding of fishing vessels, and general crewing • at Flookburgh assisting officers in monitoring the cockle fishery
<p>Haverigg Point – Arnside – IFCO Dixon</p>	<p><u>COCKLES</u> – Activity dropped over the quarter from 30 plus most days to usually 15 or less, in January most of the gatherers were working for small orders. Only 2 gatherers observed on Newbiggin occasionally.</p> <p><u>MUSSELS</u> - Up to 12 gatherers worked Foulney on spring tides.</p> <p><u>POTTING</u> – 1 vessel from Barrow began prospecting and fishing small amounts of pots for whelk, 2 vessels from Barrow potting for lobster outside the district although activity was very limited due to the adverse weather conditions.</p> <p><u>NETTING</u> – no activity was observed.</p> <p><u>SHRIMPING</u> – 1 tractor observed in the Leven channel on 1 occasion, catch reports were poor.</p> <p><u>ANGLING</u> – usual level of activity for the time of year on Walney.</p>
<p>Arnside – Lytham IFCOs Waltho and Burdekin</p>	<p><u>BASS</u> Patrols have continued on a regular basis in the Byelaw 5 area surrounding Heysham Power Station throughout the quarter. Individuals have been found on a number of occasions and enforcement action has been required. Joint patrols are carried out with Lancashire Constabulary due to the possibility of public order offences and for IFCO safety. A large number of local food establishments have also been inspected on joint visits with the MMO and Environmental Health Authority.</p> <p>A number of cases have progressed for sanctions depending on the level of offending.</p> <p>Bass netting at Squires Gate appears to have stopped since officer intervention. This activity may appear again later in the year.</p> <p>Netting at Preesall appears to have stopped for the season with low numbers of Plaice being landed on last inspection.</p> <p><u>COCKLE and MUSSEL BEDS</u> There has been very limited activity at Pilling cockle bed due to gatherer activity focusing their efforts on other beds in the district.</p> <p>There have been no reports or sightings of activity at Middleton.</p> <p>Sampling for classification of Warton Sands cockle bed is steadily progressing with Lancaster City Council.</p> <p>Monthly sample collections for Lytham Ribble training wall mussels and Pilling cockles have continued.</p> <p>IFCO Burdekin has been compiling returns and monitoring compliance from the Leasowe authorisation and IFCO Waltho has continued to operate as Intel officer.</p>
<p>Dee-Southport – IFCO Brownrigg, Taylor and</p>	<p><u>GENERAL</u> This quarter has seen all the southern area IFCO's concentrating their efforts enforcing the cockle fishery (Op Lowena) situated along the north Wirral coastline and the Mussel fishery (Op Notorious) on the Dee Estuary. Poor weather throughout this quarter has seen a drop in both recreational shore and small craft angling fishing the river Mersey, Liverpool Bay and Dee Estuary. Quarterly hygiene sampling of Penfold North Cockle bed</p>

Capper	<p>on behalf of West Lancashire Borough Council has continued to take place.</p> <p><u>COCKLING-</u> Leasowe cockle bed still remains open and will continue to until the end of the cockling season. The numbers of gatherers have varied daily from three to fifteen. Despite the fishery being a two tide fishery gatherers have generally restricted their gathering to just the one tide. Observations and returns suggest that the TAC allocated to the fishery will not be reached until the natural end of the cockle season. To date, there have been no compliant issues.</p> <p><u>MUSSELING-</u> IFCO's have continued to monitor the mussel bed on the Dee Estuary, to date, officers have not observed any musseling activity on Caldy Blacks or West Kirby beds.</p> <p><u>CHARTER BOATS-</u> The winter Cod fishery within the river Mersey and Liverpool Bay areas has remained active throughout this period. Working out of Liverpool Marina and Bromborough moorings, approximately nine charter craft have been active working the area. Observations suggest eight to ten rod anglers have been observed on board at any one time. It's pleasing to say all craft have been compliant during inspections.</p> <p><u>SHORE ANGLING-</u> Recreational angling continues to take place throughout the area. The North Wirral Coastline, Otterspool Promenade, New Brighton (Perch Rock and Kings Parade) and Wallasey front (Seacombe Promenade) are very popular areas. Codling, Dab and Whiting remain the most popular fish being caught in the area. Several angling clubs have been observed and inspected.</p> <p><u>BAIT DIGGERS-</u> Bait diggers, roughly two to four in number, can be seen over the tides along the North Wirral coastline, with New Brighton, Mockbeggar Wharf and the area of beach off Leasowe Common being identified as the most popular areas.</p> <p><u>NETS-</u> Due to the poor weather the area IFCO's have only identified two set nets within the area. Both nets are correctly marked up in accordance with NWIFCA bylaws. All nets identified are owned by one local fisherman.</p> <p><u>RECREATIONAL FISHING BOATS-</u> Throughout the winter period there has been no activity noted from any of the fishing boats moored at Meols.</p> <p><u>ENFORCEMENT AND OTHER ACTIVITIES-</u> Daily shore patrols along the River Mersey, North Wirral Coastline and Dee Estuary remain on going. Bay Protector the area's 8m RIB has undergone its annual routine service and coding inspection. The area's enforcement vehicles, trailers and PPE have also undergone their annual service. Liverpool Fish and Meat Market continues to be routinely inspected. Finally, assistance to the Gangmasters and Labour Abuse Authority, Mersey Port Health Authority, Natural Resources Wales and Wirral Council remains ongoing.</p>
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General update

Bass Regulations 2020

On the 27th of February the guidance for the regulations on bass fishing for 2020 were published by the Marine Management Organisation. The information below relates to the NWIFCA District only which is within ICES area 7a.

Recreational Bass Fishing

Recreational fisheries, including from the shore are limited to catch and release only during the period 1st January to 29th February and 1st December to 31st December 2020.

From the 1st March to 30th November 2020 not more than two seabass may be retained per recreational fisherman per day throughout the year.

The minimum size of a European Seabass remains at 42cm

No bass can be taken by fixed nets

These rules apply to fishing from a boat or the shore.

Commercial Bass Fishing

The catch, retention, transshipment and landing of bass during 2020 is subject to restrictions. Those restrictions relate to;

- when and where you can catch bass
- how you can fish (gear type) and whether you have an authorisation to do so
- how much can be retained

Authorisations

- Commercial fishermen must have an authorisation for specified gear.
- In 2020 within ICES area 7a the catch, retain, tranship and landing of bass from a vessel outside the 12 nautical mile limit.
- Fishing for bass is prohibited commercially in February and March 2020.
- Commercial fishing with an authorisation between 1st April and 31st December 2020 is permitted.
- Subject to having an authorisation commercial fishermen can catch and retain bass with fixed gillnets, hooks and lines, demersal trawls and demersal seines.
- All other gears types included drift nets it is prohibited to use to catch and retain bass.
- Only one authorised fishing gear may be carried during a fishing trip.

The following catch limits apply;

Demersal Trawls	Demersal Seines	Hooks and Lines	Fixed Gillnets Nets	All other gears (including drift nets)	Commercial shore fisheries	
Fishery Restrictions	Closed February and March	Closed February and March	Closed February and March	Closed February and March	All bass catches prohibited	All bass catches prohibited

Demersal Trawls	Demersal Seines	Hooks and Lines	Fixed Gillnets Nets	All other gears (including drift nets)	Commercial shore fisheries	
Maximum catch limit	Maximum 5% by weight of all marine organisms per day. Unavoidable by-catch of 520kg per two consecutive calendar months	Maximum 5% by weight of all marine organisms per day. Unavoidable by-catch of 520kg per two consecutive calendar months	5.7 tonnes per year	Unavoidable by-catch of 1.4 tonnes per year	All bass catches prohibited	All bass catches prohibited

Joint working

Officers continue to conduct joint working with partner agencies. In this quarter there have been successful joint working opportunities with the GLAA, MMO, Lancashire and Cumbria Constabulary.

Head of Enforcement continues to attend multi agency meetings to improve shared working and share tasking and coordination group meetings as well as specific operational priorities. Collaboration nationally through the National Inshore Marine Enforcement Group is continuing to develop specifically around standardisation of Policies which improve the standard of enforcement and management for stakeholders.

Health & Safety

Head of Enforcement and Operations manager have been reviewing risk assessments and working procedure and developing new risk assessments where required. This is jointly with Senior Scientist and Office Manager through regular meetings with H&S consultant Elsa Mason.

One incident has occurred during the quarter where an IFCO was threatened by a fisherman. This matter was appropriately reported and the analysis of the incident conducted by relevant managers. The result of this is that the IFCO reacted in the correct manner, all relevant procedures were followed. It has however highlighted that all staff who deal with the public face to face should be given advanced training in conflict resolution.

Two near misses were recorded during the quarter and dealt with appropriately with no further action.

Head of Enforcement conducted one on site, spot inspection of an IFCO conducting an ATV patrol and all procedure and checks were followed throughout.

Policy and Procedure Review

Throughout December and early January head of Enforcement conducted a review of all policies and procedures relating to enforcement staff, checking they are fit for purpose and all relevant legislation is up to date. The following documents have been reviewed and will be reassessed in January 2021;

- ATV Standard Operating Procedure
- Body Armour Policy
- Body Worn Video Camera Policy
- Cautioning and Non-audio interview policy
- Enforcement Vehicle Policy
- Inspection and Seizure of Gear

- Lone Working Policy
- Notebook Policy and Procedure
- Audio-Recorded interviews Procedure
- NWIFCA Policy and Procedure for Non-IFCA Joint operations
- Witness Statement procedures
- Offence Detection Report Guidance
- Procedure for Joint Working
- Procedure for use of S.264 Notices

Also reviewed was the NWIFCA Compliance and Enforcement Strategy which is available on the Authority website.

Fishery Update

Sightings and inspection data from fisheries managed under Byelaw 3 can be seen in Annex B.

Byelaw 3 shellfish returns have been poor for this period and are currently being investigated.

North Western Protector – Master – Hugh Thinnesen

North Western Protector

The weather this year has been extremely poor, with most patrol days being lost this quarter.

“North Western Protector” was taken out of the water on the 8th January 2020 for its annual inspection, at “Carmet” boat yard in Liverpool.

The crew carried out work on the jet drive units, replacing nylon bushes and fitting new sacrificial anodes to the units. They also painted both engine rooms, along with the hull being cleaned off and antifouled prior to being launched.

“Protector Bravo” was taken out of the water for her quarterly inspection and servicing. Only minor repairs were needed along with the hull being antifouled. This work was carried out by patrol boat crew.

All servicing schedules are up to date on “North Western Protector”, “Protector Charlie” and “Protector Bravo”.

Landings into Whitehaven have been very light this quarter mainly due to the weather conditions.

Shore anglers have continued with good landings around St Bees head, with reports of 19lb to 22lb cod being caught on night time fishing.

Priorities/patrols/ boardings/inspections statistics

- 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
- Record enforcement information and vessel activities ready for input 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

Fishing activities have been monitored throughout the district in both “North western Protector” and “Protector Bravo”. The weather conditions have again this quarter been unsettled.

Patrols, boarding’s and inspections of vessels at sea along with static gear inspections, using both “North Western Protector” and “Protector Bravo” can be found in the appendix.

Compliance with byelaws and other EU legislation has on the whole been good, with no breaches of legislation at sea being detected throughout the district.

Sanctions, Infringements and Court Activity

A total of 6 sanctions were applied during the quarter. A number of investigations are on-going. The table below summarises these;

Sanctions	Comments
Verbal	None
Advisory Letters	One- Breach of Byelaw 3
Official warning letters	One- Breach of Byelaw 5, Heysham Bass Nursery Area.
Home office Cautions	None
FAPs	One- £250 for fishing in HBNA
Permit suspension	None
Prosecutions	<p>Three- All heard at Lancaster Magistrates court on the 3rd of March 2020. All the offences related to an incident on the 9th of January 2020 where a group of men were found fishing at the outflows of Heysham Power station within the area prohibited under NWIFCA Byelaw 5.</p> <p>- Mr Ryan Thomas was fined £652, at Lancaster Magistrates Court, for illegally fishing within a prohibited area in the Heysham Bass Nursery Area. Mr Thomas attended court and pled guilty.</p> <p>- Mr David Lee Johnson. Mr Johnson did not attend court and was tried in absence, after hearing the case summary and prosecution evidence the bench found the defendant guilty at Lancaster Magistrates Court, for illegally fishing within a prohibited area in the Heysham Bass Nursery Area.</p> <p>Mr Johnson was fined £660, Costs awarded £500, Victim surcharge £66. Total of £1,226</p> <p>- Mr Phillip Doran. Mr Doran did not attend court and was tried in his absence. After hearing the case summary and prosecution evidence the bench found the defendant guilty at Lancaster Magistrates Court, for illegally fishing within a prohibited area in the Heysham Bass Nursery Area.</p> <p>Mr Doran was fined £660, Costs awarded £500, Victim surcharge £66. Total of £1,226</p>
Prosecutions Pending	<p>One- Referred for case management</p> <p>One- Adjourned for sentencing</p> <p>One- Awaiting trial.</p>

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*	36	47	24		102
ATV patrols	0	7	6		5
ATV patrol hrs	0	8.24	4		8
ATV kms covered	0	93	55		60
Inspections under taken	288	441	11		441

*undertaken either by vehicle or on foot without using ATV

Annex A

Vessel	No of patrols	Patrol time (hrs)	Distance patrolled (nm)	Boarding's	Closings	Sightings	Inspections (inc. gear inspections)
North Western Protector	5	46.25	330	0	3	4	29
Bay Protector	6	18.66	285	0	10	18	6
Totals for the quarter	11	64.91	615	0	13	22	35

Annex B

Activity	Month	Pilling	Flookburgh/Leven	Newbiggin	Ribble Training Walls	Foulney	Leasowe
Overall Attendance (from returns)	November	2	599	0	2	13	198
	December	1	183	8	0	8	106
	January	0	109	0	0	29	39
Av per day	November		20			2	7
	December		8			0	4
	January		4			2	3
No. inspected fishing	November		205	1		18	168
	December		83	6		0	16
	January		74	0		10	0
No. MLS inspections	November		137	1		3	141
	December		64	2		0	0
	January		53	0		9	0
Days covered by IFCO's	November	1	30	0	2	7	28
	December	1	24	4	0	4	24
	January	0	26	0	0	0	15
Reported landings (kg)	November	50	140479	0	90	8065	41786
	December	30	35621	886	0	5000	16019
	January	0	13425	0	0	16150	5620
Fishing hours	November	7	2636	0	6	37	930
	December	4	741	32	0	24	463
	January	0	413	0	0	82	165

Annex C

Patrol Vessel	Patrol Date	Patrol Time (hrs)	Distance (nm)	Area Covered	Risk/ Purpose	Sectors Covered	No. Boarding	No. Closings	No. Sightings	No. Inspections
North Western Protector	01.11.19	4.17	40	St Bees Head to Maryport	Potting (lobster, crab & whelk) & trawling activity	- Cumbria Coast	0	1	1	0
North Western Protector	04.11.19	4.83	50	N W Corner, W of Sellafield, St Bees	Potting & netting activity bass compliance	- Cumbria Coast	0	1	1	29
North Western Protector	06.11.19	12.00	80	Prawn pitch, Maryport	Potting, netting, angling activity bass compliance	- Solway Firth EMS	0	1	2	0
North Western Protector	08.01.20	12.50	80	Whitehaven to Liverpool	To undertake repairs etc.,		0	0	0	0
North Western Protector	12.01.20	12.75	80	Liverpool to Whitehaven	To undertake repairs etc.,		0	0	0	0
Total	5	46.25	330				0	3	4	29

Patrol Vessel	Patrol Date	Patrol Time (hrs)	Distance (nm)	Area Covered	Risk/ Purpose	Sectors Covered	No. boarding	No. Closings	No. Sightings	No. inspections
Protector Bravo	18.11.19	2.00	40	Whitehaven, Sellafield, Ravenglass	Recreational angling & netting	- Cumbria Coast MCZ	0	0	0	0
Protector Bravo	19.11.19	4.50	85	St Bees Head, Silloth	Potting, netting & recreational angling	- St Bees MCZ	0	6	8	1
Protector Bravo	20.11.19	2.00	35	Harrington	Potting, netting & recreational angling	-	0	0	0	0
Protector Bravo	28.11.19	3.00	50	Caulderton, Drigg, Ravenglass	Potting, netting & recreational angling	- Cumbria Coast MCZ	0	0	0	1
Protector Bravo	29.11.19	5.50	40	Parton, Maryport	Potting, netting & recreational angling	- Allonby Bay MCZ	0	4	10	4
Protector Bravo	02.12.19	1.66	35	Harrington	Potting, netting & recreational angling	-	0	0	0	0
Total	6	18.66	285				0	10	18	6