

NWIFCA Quarterly Meeting

13th September 2019: 11.00 a.m.

**AGENDA
ITEM NO.
7**

HEAD OF ENFORCEMENT QUARTERLY REPORT – 1ST MAY – 31ST JULY 2019

Recommendations:

- 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	<ul style="list-style-type: none"> • <u>Whelk Vessels</u>: Fishing regularly outside the district and landing into the district. Inspections have shown landings in the region of 2-4 tonne for a day trip fishing around 1000 pots • <u>Crab/Lobster Potting vessels</u>: Plenty of activity with small inshore vessels. Landings for a day trip fishing 50-100 pots seeing landings of approx. 20Kg - 40Kg of lobster with very few crab being landed. • <u>Prawn Trawlers</u>: Activity has been sporadic and low level, with a 3 day trip producing 250Kg - 450Kg of heads and around 100 kg of tails • <u>Angling</u>: Lots of small bass being caught from the beaches, with a positive attitude being shown towards the catch restrictions. Other species being caught are mainly thornback rays, dogfish and plaice. • <u>Shrimp Beam Trawlers in Solway</u>: Very little activity no evidence of landings
Haverigg Point – Arnside – IFCO Dixon	<ul style="list-style-type: none"> • <u>Musselling</u>: Activity increased in frequency due to changes in the accessibility of size mussels on Foulney, meaning gatherers could access size mussels for 3 weeks a month, instead of the usual 2 weeks, only 13 gatherers maximum were observed. • <u>Shrimping</u>: still poor with limited activity and low catches. • <u>Beach netting</u>: Low level activity, one commercial fisherman set nets for pot bait from Flookburgh but catches were moderate at best, one recreational net fisherman noted an increase in sole catches in the outer Leven estuary. • <u>Vessel netting</u>: Low level activity, due to large numbers of undersize Bass present, one unlicensed vessel active in the Duddon estuary. One fisherman has diversified into sole netting although no results have been heard. • <u>Angling</u>: Several licensed and authorised vessels have been targeting bass occasionally, although no significant catches have been reported, partly due to large numbers of undersize bass

	<p>present.</p> <ul style="list-style-type: none"> • Several recreational vessels have been observed in favourable conditions in Morecambe Bay and west of Walney. • Patrols have been undertaken along popular angling areas and only 1 incident of undersize/over limit of bass reported, many anglers inspected with good compliance with regulations. • Potting: only 1 licensed vessel observed inside the district, 2 vessels from Barrow continue to pot outside the district.
<p>Arnside – Lytham IFCOs Waltho and Burdekin</p>	<p><u>Cockles</u></p> <ul style="list-style-type: none"> • All cockle beds were closed during this period. There have been no reports of illegal activity occurring regarding cockle gathering. • Assisted with Science surveys on Warton Sands. Results showed high density on undersize cockles. This bed needs to be monitored to see its progression over the next few months. <p><u>Mussels</u></p> <ul style="list-style-type: none"> • Heysham Flat Seed Mussel Fishery opened on 22nd July 2019. Due to issues with exporting seed, there has been no buyer or gatherer activity since opening. Large amounts of the stock were washed off during bad weather in August. Despite one buyer offering £100 per tonne during August, there was no interest by gatherers. <p><u>Angling</u></p> <ul style="list-style-type: none"> • During the last quarter, six individuals were caught fishing in the Heysham Bass Nursery Area by IFCOs. An additional two were caught by Lancashire Police Officers. Several FAPs have been issued and paid. One individual was invited to a voluntary interview at Morecambe Police Station on 26th July. However, they did not attend and so this will be proceeding to a court case. Voluntary PACE interviews are scheduled for the other offenders later in September. • Plenty of Bass reports around the district by recreational anglers. • Ocean’s Edge beach is also a popular site for Bass fishing and regularly sees many anglers on good weather days. A couple of reports from Anglers along the coast have suggested that there is an issue of anglers keeping more than their daily allowance of Bass from this area. Enforcement checks have not revealed any issues. • Most anglers comment on the abundance of dogfish, particularly in the Morecambe area. • Arnside-Sandside is still seeing a good number of decent sized Flounder. <p><u>Sampling</u></p> <ul style="list-style-type: none"> • Wyre council cockle samples have dropped back down from two to one per month.

	<ul style="list-style-type: none"> • Monthly West Lancs Borough Council mussel samples from the Ribble training walls have been taken as scheduled. There was one additional sample scheduled in August due to the first sample failing to meet the FSA standards. • Planned sampling for a different area along the Ribble training walls is still to be confirmed with the council.
Dee- Southport – IFCO Brownrigg, Taylor and Capper	<ul style="list-style-type: none"> • Despite poor weather and sea state throughout this last quarter Bay Protector, the area's RIB, has been active within the river Mersey, Liverpool Bay and Dee Estuary carrying out closings and boarding's. • Regular routine ATV patrols have continued along the north Wirral coastline and North West coastline from the Ribble Estuary to Crosby. Inspections have taken place on the eight set nets routinely placed out along both coastlines – no enforcement issues. • Surveys of Leasowe Cockle bed and the Dee Estuary mussel beds were carried out by both officers and the science department. • Regular joint enforcement patrols continue to be carried out along the north Wirral coastline overseeing Leasowe Cockle bed. (MPHA) • Shore anglers have continued to be inspected and offered advice and guidance during the daily patrols. • During this quarter we have observed a big turn in the amount of Otter Clam being gathered by the IC5's along the north Wirral coastline. Otter clam has become more popular than Cockle or Razor Clam. • Charter and recreational angling boats have been regularly observed in the river Mersey, north Wirral coastline and Liverpool Bay areas – all have been compliant when a boarding or closing has taken place. • Officers have taken annual leave during this quarter.

NIMEG

- Head of Enforcement was appointed Chair of the National Inshore Maritime Enforcement Group at the meeting held in July.
- On the agenda at this meeting were discussions around a iVMS Boiler plate Byelaw
- The IFCA Byelaw process was discussed along with the berried lobster testing program.
- A data sharing agreement between the MMO and IFCA's was discussed, this would encompass data sharing for enforcement and scientific purposes.

Health & Safety

Risk assessments are continuing to be reviewed as renewals arise. A meeting with Elsa Mason is being scheduled. There have been no near misses or incidents in this quarter.

Tasking and coordination meetings

Head of enforcement continues to engage on a National level with patrol vessel planning meetings twice weekly as well as daily updates on national tasking from the Joint Maritime Operations and Coordination Centre.

Monthly tasking and coordination meetings are now held between the Marine Management organisation and HoE and Intel officer. These meetings form the basis for focused tasking for the coming period allowing a risk based approach to enforcement in the North West District.

West of Walney Byelaw

The Marine Management Organisation's West of Walney Marine Conservation Zone (Specified Area) Bottom Towed Fishing Gear Byelaw 2018 was signed off by Defra on 4th June 2019. The Byelaw came into force on 4th July 2019.

Bottom towed gear is now prohibited in a large area of the district off the coast of Barrow. An educational approach has been adopted by the MMO regarding vessels operating in the area and there is monitoring from the vessel monitoring system.

New EU regulation

On the 25th July 2019 Regulation 2019/1241 (of 20th June) was published in the official journal of the European Union. This regulation lays down technical measures concerning the taking and landing of marine biological resources, the operation of fishing gear and the interaction of fishing activities with marine ecosystems. This regulation repeals the previous regulation for technical conservation measures 850/98.

The regulation includes targets that technical measures aim to reduce catches of species below minimum conservation reference sizes and incidental catches of marine mammals, birds and other non-commercially exploited species as well as reducing the environmental impact of fishing activities on sea bed habitats. The measures include specified sizes within areas as well as specified gear types. There are also mechanisms for the methods employed to measure such aspects.

Importantly the regulation refers to recreational fishing is specifically mentioned, where as it was not within 850/98. Currently however the MCRS do not apply to recreational fishing, however NWSFC Byelaw 19 covers the south of the district and applies to all fishing. The highest risk species for landing of undersize fish is Bass and this is within a separate regulation and by Byelaw 19. Some other IFCAs who have different situations and risks have introduced emergency byelaws. As there has never been a MLS byelaw in the North of the District and risks of breaches are low by recreational fishers officers believe this should be addressed through the byelaw review.

The enforcement of the new regulation by IFCOs is through cross warranting with the MMO. This is due to the repeal of 850/98 rather than amendment which is specified within the IFCO powers SI where IFCOs can only enforce amendments to the schedule of legislation specified within their warranted powers.

North Western Protector

I am pleased to report that the patrol has again performed well throughout the quarter.

Once again fishing activity in the district amongst the local fleet and visiting vessels has been low key, with moderate to light landings of Nephrops (Prawns) and Thornback rays being landed into Whitehaven.

The whelk vessels which fish in the Eastern Irish Sea continue to make regular landings into Whitehaven, with reports from officers who have spoken to the whelk fishermen that recent landings have not been that good.

Boat angling as can be expected for this time of year, is very popular throughout the district with reports of some decent fish being caught on most days, with Thornback ray being the most popular fish being caught.

The Lobster and Brown Crab fishermen are again in full swing with reports of a lot of large lobsters on the grounds in the northern part of the district.

As previously reported we have been planning drying the vessel out in the upper Solway, in order to carry out 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.

Patrol boat crew have continued to work with the science team with regards to side scan and Olex sea bed mapping equipment.

On the 12/13 August we carried out some side scan sonar work between Harrington and Workington with some good data now coming back.

We will continue to work with the Science team in order to get best use out this equipment.

Priorities/Patrols/ boarding's/and 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
- 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 both North Western Protector and Protector Charlie. The weather conditions this quarter have been poor at times.

Patrols, boarding's and inspections of vessels at sea along with static gear inspections using both North Western Protector and Protector Charlie totalled 80.

Specific Fishery report

There have been no cockle fishery's open in the district due to the seasonal closure.

Heysham Flat Seed Mussel Fishery

The seed mussel fishery was opened under authorisation for Byelaw 3 permit holders on the 22nd of July. No permit holders accessed the fishery. The authorisation remains in place until 31st December 2019

Byelaw 5 Heysham Bass Nursery Area

In response to intelligence received patrols in the vicinity of Heysham Power station were tasked as a high priority. During the period of reporting 12 people have been encountered fishing in the area or in breach of the byelaw in possession of equipment to be used for sea fishing.

A summary of the enforcement action is as follows;

- 5 fixed administrative penalties of £250 have been issued and paid.
- One offender summoned to Preston Magistrates for failing to comply with a reasonable request and other offenses relating to the landing of Bass. First hearing 18th September.
- Three investigations are still on-going.
- 3 suspects are being interview at Morecambe Police Station with an interpreter.
- A large amount of fishing gear has been seized by officers.

Officers are unsure why there has been wide spread non-compliance with the byelaw this year. There had initially been some mixed information from some anglers on social media. The prominent signs are still in place at all access points to the prohibited area and officers have been vocal in reminding other anglers of the byelaw still being in place as well as talking to local angling shops.

Mussel Fishing

The following mussel landings have been recorded through Byelaw three returns;

Bed	Month	Species	Weight	Hours
North Morecambe Bay Incl. Foulney Mussel Beds	July 2019	Mussel (Mytulis edulis)	83802	332
North Morecambe Bay Incl. Foulney Mussel Beds	June 2019	Mussel (Mytulis edulis)	69521	272
North Morecambe Bay Incl. Foulney Mussel Beds	May 2019	Mussel (Mytulis edulis)	63135	235
Total			216458	839

Sanctions, Infringements and Court Activity

A total of 28 sanctions were applied during the quarter. The table below summarises these;

Sanctions	Comments
Verbal	None
Advisory Letters	7- Failing to supply Byelaw 3 returns
Official warning letters	12 – Failing to supply Byelaw 3 returns
Home office Cautions	One- undersize Bass (returned alive after being retained in a bucket)
FAPs	5- £250 for HBNA breaches.
Permit suspension	None
Prosecutions pending	Two-
Prosecutions	Three, Liverpool Magistrates, two £1400 fines/costs, one £3400 tried in absence.

Shore Based Activity Report

Number of:	Haverigg Point – Burgh Marsh Point	Haverigg Point – Arnside –	Arnside – Knott End –	River Wyre – River Alt –	Mersey, and Dee	Wirral
Shore patrols*	71	94		61	66	
ATV patrols	5	17		12	7	
ATV patrol hrs	11	27.4		29	13.5	
ATV kms covered	192	182		242	204	
Inspections under taken	254	172		119	76	

*undertaken either by vehicle or on foot without using ATV

Maritime Activity Report

A summary table of Maritime patrols is provided below in Annex A.

A full activity report is provided in Annex B.

Annex A

Vessel	No of patrols	Patrol time (hrs)	Distance patrolled (nm)	Boarding's	Closings	Sightings	Inspections
North Western Protector	21	148	1088	10	147	178	70
Protector Charlie	4	Included in the NWP's statistics above					
Bay Protector	1	3.5	54	2	4	6	2
Totals for the quarter	26	151.5	1142	12	151	184	72

Annex B

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	01.05.19	11.5	74	North west corner/prawn pitch	Potting & trawling activity	-	2	8	12	0
North Western Protector	02.05.19	4.5	50	North west corner & Workington	Trawling, potting & netting activity bass compliance	-	0	8	9	0
North Western Protector	13.05.19	8.0	10	West of Whitehaven to Haverigg Point	Potting, netting, trawling & angling activity bass compliance		0	10	10	0
North Western Protector	15.05.19	10.83	70	North west corner to south of Selker	Trawling, potting & angling activity	- Drigg SAC	0	13	17	0
North Western Protector	16.05.19	12.33	100	West of Whitehaven & prawn pitch	Potting & trawling activity	- Solway Firth EMS	6	6	12	6
North Western Protector	17.05.19	3.75	40	West of Sellafield	Potting & netting activity	-	0	3	3	0
North Western Protector	20.05.19	5.75	55	West of Sellafield & prawn pitch	Potting, netting & trawling activity	- Cumbria Coast MCZ	0	18	18	0
North Western Protector	21.05.19	6.50	50	Outer prawn pitch & St Bees	Trawling, potting & netting activity	- Cumbria Coast MCZ	0	15	15	0
North Western Protector	23.05.19	5.33	65	Prawn pitch & St Bees	Trawling, potting & netting activity	- Cumbria Coast MCZ	0	14	23	0
North Western Protector	29.05.19	8.5	40	Prawn pitch & St Bees	Trawling, potting & netting activity	- Cumbria Coast MCZ	0	4	4	7

North Western Protector	30.05.19	4.0	31	North west corner	Trawling activity		0	0	2	2
North Western Protector	18.06.19	3.5	35	Workington & north west corner	Trawling, potting & netting activity		0	3	3	8
North Western Protector	21.06.19	2.5	24	St Bees Head	Bird survey with RSPB	- Cumbria Coast MCZ	0	0	0	0
North Western Protector	26.06.19	10.5	2	Whitehaven harbour	Vessel dried out to check over & clean jet drives		0	0	0	0
North Western Protector	27.06.19	9.42	93	North west corner & prawn pitch	Trawling activity		1	12	12	0
North Western Protector	03.07.19	6.17	60	Ravenglass, Selker, prawn pitch	Trawling, potty, netting, angling & bass compliance	- Drigg SAC	0	10	10	0
North Western Protector	04.07.19	5.33	45	Silloth Channel & Workington bank	Trawling, potting & netting activity	- Solway Firth EMS	0	0	4	0
North Western Protector	05.07.19	4.17	41	North west corner & prawn pitch	Trawling activity		0	4	4	0
North Western Protector	24.07.19	9.67	93	Walney & St Bees	Potting, netting & angling activity	- Walney MCZ - Cumbria Coast MCZ	1	5	5	1
North Western Protector	25.07.19	11.58	70	Workington, Maryport & Silloth	Trawling, potting, netting a bass compliance	- Solway Firth EMS	0	12	13	0
North Western Protector	31.07.19	4.17	40	St Bees & Selker	Potting, netting & angling activity	- Cumbria Coast MCZ - Drigg SAC	0	2	2	46
Total	21	148	1088				10	147	178	70

Patrol Vessel	Patrol Date	Patrol Time (hrs)	Distance (nm)	Area Covered	Risk/ Purpose	Sectors Covered	No. Boarding	No. Closings	No. Sightings	No. Inspections
Protector Charlie	01.05.19	Potting, netting, trawling activity & bass compliance - Included in North Western Protector's statistics above								
Protector Charlie	16.05.19	Potting & trawling activity - Included in North Western Protector's statistics above								
Protector Charlie	27.06.19	Trawling activity - Included in North Western Protector's statistics above								
Protector Charlie	24.07.19	Potting, netting & angling activity - Included in North Western Protector's statistics above								
Total	4									

Patrol Vessel	Patrol Date	Patrol Time (hrs)	Distance (nm)	Area Covered	Risk/ Purpose	Sectors Covered	No. boarding	No. Closings	No. Sightings	No. inspections
Bay Protector	04.07.19	3.5	54	Bromborough Liverpool Bay, River Mersey	Recreation & charter angling & netting	- Liverpool Bay SPA - Mersey Estuary SPA - Dee Estuary SPA & SAC	2	4	6	2
Total	1	3.5	54				2	4	6	2