

# NWIFCA Quarterly Meeting

## 5<sup>th</sup> December 2019: 11.00 a.m.

**AGENDA  
ITEM NO.  
8**

### HEAD OF ENFORCEMENT QUARTERLY REPORT – 1<sup>ST</sup> AUGUST - 31<sup>TH</sup> OCTOBER 2019

**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	<ul style="list-style-type: none"> <li>• Whelk vessels - fishing regularly outside the district and landing into ports within the district. Inspections have shown landings in the region of 2 - 4 tonne for a day trip when fishing around 1000 pots</li> <li>• Crab/Lobster Potting vessels - plenty of activity early on in the quarter by the small inshore vessels. Landings for a day trip fishing 56 pots, seen landings of approx. 15Kg – 25Kg of lobster and around 10Kg of crab. Activity dropping as expected toward the end of the quarter.</li> <li>• Prawn Trawlers - very little activity</li> <li>• Angling - lots of small bass being caught from the beaches at the start of the quarter with a positive attitude being shown towards the catch restrictions. Other species being caught are mainly whiting, thornback rays, dogfish and plaice. Cod starting to show in October</li> </ul>
Haverigg Point – Arnside – IFCO Dixon	<ul style="list-style-type: none"> <li>• Cockling – since 1st September Flookburgh bed has been fished regularly, with a maximum of 96 permit holders observed. Numbers decreased during October to average of 30 – 40. No minimum landing size (MLS) issues. 2 unpermitted gatherers reported. No activity on Newbiggin.</li> <li>• Mussels – up to 12 local fishermen worked on Foulney when tides allowed, mussels have grown significantly, no spat/seed observed. No MLS issues.</li> <li>• Shrimping – very poor season, only 1 fisherman was active on a regular basis, catches were poor and size of the shrimps were small.</li> <li>• Netting – vessels – low level of activity, mainly due to the abundance of bass below the minimum landing size, fishermen choosing to leave them to grow rather than risk catching undersize fish.</li> <li>• Beach nets – very little activity observed due to the bass regulations and the fact that fishermen who would usually set nets for pot bait/plaice were working on the cockle bed.</li> <li>• Potting – very little activity observed inside the district from Barrow.</li> <li>• Angling – still very popular due to the good numbers of Bass providing good</li> </ul>

	<p>sport, usual venues fishing well for Flounders, competitions seem to be popular in the Barrow area.</p>
<p>Arnside – Lytham IFCOs Waltho and Burdekin</p>	<ul style="list-style-type: none"> <li>• Shore Patrols have focused on netting activity in the Blackpool area as well as responding to intelligence on fishing in the Bass Nursery area at Heysham Power station.</li> <li>• There has been limited interest in the Pilling cockle fishery. Officers have continued to conduct sampling on behalf of the local Authority.</li> <li>• Limited netting activity has been recorded at Knott End</li> <li>• Good landings of Plaice by anglers have been recorded at Arnside</li> <li>• Officers attended an MCA road show informing fisherman of the changes to the small vessel code, fisherman that attended were happy to see us there and we stayed after the meeting to talk with them about the proposed Byelaw 4.</li> <li>• IFCO Burdekin has been compiling returns and monitoring compliance from the Leasowe authorisation.</li> <li>• IFCO Waltho has continued to operate as Intel officer.</li> </ul>
<p>Dee- Southport – IFCO Brownrigg, Taylor and Capper</p>	<ul style="list-style-type: none"> <li>• Cockle Fishery- Throughout this quarter officers have continued to oversee the enforcement of Leasowe cockle fishery. Initial numbers were up to 50 gatherers working both tides. The mean average has been around 12-14 gatherers daily (spiking up to 22) working the am tide with 2-4 gatherers occasionally working the second tide of the day. To date no MLS issues. I believe we are still under 100 ton of the 400 TAC allowed.</li> <li>• Musselling- Officers continue to monitor the Dee Estuary mussel beds</li> <li>• Routine ATV patrols took place along the north Wirral coastline and Southport. Two recreational netters both with 4 set nets each have been regularly inspected, all nets conform to our Byelaws. No undersize observed.</li> <li>• Daily shore patrols have taken place throughout the area providing advice and guidance to anglers and members of the general public. Officers have also inspected shore and beach anglers, push netters and bait diggers.</li> <li>• Support to Natural Resources Wales, GLAA, MPHA, Merseyside Police, MMO and Wirral Council remains on going.</li> <li>• Officers have continued with routine maintenance of Bay Protector and the fuel bowser</li> <li>• Officers continue to collect the quarterly MSH sample from Penfold North Cockle on behalf of West Lancashire Council.</li> </ul>

## **General update**

### **Officer Training**

Head of Enforcement and Senior IFCO Ian Dixon attended the new IFCA Advanced Officer training course led by Ian Jones the IFCA lead Training Officer. The course provided an update on legislation such as the Police and Criminal Evidence Act, Criminal Procedure and Investigations Act and Regulatory and Investigatory Powers Act, all which are crucial to the legal operations of IFCA officers in carrying out their relevant functions. The course featured a mixture of lectures

from tutors including Andrew Oliver who is a key defence and prosecuting solicitor in the marine sector. There was a practical exercise throughout the week working through the investigative process and an assessment. As this was the first time the course has been run, feedback was provided to the association where the course could be improved, although it was an excellent course which forms the middle tier within the IFCA officer training program.

### **Brexit**

A significant proportion of time has been invested into planning for a potential no deal Brexit. This involved forming agreements with the MMO for the chartering of North Western Protector for patrols in the 6-12 NM limits. Twice weekly conference calls are still being held to share asset availability. The plans in place now will remain for the future.

### **Joint working**

Head of Enforcement has been reviewing agreements with agencies and authorities who NWIFCA work with on a regular basis. This is a crucial process to the multi-agency working which takes place surrounding many of the fisheries within the NWIFCA District. Memorandums of understanding and information sharing agreements are now in place between, the Authority and Lancashire Constabulary, Cumbria Constabulary, Gang masters and Labour Abuse Authority, Welsh Government. This is also being developed with Merseyside Police. Having agreements in place streamlines the process of setting up joint working leading to greater efficiency in operational planning and the capacity to carry out often complex investigations.

### **Sea Fishing (Miscellaneous Amendments) Regulations 2019**

On the 22<sup>nd</sup> of October a new statutory Instrument the Sea Fishing (miscellaneous amendments) Regulations 2019 came in to force. This new SI amends the 2018 regulations which gave IFCO's the powers to enforce EU regulations such as the new tech con which was published this year. IFCO's are no longer required to be cross warranted with the MMO to enforce the schedule of regulations in this SI.

## **Fishery Update**

### **Cockle Fishery Update**

On the 1<sup>st</sup> of September Newbiggin, Flookburgh Leven and Pilling cockle fishery's opened at the end of the seasonal closure. Due to good stock levels across the cockle beds IFCO's were staffed at all fisheries, however it quickly became apparent that the Flookburgh Fishery would be the focus of the Byelaw 3 commercial gatherers. A high IFCO presence was maintained at the fishery to ensure compliance with the byelaw.

At the start of the fishery there were no issues with any permit holders. There were however breaches of the HRA by the merchant buyers taking large agricultural tractors and trailers on to the bed, this was not HRA compliant and nearly led to officers needing to close the fishery which would have been detrimental to the 100 gatherers who were working the cockle fishery. This was resolved through discussions between the merchants, NWIFCA officers, Natural England and GLAA where an agreement to keep the commercial toning up operations off the beach, were reached.

To date there have only been a few incidents requiring enforcement. Body camera footage has continued to be crucial in providing an accurate record of infringements and the interactions of IFCO's with fishermen. The Flookburgh fishery has continued to operate throughout the autumn and the local IFCO is managing the enforcement required. This has greatly reduced the staffing burden.

The Leasowe cockle fishery was opened 1<sup>st</sup> October under an authorisation for Byelaw 3 permit holders. The opening was restricted Monday to Wednesday as there is a strict total allowable

catch of 400 tonnes. Returns required weekly to ensure this TAC was not over fished. Officers were able to collate the returns later in the week to ensure compliance. As a result of this several permits were temporarily suspended for failure to comply with the returns within the authorisation.

One incident of unpermitted gathering detected during the initial opening of the Leasowe fishery where IFCO's and Port Health officers disrupted a group of 5 - 6 persons fishing at night, on the beach. The un-permitted gatherers evaded the officers but left all the cockles and equipment including an ATV quad bike. This equipment was listed as seized on the authority website.

### **Mussel Fishery Update**

Foulney mussel bed has been regularly fished on spring tides by up to 10 gatherers. Inspections by IFCO's have seen good size of mussels. Other mussel fishing has been recorded from the Ribble training walls and the Dee Estuary.

### **North Western Protector – Master – Hugh Thinnesen**

Fishing in the district amongst the local fleet and visiting vessels, low key again this quarter with moderate to light landings of pot bait and thornback rays being landed into Whitehaven.

The whelk vessels which fish in the eastern Irish Sea continue to make regular visits into Whitehaven, once again with only moderate landings being made.

Boat angling continues to be very popular throughout the district with reports of decent sized cod and pollock being landed. Again thornback ray is the most popular fish being caught.

The lobster and brown crab fishermen continue to work the eastern Irish Sea grounds. Lobster fishing continues buoyant, however landings of brown crab have been mainly down this quarter.

Patrol boat crew along with science team have carried out mussel surveys in the upper Solway using our Olex and sidescan equipment along with the day grab and mussel dredge.

### **Priorities/patrols/boardings/and inspection 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 again been poor at times.

Boardings and inspections of vessels at sea, along with static gear inspections using both North Western Protector and Protector Charlie, totalled 362. Compliance with Byelaws and other EU legislation has on the whole been good with only one breach of byelaw 20 where a FAP (fixed administered penalty) was issued.

All vessel maintenance and service schedules are up to date.

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

A total of 29 sanctions were applied during the quarter. A number of investigations are on-going. The table below summarises these;

<b>Sanctions</b>	<b>Comments</b>
<b>Verbal</b>	None
<b>Advisory Letters</b>	None
<b>Official warning letters</b>	21
<b>Home office Cautions</b>	None
<b>FAPs</b>	Four- Three for £250 for HBNA breaches. One non-compliance with mesh size in Plaice Box, £1000.
<b>Permit suspension</b>	Four- failure to supply returns (one resulting in subsequent action).
<b>Prosecutions</b>	One- Heysham Bass Nursery Area, Byelaw and Failure to comply. Found guilty at Lancaster Mags on 13th September. Fines and Costs totalled £2821.

## **Shore Based Activity Report**

<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*	29	68		52	100
ATV patrols	0	13		10	4
ATV patrol hrs	0	17.16		11	13.25
ATV kms covered	0	171.5		141	50
Inspections under taken	535	2097		26	423

\*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**

<b>Vessel</b>	<b>No of patrols</b>	<b>Patrol time (hrs)</b>	<b>Distance patrolled (nm)</b>	<b>Boarding's</b>	<b>Closings</b>	<b>Sightings</b>	<b>Inspections</b>
North Western Protector	15	76.84	715.00	8	49	88	354
Protector Charlie		Included in the NWP's statistics above					
Bay Protector	4	22.00	308.00	10	22	34	22
<b>Totals for the quarter</b>	<b>19</b>	<b>98.84</b>	<b>1023.00</b>	<b>18</b>	<b>71</b>	<b>122</b>	<b>376</b>

## 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	01.08.19	5.17	30	Harrington, W of Workington	Potting (lobster, crab & whelk) & trawling activity		3	16	16	57
North Western Protector	13.08.19	5.67	28	Parton, Harrington	Potting & netting activity bass compliance		0	0	2	0
North Western Protector	14.08.19	6.42	60	Prawn pitch, Maryport	Potting, netting, angling activity bass compliance	- Solway Firth EMS	4	9	9	44
North Western Protector	10.09.19	6.83	102	Workington, Maryport, Silloth	Potting & angling activity, bass compliance	- Solway Firth EMS	0	2	2	26
North Western Protector	13.09.19	3.50	20	Setting prawn pots for survey	Potting activity	- Solway Firth EMS	0	0	5	16
North Western Protector	16.09.19	3.17	25	W of Whitehaven	Potting & netting activity		0	2	8	11
North Western Protector	17.09.19	5.83	50	W of Whitehaven	Potting, & netting activity		0	5	9	0
North Western Protector	18.09.19	6.50	70	W of Whitehaven, Prawn pitch & Silecroft	Trawling, potting & netting activity	- Cumbria Coast MCZ - Drigg SAC	1	5	20	50
North Western Protector	20.09.19	3.67	20	W of Whitehaven	Potting & netting activity		0	0	0	0
North Western Protector	23.09.19	2.50	20	W of Whitehaven	Potting, netting & angling activity		0	0	0	0
North	24.09.19	7.83	80	Prawn pitch,	Trawling, potting,	- Cumbria	0	0	2	41

Western Protector				Walney south, Seascale, Nethertown	netting & angling activity	Coast MCZ - Drigg SAC				
North Western Protector	25.09.19	4.58	30	NW corner, Workington, Harrington	Trawling, potting & netting activity		0	4	4	18
North Western Protector	24.10.19	1.67	20	Workington, Harrington	Trawling & potting activity		0	0	1	15
North Western Protector	30.10.19	6.83	80	Prawn pitch, Haverigg, Selker	Trawling, netting & potting activity	- Cumbria Coast MCZ - Drigg SAC	0	2	2	44
North Western Protector	31.10.19	6.67	80	Silloth, Scallop Bank	Shrimping & trawling activity	Solway Firth EMS	0	4	8	32
<b>Total</b>	<b>15</b>	<b>76.84</b>	<b>715</b>				<b>8</b>	<b>49</b>	<b>88</b>	<b>354</b>

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	01.08.19	3 boardings - Potting (lobster, crab & whelk) & trawling activity - Included in North Western Protector's statistics above								
Protector Charlie	14.08.19	4 boardings - Potting, netting, angling activity - bass compliance - Included in North Western Protector's statistics above								
Protector Charlie	18.09.19	1 boarding – Trawling, netting & potting activity - Included in North Western Protector's statistics above								

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	26.08.19	11.5	148	Liverpool, River Mersey,	Recreation & charter angling	- Liverpool Bay SPA	5	6	13	11



				Southport, Blackpool, Morecambe Bay, Barrow, Fleetwood	& netting	- Morecambe Bay SPA & SAC				
Bay Protector	27.08.19	3.5	56	Bromborough, River Mersey, Liverpool Bay, Hilbre Island, Dee Estuary	Whelking, shrimping, cockling & recreational angling	- Liverpool Bay SPA - Dee Estuary SPA & SAC	4	6	10	9
Bay Protector	18.09.19	3.5	42	Mersey Estuary, Bromborough, Eastham Country Park, Otterspool	Recreational angling	- Liverpool Bay SPA - Mersey Estuary SPA	0	5	5	1
Bay Protector	19.09.19	3.5	62	Liverpool Bay & River Dee	Whelking, shrimping & recreational angling	- Dee SPA & SAC - Liverpool Bay SPA	1	5	6	1
<b>Total</b>	<b>4</b>	<b>22</b>	<b>308</b>				<b>10</b>	<b>22</b>	<b>34</b>	<b>22</b>