

# NWIFCA Quarterly Meeting

13<sup>th</sup> March 2015: 11.00 a.m.

AGENDA

ITEM

6

## HEAD OF ENFORCEMENT REPORT ON THE FISHERIES FOR THE PERIOD 1<sup>ST</sup> NOVEMBER 2014 TO THE 31<sup>ST</sup> JANUARY 2015

### Introduction

Full details of fishing activities in the District are as usual provided in officers reports by area. The following is a brief summary of the main fisheries active during the quarter:

- Minimal vessel activity in the Northern district due to weather and the quota restrictions
- Many of the local fleet currently working in the Isle of Man Scallop fishery
- Low level activity on the Duddon
- Decent Shrimping activity in November which tailed off into December

Officers have made significant progress with two Byelaws during the quarter, namely the prohibition of foul hooking Byelaw 8 and the vessel size Byelaw 2. Byelaw 8 is no more than a making into a single District-wide byelaw of 2 byelaws inherited from the SFC predecessor bodies. Byelaw 2 aims to reduce the size of fishing vessels operating in the District without excluding any vessels which currently have permission to fish in the NWIFCA area.

Informal consultations on both these byelaws with industry and stakeholders are underway. Byelaw 8 has been sent to MMO for legal scrutiny and officers intend to submit a further version of Byelaw 2 to the TSB as soon as possible.

**Training:** Officers have undergone legal training with the IFCA's prosecuting solicitor and external consultant. This training concentrated on:

- Statement writing and the exhibiting of items as evidence
- Financial evidence gathering for court proceedings
- Regulation of Investigatory Powers Act guidance

Officers are attending training workshops on IVMS and underwater survey training in March 2015. These new technologies are expected to improve the efficiency of fisheries enforcement and scientific survey capability in many IFCA Districts.

**Staff changes:** The vacant post was recruited in February. The new officer is due to start in March.

**Enforcement:** Compliance was generally good with the following sanctions being taken during the quarter:

- 1 caution issued for an alleged Byelaw 10 offence
- 4 advisory letters relating to Byelaw 3

### Prosecutions

Two trials went through court during the quarter. Both cases involved prosecutions for obstruction under the Marine and Coastal Access Act (MACAA) 2009.

#### **Wayne Wilson (17<sup>th</sup> December – Lancaster Magistrates Court)**

Mr Wayne Wilson of 17 Sanders Grove, Morecambe, was convicted of two counts of obstruction in breach of MACCA s292(4) at Roosebeck on the 19<sup>th</sup> November 2013. When IFCOs attempted to

inspect mussels being landed by Mr Wilson which were suspected to be under the Minimum Landing Size (MLS), Mr Wilson lifted a knife to an IFCO and made threats of violence and made further threats of violence to another IFCO.

The incident was reported to the police and Mr Wilson was interviewed by Cumbria constabulary. However they chose not pursue the case citing "insignificant evidence". Given the serious nature of the obstruction and on the advice of our solicitor a prosecution was pursued by NWIFCA. Mr Wilson was shown to have a history of violence and NWIFCA launched a successful bad character application. Mr Wilson's 4 most recent offences were introduced as evidence.

On conviction the following sanctions were applied:

- Fines of £75 on each count
- £300 costs
- £20 victim surcharge

In addition the court was asked to suspend Mr Wilson's byelaw 3 permit. This power is available to courts under MACAA s264(5). However this power can only be exercised where the offence involved a breach of a prohibition of obstruction condition in the byelaw. The NWIFCA Byelaw 3 does not have this prohibition and needs to be amended to include it for the future.

Although the case was an important victory for NWIFCA, the sanctions were disappointing. The lay bench were receptive to the IFCO request to suspend the permit for two years and frustrated at being unable to do so. The bench also commented on the serious nature of the offence and would have imposed larger fines but they were constrained by sentencing guidelines. They were surprised at Cumbria Constabulary not pursuing the case. A report on the case from the prosecuting solicitor is attached at Annex A and NWIFCA will follow her advice to take the case up with Cumbria Constabulary.

### **Brian John Faulkner (Liverpool Magistrates Court – 2<sup>nd</sup>/3<sup>rd</sup> Feb)**

The case related to offences committed under paragraph 28 of Byelaw 3 in September 2012. The new byelaw, confirmed on 23<sup>rd</sup> August 2012, included a new requirement for four mandatory fishermen's safety courses (Sea survival, First aid at sea, Firefighting at sea and Health and safety at sea) for permit holders using a small boat to access a cockle or mussel fishery.

Mr Faulkner of 4 Celtic Street, Shotton, had three of these courses but did not have fire-fighting and refused to take the course despite being frequently informed by NWIFCA that he needed to have it. He attempted to fish without a valid permit on several occasions, ignoring IFCO warnings that he could be prosecuted. On one occasion he drove his ATV dangerously close to IFCOs at high speed and it was this action that led to the prosecution.

The case proved complex, starting with seven charges including three of fishing while not being in possession of a valid permit, two charges of serious *direct* obstruction (292 (4) MACAA) and two of obstruction by supplying misleading information.

Mr Faulkner was found guilty of the two most serious *direct* obstruction charges committed on the 22<sup>nd</sup> July 2013 which were:

- Obstructing an IFCO by falsely claiming that he had all the required certificates under paragraph 28 of Byelaw 3
- Obstruction by aggressively driving an ATV at high speed at close proximity to three IFCOs on the Foulhaze bed

Mr Faulkner was acquitted of one obstruction charge and four permit offences. This was disappointing and the Authority has already put in place more rigorous procedures for checking permit applications and issuing permits. A report on the case from the Authority's prosecuting solicitor is attached at Annex B for information. She compliments officers on their performance in

court. HoE Deary, IFCOs Dixon and Moulton and Clerk Mrs Andrews provided witness statements and were cross examined in Court.

Following conviction District Judge Shaw adjourned sentencing until the 27<sup>th</sup> February in order for a Financial Circumstances Order (Section 162 of the CJA) to be prepared. This required Mr Faulkner to produce 3 years' company accounts, inclusive of a description of assets and invoice/VAT documentation relating to his company. NWIFCA also prepared material for the court to consider.

Mr Faulkner was fined as follows on the 27<sup>th</sup> February:

- For first obstruction charge - £1000
- For second obstruction charge (ATV incident) - £3000
- £2000 costs
- £120 victim surcharge
- Total of £6120

**A. Deary**  
**Head of Enforcement**  
**5<sup>th</sup> February 2015**

Our Ref: AHF/5/00008

Your Ref:

Dr S. Atkins  
North Western Inshore Fisheries and  
Conservation Authority (NWIFCA)  
1 Preston Street,  
Carnforth  
LA5 9BY

5 January 2015

Dear Stephen,

**Prosecution of Wayne Wilson**

Firstly, a very happy New Year to you!

As you will no doubt have heard, after all the work we were all put to, Mr. Wilson did not bother to attend Court for the trial he had requested.

Both Charges were proved in his absence by Officers Deary and Dixon giving their evidence in chief.

We always knew that any fine imposed would be modest, because Wilson had satisfied the financial criteria for Legal Aid, but Andy was keen to seek an order disqualifying him from holding or obtaining a permit under S164, MACCA.

I did make that application, and the Bench was clearly leaning towards granting it, when the Court Clerk asked for confirmation that the offence constituted a breach of a condition of our permit.

S.164(5) states;

*"In a case where the offence involved the breach of a condition of an IFC authority permit, the court may:*

*(a) Suspend the permit*

*(b) Disqualify the person from holding or obtaining any IFC authority permit relating to any activity to which that permit related, for such period as the court thinks fit"*

Both Andy and myself assumed that there would be a general reference to "Conduct" or "Complying with requests for information from an officer", but the byelaw is silent on this point.

Therefore, the Bench could not invoke S165 and impose a disqualifying period on him. I understand from Andy that his permit has lapsed and he has not as yet, sought to refresh it. However, given the charges in this matter, Andy was keen to send a message to others to prevent any repetition.

The Bench said in sentencing Wilson;

*"Whatever we do to him we regard this as a serious matter. We are severely constrained in that we can only impose a financial penalty, and he has limited means.*

*He deserves more punishment than the court can impose. We fine him £150 in respect of both matters and also impose the £20 Victim Surcharge for each offence. In addition we*

*order that he pays £350 towards the prosecutions costs. This should be significantly more but we are restricted by the length of time over which any financial penalty should run”.*

In total he has to pay £540.

Can I suggest that you write to the court in the manner I have previously suggested, and request that you be notified if there is ever any attempt by a future Fines Court to reduce the level of fine? If you prefer, I can do this.

I understand that Andy was pleased that we did secure convictions in respect of these matters, but the case has highlighted a number of issues.

- (i) The Court, on both occasions that this matter was before it, was critical of the conduct of Cumbria Constabulary. Firstly, the fact that we only received the tape recording of Wilson’s Police interview on the Friday before the trial on the following Monday, and that they had failed to provide a transcript of the interview at the same time. In fact, Andy had to arrange this - properly the job of Cumbria Constabulary - himself.

Secondly, the Bench at the trial, was flabbergasted when I explained to them that the Police were aware of these matters, and yet, had advised that they would not be taking any further action. As you can see from their comments in sentencing, the Bench advised that they considered this a very serious matter, and they endorsed your view that it was proper that the events should not go unmarked.

I am uncertain if this is feedback that you want to raise with Cumbria Constabulary, but if I can assist in this regard, please let me know. Given the above, and mindful that we might need their assistance in the future, it might be useful for them to know in an ‘informal’ way, the message being, that we would expect these matters to be treated with appropriate seriousness in the future?

- (ii) Both Andy and I believe that preparing for this trial highlighted a few areas where we could improve. In particular, the preparation of the file before it is referred for prosecution, statement drafting and further ongoing investigations after proceedings have been commenced with regard to our ongoing duties of disclosure and Bad Character issues. As you know, Denis Rice and I will be attending at your offices on 27th January to provide some training on a pro bono basis, by way of overview. I understand that additional training on specific topics will likely take place shortly thereafter.
- (iii) I believe it would be helpful to involve other disciplines in the drafting and consideration of byelaws (this being something that has been touched on in the ongoing Faulkner case) e.g. perhaps some enforcement, legal and scientific input. We could address some of the issues that have arisen.

As this matter is now concluded, it only remains for me to thank you for your instructions and submit my invoice. As taking this matter to trial was something of a “*learning curve*” for the Organisation, I have discounted my hours more heavily than previously. Please let me know if I can assist with regard to (i)-(iii) above.

Kind regards

Yours faithfully,

A.H. Fitzgerald Solicitors Limited

cc. Andrew Deery Chief, Enforcement Officer

RECEIVED 24 FEB 2015

**A.H. Fitzgerald**  
Solicitors

Our Ref: AHF5/00007  
Your Ref:

Dr Stephen Atkins  
CEO, N.W.I.F.C.A.  
1 Preston St,  
Carnforth,  
Lancashire LA5 9BY

**ANNEX B**

Date: 19 February 2015

Dear Stephen,

**Prosecution of Brian John Faulkner**

I write following the trial of the above which concluded on 3<sup>rd</sup> February.

My apologies for the delay in getting this report to you – I have been a little pre-occupied in the interim with training matters!

The trial of this matter took place before Mr. District Judge Shaw, who has dealt with the matter all the way through.

Your officers all gave evidence and acquitted themselves extremely well.

The same could not be said for Mr. Faulkner, and I think the DJ has considerable sympathy with what your officers have had to contend with out on the foreshore.

At the point of trial, Mr. Faulkner was facing 7 charges, 3 were for fishing whilst not in possession of a *valid* permit, 2 were for *direct* obstruction, 1 was for providing misleading information on the application (and in that way being obstructive) and the last for telling our officer on the beach that he had the firefighting certificate and so being further obstructive.

In giving judgment the District Judge said:

*"The I.F.C.A. has an important statutory function to protect the environment and the people using it and it does this in a large part by the licence regime. It is clear from the evidence that when Mr. Faulkner applied for his permit, he did not have a fire fighting certificate. Therefore he should not have been granted a licence.*

*It must be accepted that the system of communication within the I.F.C.A. broke down at times. The I.F.C.A. relied on the information provided in the application forms.*

*Mr. Faulkner has a wealth of experience. He has not always enjoyed a harmonious relationship with the I.F.C.A. In January 2012 his son did the course as did his witness, Mr. Clague, both of whom had their fees paid by Mr. Faulkner.*

*At the time he submitted his application for a permit, the Defendant knew he didn't have the certificate, although, it must be accepted that the application form provided by the I.F.C.A. was not a good form.*

*If the form had been properly checked a permit would not have been granted. As the permit was never revoked by the I.F.C.A. the charges relating to him fishing without a*

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*valid permit are not proved. He did have a valid permit because the I.F.C.A. issued it and did not revoke it.*

*In respect of the remaining 2 obstruction matters these are proved."*

As with the Wilson matter, prosecutions often give us the opportunity to see how we can improve our systems, and I understand from Andrew that the process of issuing permits will now be dealt with in a different way. Denis and I also discussed with Andrew how we should consider having a mechanism by which we can revoke permits should we need to. This could then be referred to in the paperwork that is completed to apply for the permit, and in the byelaw itself.

Needless to say, upon conviction, Mr. Faulkner pleaded impecuniosity.

I am pleased to report however that we elicited sufficient information from Mr. Faulkner in cross-examination to put the DJ on notice as to the lucrative nature of certain types of fishing.

As a result, the DJ adjourned the matter to 27<sup>th</sup> February for sentencing and ordered Mr. Faulkner to produce his previous company accounts for the last 3 years. He must also produce a schedule regarding the disposal of the assets of the company including a description of the asset, the dates of disposal and to whom the asset was transferred. He must annex the Invoices/VAT documentation by 20<sup>th</sup> February.

Given that we can safely assume any documentation produced by Mr. Faulkner is likely to be a work of fiction, I have suggested that we secure evidence regarding his income from his landings. I have liaised with Jac with regard to how we might best do this. I have also advised Andrew that this would be a good case for us to pursue costs of investigation, and I have given him a template for a schedule of "Costs of Investigation" to work from.

I trust this meets with your approval?

If I can assist with any of the matters arising as a result both of this prosecution and that of Mr. Wilson (such as the crafting and consideration of byelaws and securing greater co-operation from the Police with regard to securing details witnesses of previous convictions), please let me know.

Kind regards.

Yours sincerely,

  
**A.H. Fitzgerald Solicitors Limited**  
cc. Andrew Deery Chief Enforcement Officer

**Master of the “Solway Protector” - H Thinnesen**

**PATROLS, BOARDINGS AND INSPECTIONS**

Patrols, boardings and inspections from both “Solway Protector” and “Protector Bravo” totalled 8 this quarter. Very poor weather throughout most of the reporting period has resulted in many patrol days at sea, being lost. This along with the skate and ray ban which was introduced towards the back end of the year forced many of the local skippers to tie their vessels up early for Christmas, and wait for the ban to be lifted in early January. On the whole compliance with byelaws, and other national and EU legislation at sea, have been good during the quarter.

**SURVEYS**

No surveys have been carried out at sea during this quarter. The “Solway Protector” is booked to be slipped at Maryport on the 16<sup>th</sup> February for annual slipping, along with having a new derrick manufactured and fitted in order for us to carry out necessary survey work deploying our own day grab equipment, and for other fieldwork when required.

**TRAWLING, POTTING, NETTING AND ANGLING**

All these sectors have seen low key effort throughout the quarter. There has been very little nephrops landed during the quarter, with only a handful of vessels targeting this fishery. Up until the time of the skate ban being implemented, landings of thornback ray were positive. One local trawler reported some good sized cod on the grounds up to 27 lbs. in weight, however these were very few in numbers. Both shore and boat anglers have reported good signs of codling throughout the district close inshore, with reports of up to 40 fish being caught in a single day, with just over half being returned as undersized. Potting and netting effort has seen little activity in both sectors throughout the quarter.

**SERVICING**

The “Solway Protector” has given good service throughout the quarter with only minor technical problems and repairs to report on, which are as follows:

- Replace and install new shore power supply
- Replace starboard bilge pump
- Replace fuel and raw water pump on Kabota main 5.3 kva generating set
- Main battery charging unit removed and sent off to VXI for repairs

**“PROTECTOR BRAVO”**

“Protector Bravo” still remains to be a valuable asset for inshore working, with no repairs, faults or breakdowns to report on.

**WEATHER**

On the whole the weather throughout the reporting period was poor at best, with only the odd day that vessels could put to sea. The start of the quarter gave us strong south-easterly winds which continued up to the 3<sup>rd</sup> week of November when the weather settled. Unfortunately this was short lived. At the start of December we encountered strong to gale-force winds from south-west through to north-west. This trend continued up until the time of writing this report, with only the odd settled day in between.



## **OTHER ITEMS OF INTEREST**

While out on a routine patrol on 20<sup>th</sup> November 2014 we picked up a distress call to Liverpool Coastguard from a large fishing vessel named "Silver Harvester". I immediately replied to the distress call as the vessel's position was less than 2 miles to the south of our location. Best speed was made, and we arrived on scene at 07:45 am. The vessel was approximately 5 miles west-south-west of Whitehaven and was taking on more water than the bilge pumps could cope with. "Solway Protector" stood close by the vessel ready to evacuate crew if need be. Workington lifeboat arrived on scene at 08:55 am. The vessel was taken in tow by the lifeboat as water was above the engine at this point, and had lost all power. Due to the size of the vessel "Solway Protector" assisted in the towing the vessel safely back to the port and help manoeuvre her back alongside.

**H THINNESEN**

6<sup>th</sup> February 2015

**"Solway Protector"**

**DURATION OF PATROLS AND SIGHTINGS**

Date	Area Patrolled	Sightings	Sea time
19/11/2014	Parton/Harrington/Workington/Maryport	8	3.75
20/11/2014	West of Whitehaven	3	4.50
24/11/2014	West of Sellafield/Maryport	6	5.00
25/11/2014	Silloth/Maryport/Workington/Harrington/Parton	11	6.50
26/11/2014	West prawn pitch/Sellafield	8	6.50
19/01/2015	West St Bees, Workington, Maryport	8	4.00
20/01/2015	West of Whitehaven, Workington, Maryport	2	3.00

**" Solway Protector "**  
**PATROL STATISTICS**

	1/11/2014 - 31/1/2015		1/8/2014 - 31/10/2014	
Number of patrols and passages	7	patrols	7	patrols
Seatime	33.25		57 hrs	50 mins
Average length of patrol	4.75		8 hrs	15 mins
Total distance covered	265	miles	414	miles
Average distance per patrol	38	miles	59	miles
Fuel used	956	gallons	880	gallons
Average fuel used per patrol	137	gallons	126	gallons
<b>Total identified sightings:</b>	46	vessels	63	vessels
Local	42	vessels	57	vessels
Visiting	4	vessels	6	vessels
<b>Types of fishing vessels sighted:</b>	<b>&lt; 45'</b>	<b>&gt; 45'</b>	<b>&lt; 45'</b>	<b>&gt; 45'</b>
Trawlers	4	0	18	3
Beam Trawlers	0	0	0	0
Twin Rig Trawlers	0	1	0	1
Pair Trawlers	0	0	0	0
Anchor Seiners	0	0	0	0
Fly Druggers	0	0	0	0
Gill Netters	7	0	3	0
Shrimpers	3	0	5	0
Twin Beam Shrimpers	0	0	0	0
Whelk Potters	0	0	0	0
Potting Boats	11	0	13	0
Scallop Dredgers	1	3	0	0
Mussel Dredgers	0	0	1	6
Cockle Dredgers	0	0	0	0
Netters	0	0	0	0
Anglers	16	0	13	0
<b>Total:</b>	42	4	53	10

**GENERAL**

This reporting period covers the following shore based activities, as well as supporting enforcement duties at Barrow on night time operations, and on board the "Solway Shepherd", the Environmental Agency's patrol vessel, seizing and retaining pots for infringements against byelaw 26. A further joint operation was undertaken again with the "Solway Shepherd", and a vessel was intercepted which resulted in the Skipper being cautioned for an infringement against byelaw 10.

Most of the trawlers targeting both nephrops and fish are still tied up in port due to the lack of quota for rays. When the local trawlers did venture out they were seen to be catching nothing but rays, which were in abundance. However as they had to throw them back, skippers decided to head for the dock wall again.

Some vessels at the start of November and into December changed over to scallop fishing and are fishing over in the Manx scallop fishery. Inspections of vessels when landing into Whitehaven and Maryport have seen a steady fishing resulting in catches of between 3 - 5 bags per haul or 20 - 25 bags per day, £70-£80 per bag. Some of the larger Scottish vessels landings consisted of a considerable amount more, and this fishing was steady up to mid-December.

Shrimp fishing from boats in the district has been patchy this quarter with reports of up to 150 kilos being caught for a tide.

Some potters are still active with inspections seeing 10 kilos and more of Lobsters and 25 kilos of brown crab. Vessels to the south of the patch are catching mostly brown crab and some are still targeting lobsters. However further offshore with winter setting in, by mid-December all but a few potters had finished for the winter and had brought all their pots ashore.

The whelking boat "Fleur-de-France" has been making regular landings of whelks into Whitehaven of around 10 tonnes every 2 - 3 days. As December approached vessels were losing days at sea with the weather changing and the winter winds starting to bite.

Fishing from piers seen a mark of codlings from the usual places, and good catches of codlings were being caught in the dark hours, this being the norm for this time of year, with anything from 3 – 7 keepers for a tide. When fishermen were inspected, some John Dories were being caught off Maryport which is unusual for the time of year. Anglers have reported nearly every cast seeing a John Dory.

During November netters were enjoying the start of the netting season on beaches with catches ranging from 2 – 3 fish, to 2 – 3 boxes caught for a tide, with most catches consisting of bass and codlings. Netters have been fishing at just about all the usual stations, but most of the activity was centred around Nethertown and Braystones where the best of the fishing was evident. All in all a productive quarter for the vessels and fishermen alike and beach netters, except for the trawlers.

**TRAWLING**

Over the quarter the trawlers who target both nephrops and fish have remained tied up in port due to lack of quota for thornback rays, which ironically seem to be in abundance off Cumbria's coast. Some vessels that did manage a day at sea caught very little in marketable fish to make it pay after having to dump boxes and boxes of rays over the rail.

**SHRIMP VESSELS – SILLOTH**

Shrimp vessels this quarter have been catching up to 150 kilos for a tide when the weather has permitted. Some fishing was carried out in Scottish waters across the Solway Firth but most off the port of Silloth.

## **SCALLOPS**

Scallop fishing got underway in the Manx fishery at the start of November with landings from the smaller local boats of up to 20 – 25 bags for a day's fishing. Some of the larger and visiting vessels have landed up to 80 – 200 bags for a couple of days fishing, and prices are believed to be in the region of £70 - £80 per bag.

## **POTTING**

Over the quarter there has seen a dramatic drop in vessels fishing pots, although some did continued fishing up to mid-December, with landings ranging from 10 kilos to 25 kilos of lobster and from 25 kilos of brown crab to 6 – 8 x 25 kilo boxes of brown crab. A few of the skippers decided to carry on fishing throughout the winter, but have moved their gear into deeper water. The whelk boat fishing out of Whitehaven has been landing its usual 10 tonnes every 2 – 3 days fishing, with prices at around £635 per tonne.

## **OFFSHORE NETTING**

Some vessels which have been netting seen some good catches of bass and codlings, and inspections have seen up to 3 boxes of codlings and bass being landed by a single vessel.

## **BEACH NETTING**

Beach netting started off well with bass and codlings being caught in large quantities. Inspections have seen 3 boxes of good sized bass and codlings in the back of beach vehicles, netters have been reported seen at most stations around the patch. However most of the fishing that officers have seen has been at Nethertown and Braystones, with up to 20 nets being inspected per day at these stations.

## **ANGLING**

This quarter has seen a good number of codling being caught by anglers at the usual stations, with the best of the catches being caught at night where up to 7 codlings were retained, all around the 2.5 – 3.5lb mark. Anglers inform us that all of the codling have been feeding on shore crabs close to the shore, which is the norm for this time of year. In daylight hours anglers have been seen on piers where some have been reporting a growing number of John Dory being caught, which is quite unusual for this time of year.

## **BAIT DIGGING**

Very little bait gathering has been seen this quarter with only 3 gatherers being observed to the North of Workington.

## **OTHER DUTIES**

Other duties carried out this quarter have been:

To support enforcement operations at Barrow and working with the Environment Agency in joint enforcement operations at sea and on beaches, where several pots were seized, and 16 nets found attached together to make one larger net was seized and a skipper was cautioned for Byelaw 10 infringements.

## **ENFORCEMENT & EDUCATION**

Infringements for the period which I was involved with, has resulted in 1 caution against IFCA byelaws. Words of advice were given to a couple of anglers and one potter; 5x pots were seized for byelaw 26 offences; 1 x 1 mile of net seized for byelaw 10 offences.

## **Officer Statistics for the period 1<sup>st</sup> November 2014 – 31<sup>st</sup> January 2015**

Shore Patrols	30
Fishing Locations visited	271
Quad Patrols	0
Locations by quad	0
Anglers seen	77
Bait Diggers seen	3
Shellfish gatherers (Winkle Pickers)	0
Inspections all	176
Beach nets inspected	20
Days assisting other areas of district	1
Sightings/closings/inspections/boardings	5147

### **NORTH MORECAMBE BAY**

### **HAVERIGG POINT TO ARNSIDE**

**IFCO, I. DIXON**

#### **GENERAL**

The majority of this reporting period has again been spent monitoring the various mussel fisheries which have been operating on the North Morecambe Bay area.

In December a Byelaw 3 permit holder was found guilty of 2 counts of obstructing IFCA Fisheries Officers at Roosebeck in November 2013.

#### **TRAWLING**

During the last quarter I have not observed or had any reports of commercial trawling activity.

#### **SHRIMPING**

Shrimp fishing activity continued into December after a very slow start to the season. Six tractors and tra-la-la's were observed fishing from Flookburgh. Three were observed fishing in the area known as the Goldmine, and three tractors favoured the Leven channel area. Moderate catches were reported, allowing orders to be fulfilled. Two tractors were observed working from the Newbiggin area and shrimping in the area known as the mussel hollow, again catches were moderate.

#### **COCKLES**

During the last quarter I have received no reports of commercial cockling activity on the North Morecambe Bay area. Regular patrols both at night and during the daytime have not identified any illegal cockling activity either.

Cockle stock surveys have been undertaken with the IFCA Science Officers but no noticeable increase in stock level was detected.

I continue to take Food Hygiene samples from Flookburgh, Leven Island, Newbiggin and Aldingham cockle beds for South Lakeland District Council

## **MUSSELS**

During this quarter the majority of my time has been spent monitoring mussel gathering activity.

During November and December only very small scale gathering of good size mussels by a small group of Byelaw 3 permit holders was observed on Hard Acre mussel bed in the Duddon estuary and in Walney Channel. During January mussel gathering activity increased following the closure of the seed mussel fishery at Heysham. Up to 18 mussel gatherers were observed on the mussel bed between Foulney and the Oyster farm where the use of graders was necessary to obtain a reasonable amount of size mussel, with gatherers averaging between 300kg and 500kg per tide. Four gatherers were subject to enforcement action for grading mussels at the roadside after gathering too many mussels to grade on the mussel bed before the tide began to flood, the graded mussels were bagged up and returned to the mussel bed on the next available opportunity, and the gatherers were advised to revise their working practise to ensure all mussels were graded where they were gathered.

Towards the end of January 8 gatherers began working on Hard Acre and removed 6000kg over 3 days.

Several surveys were undertaken on the Foulney mussel bed with a view to allow managed removal of undersize mussels, however the area that was surveyed suffered erosion by the storms in December and damage by the frost caused the plans to be discontinued.

I continue to take mussel samples from Foulney and the Duddon for Barrow Borough Council.

## **WINKLES**

Reports were received of small scale winkle gathering in Walney channel and on the west coast of Walney in the run up to Christmas when the markets are at their strongest. Due to the small size of the majority of the winkles in the area this made the gathering not as economically viable as in other areas of the district.

Patrols of the winkle beds saw no observations of any activity but there were signs of prospecting.

## **NETTING**

Netting activity, both from boats and beach nets, decreased significantly during the quarter coinciding with the decrease of Bass numbers from Morecambe Bay and the west of Walney. Many licensed vessels did not venture out in search of cod due to restrictions of quota. Catch reports from the few boats which did set nets for cod were poor.

Only one stake net was observed and inspected during this quarter which was targeting flounder for pot bait.

## **POTTING**

No potting activity has been observed within the district from Barrow based vessels this quarter. The vessel which had worked all summer from Barrow brought all its pots in by the end of October.

## **ANGLING**

Angling continues to be popular in the Walney area, where good catches of cod were reported, some reports suggested up to 40 cod were caught in one night fishing session from Barrow Docks.

Other areas were not as popular following the movement of Bass away from the area and fewer flatfish numbers as is usual in this period.

**TRAWLING**

This fishery continues to be extremely low key. I have continued to see no improvement in activity taking place either on a commercial or hobby basis. This fishery continues to prove very disappointing and, as reported in previous reports, no improvement is expected in the foreseeable future.

**SHRIMPS**

During this last quarter effort in the inshore shrimp fishery came to a seasonal close with only one commercial inshore remaining on her moorings at the Stone Jetty. Throughout this seasonal fishery effort has proved very difficult with fishermen complaining about the amount of small shrimps being landed.

During this last quarter, effort in the part time inshore shrimp fishery, working on a hobby basis, came to a close. In addition, I have continued to observe no activity by fishermen working tractor and tra la la units on the south side of Morecambe Bay. I have observed no activity from fishermen using push nets throughout my area.

**COCKLES**

As with the last quarter, I have received no reports of cockles being removed by either commercial gatherers or from members of the public removing cockles for private consumption. This is due to the almost non-existence of both mature and under size cockles throughout my area.

During this last quarter, I have seen no improvement in stocks of either mature or immature cockles as mentioned in previous reports and I see no improvement in this fishery in the foreseeable future. All beds in my area remain closed.

**MUSSELS**

During this last quarter I have observed and received no reports of mature mussels being gathered from any of the recognised skears in my area, although fishermen from the North side of Morecambe Bay have shown an interest in occasionally removing mature mussels on an occasional basis from one skear on the south side of Morecambe Bay.

January saw the removal of undersize mussels from Heysham Flat come to an end with fishermen associated with this fishery choosing to work beds on the north side of Morecambe Bay, harvesting mature mussels.

Effort in seed mussel fishery remained fairly consistent with around 15 gatherers working available daylight tides until the middle of December 2014 when Polish gatherers returned home for Christmas and New Year.

During this last quarter I have continued to check the Battery area on almost every occasion.

During this last quarter I have also continued to collect shellfish for Wyre District Council.

**DRIFT STAKE AND SET NETS**

This last period saw all the commercial inshore drift net boats removed from the fishery with the last inshore boat having been taken to more sheltered moorings.

Unfortunately, as mentioned in previous reports, this fishery's future is mainly moving towards a part time basis.



Whitebait nets set in the Lune Estuary have continued to be fished this last quarter. Unfortunately landings proved down on the last quarter with only sprats being landed all of which being destined for Blackpool Zoo for feed.

Stake and set nets have again proved low-key and almost all nets have now been removed from the fishery.

During this last quarter I have observed little activity from anglers setting lines although I have had reported and have checked occasional landings of Codling set in the Heysham area.

### **DINGHY AND SHORE ANGLING**

During this last quarter effort from dinghy anglers fell away with very little activity taking place. Fishermen associated with angling for Bass have informed me that landings this year are down on the previous year.

During this last quarter shore anglers continued to fish over high and low water tides at the top end of Morecambe Bay, the Stone Jetty at Morecambe, Heysham North Wall, Heysham and Knott End although effort has proved poor throughout this last quarter.

### **CENTRAL AREA**

### **RIVER WYRE TO RIVER ALT**

**SENIOR IFCO, S. Brown**

### **GENERAL**

Trawling activity has been disrupted by the closure of the Thornback Ray fishery up until the end of 2014. The shrimp fishery drew to a close in early December. Anglers have been active along the Fylde Coast. Work on the Rossall and Anchorsholme sea defences is on-going: I continue to receive complaints from anglers and shrimpers about restrictions on access to some of the popular fishing sites adjacent to these works.

### **TRAWLING**

Fleetwood's remaining trawlers have made very few trips during this reporting period. The closure of the Thornback Ray fishery removed any prospect of profit up to the start of the new quota year so owners cut their losses by laying up their boats. Poor weather has restricted fishing effort in January.

### **SHRIMPING**

The Southport shrimpers have enjoyed their best season for many years, but all good things must come to an end, catches declined rapidly during December and there has been very little shrimping activity in January.

Poor weather has prevented the Lytham shrimpers from visiting the seasonal offshore grounds and the boats have been kept off the moorings during most of December and January.

Some push netters fished the Fylde coast up until the New Year but catches were only sufficient for social and domestic needs.

### **WHELKS/POTTING**

The local boats at Fleetwood who periodically work pots have all brought their gear ashore for the winter.

Three whelk potters, previously based in Wales have now settled down to working from Fleetwood, two of them have re-registered in the port becoming FD356 and FD357. No local men are employed on these boats the crews being mostly of Eastern European origin.

### **COCKLES-MUSSELS**

Local fishermen have gathered a few bags of mussels from the Ribble Walls, no other shellfish gathering activity has been observed this quarter. Again poor weather has restricted access to the better offshore beds.

Post dredging visits to the Perch Scar bed on the R Wyre were very interesting. Firstly the dredges used were clearly well set there being very little evidence apparent that dredging had actually taken place. This compared very favourably with past observations on the adjacent Black Scar bed. The majority of the remaining stock was as predicted lost to scouring and sanding, however some stock has clearly survived and is at present very "hard in". A positive result for the Authority's approach to shellfish management in this area.

I know of no significant cockle stocks either size or seed within this part of the District.

### **NETTING/LINES**

When the Bass season came to an end the Lytham drift netters change over to shrimping for a few weeks before laying up for the winter.

The Fleetwood netters were restricted by the closure of the Thornback Ray fishery; occasional trips to target the local cod stocks did not prove viable.

There has been occasional (weather permitting) netting activity off Formby.

Reports have been received of a few cod being taken on set lines from N Wharf and King Scar.

### **ANGLING**

Despite some loss of fishing opportunity to the sea defence works at Rossall and Anchorsholme angling has been both popular and productive along the Fylde Coast. Retained catches have consisted mostly of Codling and Flounder with the occasional Plaice and Dab being seen.

The most popular venues have without doubt been the sea wall stretching from Blackpool N Pier to Anchorsholme and Harrowside. Significant numbers of shore anglers have also been encountered at Rossall Pt. Preston Docks Bullnose continues to fish well for Flounder.

Both beach launched and charter boats have been restricted by onshore winds however some boat anglers have reported good cod fishing from within the R. Wyre.

### **NEW ATV**

I have recently taken delivery of a new pattern Honda 420 ATV. So far the vehicle has proved both easier to tow and more economical than the heavier 520 model previously issued; although I doubt that it will have the same boat launching capabilities. Being lighter and incorporating a more reliable manual 4WD select I think that this vehicle will prove to be well suited for intertidal patrol work and will become a valuable addition to the Authority's ATV fleet.

**GENERAL**

During this quarter both IFC Officer Capper and I have continued to undertake activities such as enforcement work, sample work and attendance at stakeholder meetings throughout our area. Routine servicing and maintenance on the area's vehicles, equipment and vessel have also taken place.

**SPECIFIC****COCKLES**

Wirral North cockle bed remains closed, and will continue to do so throughout 2015. Beach closure notices to cockling remain in place and will do for the foreseeable future. The bed will continue to be monitored by both the enforcement and science staff of NWIFCA.

**MUSSEL**

West Kirby and Caldy Blacks mussel beds remain open on the Dee Estuary but both have very little commercial stock value. Both beds remain patchy and made up largely of dead shell. Sampling continues to take place at Mersey mussel North and South with Mersey Port Health Authority. In the meantime all shellfish within the Mersey estuary remain classified as prohibited and are unable to be gathered.

**SHORE ANGLING**

Generally very little recreational angling has been observed throughout this reporting period. Anglers have been observed along both sides of the River Mersey. Otterspool Promenade, Jobs Quay (Eastham Country Park) and along 'The Wall' within the Port of Liverpool have seen the most regular activity. These areas have seen between one to four anglers fishing at any one time where Dab, Flounder and Cod have been observed being landed. Several inspections have taken place and no undersize have been reported.

**BAIT DIGGERS**

Bait diggers remain to be seen predominantly along the north Wirral coastline, with New Brighton, Mockbeggar Wharf and the area of beach off Leasowe Common being identified as the most popular locations. Numbers routinely remain between 0 – 3 bait diggers have been recorded daily with anywhere between 50 – 150 worms gathered.

**RECREATIONAL & COMMERCIAL BOAT ANGLING**

Weather permitting, the area's commercial and recreational fishing vessels have been active along the River Mersey and local area. The Cod fishery has been eventful with reports of good catches being made. A 19lb Cod and other double figured catches have been recorded over this quarter. Codling between 2-4 lb have been taken over slack water, a spell that is usually dominated by Dab. Vessels have been recording catches of up to 50 Cod and 20 - 30 good size Whiting and ever present Dab. Observations noted between two to 10 anglers on board. Good relationships remain on going and advice and guidance continues to be provided.

**"BAY PROTECTOR"**

High winds and generally poor weather have restricted any seaborne patrolling throughout the area. During December the fuel lines on "Bay Protector's" engines were tampered with and around a 100 litres of fuel were illegally taken. The incident has been reported to Liverpool Marina

and Merseyside Police and a crime number has been raised. This is not a fishery related incident and investigations remain ongoing.

### **OTHER ACTIVITIES**

Daily shore patrols along the River Mersey, north Wirral coastline and both sides of the Dee Estuary remain ongoing and officer support has been offered to other areas in the form of Shore/ATV patrols. As part of our continued professional development both officers attended legal training under the direction of the HoE and NWIFCA Solicitor. Both enforcement officers and science staff (Sarah Temple) attended the Mersey Estuary Conservation meeting in Widnes. Joint enforcement patrols with the Marine Management Organisation have also taken place. Finally; assistance to the GLA, MPHA, Merseyside Police and Liverpool Fish Market remains on going.

# NORTH WESTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

## ENFORCEMENT SUMMARY

1<sup>ST</sup> NOVEMBER 2014 TO 31<sup>ST</sup> JANUARY 2015

### 1. ENFORCEMENT BURDEN

1.1 Length of District coastline 878.5 n.m.

### 2. RESOURCES

2.1 Number of patrol vessels 1 + 4 RIBs + 1 Zodiac  
2.2 Number of patrol ATVs (intertidal) 8  
2.3 Number of Fishery Officers with other duties 7 f/t, 1 p/t + 3 warranted officers

### 3. ENFORCEMENT AT SEA

3.1 Number of patrol hours at sea 7  
3.2 Number of patrols at sea 5  
3.3 Number of nautical miles of patrol 66  
3.4 Number of closings 0  
3.5 Number of inspections 7  
3.6 Number of boardings 2  
3.7 Number of infringements detected 0  
3.8 Number of:-  
3.8.1 Prosecutions 0  
3.8.2 Home Office Cautions 0  
3.8.3 Prosecutions pending 0  
3.8.4 Cautions issued 0  
3.8.5 Official Warning Letter 0  
3.8.6 Advisory Warning Letter 0  
3.8.7 Verbal warnings 0

### 4. ENFORCEMENT ON LAND

4.1 Number of inspections 697  
4.2 Number of ATV patrols 26  
4.3 Number of hours ATV patrols 32,70

4.4	ATV km covered	327.80
4.5	Number of infringements detected	5
4.6	Number of:-	
4.6.1	Prosecutions	1
4.6.2	Home Office Cautions	0
4.6.3	Prosecutions pending	0
4.6.4	Fixed Admin Penalty	0
4.6.5	Cautions issued	1
4.6.6	Official Warning Letter	0
4.6.7	Advisory Warning Letter	4
4.6.8	Verbal warnings	0

N.B. Prosecutions pending – are only counted as such after approval is given to take the case forward by the Authority. People under caution who are likely to be prosecuted may therefore not be included in this figure.