



**Annual Enforcement  
Plan  
2015/16**



*FPV John Allen*

This document is available in electronic form from the Eastern Inshore Fisheries and Conservation Authority website:

[www.eastern-ifca.gov.uk](http://www.eastern-ifca.gov.uk)

Alternatively a hard copy can be viewed at the following location:

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## Introduction

Eastern IFCA is one of ten IFCAs around the coast of England with the remit to manage inshore fisheries resources and to protect Marine Protected Areas (Marine Conservation Zones and European Marine Sites) within their district. One of the primary functions is to ensure compliance with relevant EU and UK fisheries legislation as well as with byelaws made by the Authority. In addition, the Authority manages the Wash shell fisheries under the auspices of the Wash Fishery Order 1992 and ensures compliance with the provisions of the Order.

Compliance and enforcement activity is undertaken in accordance with principles set out in the Regulation and Compliance Strategy with the emphasis being upon the principle of endorsing compliance. This provides that clarity on regulation together with guidance and advice is essential in order to ensure compliance. The Eastern IFCA approach is to encourage compliance with regulation but sanctions are also available to deter, punish and remove any benefit from non-compliance in line with the Enforcement Policy

In order to ensure that compliance and enforcement activity is proportionate and to make best use of limited resources a risk-based approach is taken and this is informed by the Annual Compliance Risk Register.

## Resources

Eastern IFCA has a Marine Protection Team which comprises 10 full-time warranted IFCOs whose primary function is to ensure compliance with fisheries regulations. These officers have a range of powers provided under UK legislation, primarily the Marine and Coastal Act (2009). Officers also have secondary functions such as vessel crew (Skipper, Mate and Engineer), data analysis and projects. All officers are trained to operate as crew to the Authority's vessels and are therefore able to operate at sea as well as ashore. The CEO and Deputy CEO are also warranted IFCOs.

The Authority currently operates three vessels, with a fourth under construction, all of which are able to be utilised for compliance activities.

The primary compliance vessel is *FPV John Allen*, an 11 metre Redbay Stormforce cabin RIB which provides a high profile visible presence and has the capability for electronic observations/tracking and direct boarding of fishing vessels. A second Redbay Stormforce, *FPV Sebastian Terelinck*, is currently under construction and will provide the same capabilities as *FPV John Allen* with the additional benefits of greater manoeuvrability and shallower draught as a consequence of being fitted with waterjet propulsion.



*RV Three Counties*

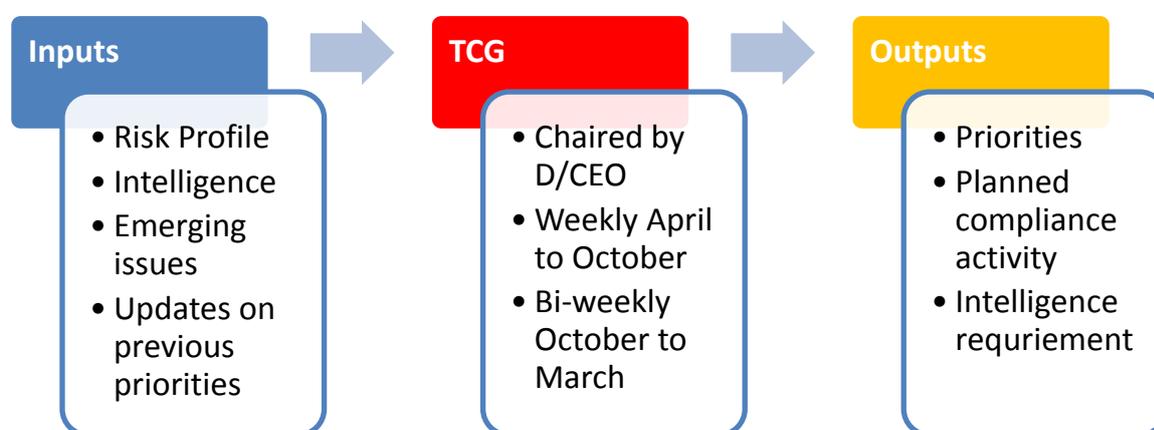


*FPV Pisces*

Additional capability is provided by *RV Three Counties*, an 18 metre research catamaran, which as well as being able to provide a visible presence and monitoring capability has recently been fitted with a pot hauler to enable the inspection of static gear at sea. This vessel also has boarding capability when used in conjunction with *FPV Pisces*; an open RIB that is often carried to act as a support vessel and which also has the ability to operate independently.

## Method

The inshore fisheries sector is dynamic and as such compliance and enforcement activity can change from week to week. To ensure a cohesive approach operational activity is planned and co-ordinated at the Tasking and Co-ordinating Group (TCG). The purpose of the TCG is to prioritise issues, allocate resources and co-ordinate activity to ensure best use of resources. The meeting is informed by the Annual Compliance Risk Register via a monthly Risk Profile, which combined with intelligence and emerging issues identified by officers informs operational activity.



**Fig. 1:** The TCG process

## Tactical Activities

Compliance and enforcement activities are conducted both at sea and ashore and can be categorised under six primary themes (see below). Activity may comprise of one or all of the following themes at any one time:

### 1. High Profile Visible Presence

Being present in the environment in which fishers operate is the foundation upon which all compliance activity is built. At a basic level it provides credibility through operating both at sea and ashore, reassurance to the majority who comply with regulations and a deterrent effect for those that may be tempted to flout regulations. It also provides the opportunity for information and intelligence gathering as well as engagement and education.

### 2. Monitoring Activity

Monitoring activity enables Eastern IFCA to understand the level, nature and impact of fishing activity and the potential for regulations to be breached. It also helps Eastern IFCA to meet its legal obligation to prevent damage to European Marine Sites from fishing activity e.g. in some cases, fisheries regulations exist for the purpose of protecting these sites and in these cases, Eastern IFCA monitors compliance.

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### **3. Engagement and Education**

As provided by the Regulation and Compliance Strategy the primary approach is to encourage compliance with regulation. This is best achieved through engagement with the fishing industry in order to provide clarity on regulation and to assist compliance through education and the sharing of best practice. Engagement is also important in developing and maintaining strong and constructive relationships with both the commercial and recreational fishing sectors.

### **4. Information, Intelligence and Evidence Gathering**

Information, intelligence and evidence are key to Eastern IFCA's approach to fisheries management, regulation and compliance. In essence, fisheries involve people, vessels, fish and markets, all of which are dynamic (e.g. people are compliant or non-compliant; vessels move; the emergence of fish is highly dependent on the environment; and markets go up or down). Understanding all of these factors is essential to Eastern IFCA's ability to operate effectively. The distinction between information, intelligence and evidence in this context is important:

*Information* takes many forms but it includes local knowledge, anecdotal information and information gleaned from any source that may be of relevance to fisheries management. The dynamic nature of the marine environment means that fishing activity will vary from year to year and this form of evidence gathering is crucial to being reactive to changes in a dynamic inshore fisheries sector and it can help to inform compliance activities in the short term. It may also indicate gaps in our current data or evidence base and be used to direct further investigation.

*Intelligence* relates primarily to enforcement and is information that has been evaluated in order to assess provenance and reliability in order to make informed use of it in compliance and enforcement activity.

*Evidence* in this context relates to quantifiable information that can be used to support fisheries management and in particular regulation. This will include fisheries data, which is quantitative evidence gathered in such a way as to understand its confidence. For example quantities landed and fishing effort. Generally evidence is not used to support short-term responses to dynamic changes but it informs the strategic management of fisheries and their regulations. This form of data is of crucial importance to designing and assessing the suitability of management measures.

### **5. Inspection**

An important element in ensuring compliance with sea fisheries regulations is undertaking inspections (e.g. measuring catch and inspecting fishing gear) both at sea and ashore in ports, harbour, creeks and beaches. Such inspections are risk based and the objective is to operate a proportionate regime that achieves the right balance between achieving compliance and managing the regulatory burden on commercial fishers and the level of intervention into the activities of recreational fishers.

Not only do inspections provide confirmation of compliance or evidence of transgression but they also enable engagement and education and the opportunity to gather intelligence and information.

Eastern IFCA works in partnership with the Marine Management Organisation and the Environment Agency. As such, evidence is collected and passed onto partner organisations for offences which are not necessarily enforceable by Eastern IFCA (e.g. quota restrictions).

## 6. Enforcement

Whilst the primary objective is to achieve compliance through engagement and education there will be occasions where it is appropriate to undertake operations to identify offending and to apply sanctions in order to deter, punish and remove any benefit from non-compliance in line with the Enforcement Policy. Operations and investigations can take many forms but the key elements are to employ appropriate tactics to identify offending; to secure and gather evidence; and to prepare case files to support the appropriate sanction.

## Partnership Working

Whilst Eastern IFCA are responsible for managing the fisheries out to six miles at sea there are some shared and complimentary areas of responsibility with both the Marine Management Organisation (MMO) and the Environment Agency (EA). Not only is co-ordination of effort between organisations important for stakeholders it also provides opportunities for sharing resources and reducing workloads.

As a consequence partnership working, particularly with the MMO, is a key element to Eastern IFCA's approach to achieving compliance and routine attendance at the MMO Area TCG enables joint activity to be planned and opportunities to share resources and/or reduce workloads to be exploited.

## Objectives

Whilst the method employed to deploy resources via the TCG process (ante) means that it is necessary to retain the ability to be flexible, it is appropriate to set benchmark objectives for some activities. It is also appropriate to have an established intention in relation to vessel sea time to provide a high profile presence as a minimum and to enable other compliance activities.

<b>Seaborne Compliance Activity</b>		
<b>Objective</b>	<b>Quantity</b>	<b>Comments</b>
<i>FPV John Allen</i> days at sea	50	High profile visible presence and facilitate other activities
<i>FPV Sebastian Terelinck</i> days at sea	30	High profile visible presence and facilitate other activities
<i>RV Three Counties</i> days at sea	55	Research activity, high profile visible presence and facilitate other activities
Monitor EMS closed areas	100 occurrences	Visual and electronic monitoring
Board all vessels which have recently entered the district	100%	Engagement and education

<b>Shore Based Compliance Activity</b>		
<b>Objective</b>	<b>Quantity</b>	<b>Comments</b>
Port visits	2 x per month (min)	High profile visible presence and facilitate other activities
Monitoring EMS closed areas	2 x per month (min)	High profile visible presence, monitoring and facilitate other activities
Area officers to engage with the owner/skipper of all vessels which have recently entered the district	100%	Engagement and education

<b>Partnership Working</b>		
<b>Objective</b>	<b>Quantity</b>	<b>Comments</b>
Attendance at MMO Area TCG meeting	100%	Monthly meetings that provide the opportunity to harmonise activity and plan joint work
Joint patrols/inspections/ operations with the Marine Management Organisation	12 (min)	

## **Indicators**

In order to understand resource usage and outcomes it is necessary to capture data that will provide indicators on activity and performance. The following information will be collected and reported in the Annual Report.

### Seaborne Activity

#### *FPV John Allen* days put to sea

- Wash Fishery Order enforcement
- Wash other
- Lincolnshire
- N. Norfolk
- Suffolk
- Research

#### *FPV Sebastian Terelinck* days put to sea

- Wash Fishery Order enforcement
- Wash other
- Lincolnshire
- N. Norfolk
- Suffolk
- Research

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*RV Three Counties* days put to sea

- Wash Fishery Order research
- Wash other research
- Research (Lincolnshire, N. Norfolk, Suffolk)
- Enforcement

*FPV Pisces* days put to sea independently

Number of inspections (boardings including attended nets and static gear) - commercial

Number of unattended static gear inspections – commercial and recreational

Number of inspections - recreational

EMS closed area monitoring (sea)

#### *Shore Based Activity*

Area based patrols (days)

Port visits involving engagement with fishers (commercial)

Beach/port/site visits involving engagement with fishers (recreational)

Number of landings inspections

Number of premises inspections (e.g. processors, shops, wholesalers, stalls, markets, auctions)

Number of other inspections (e.g. vessel gear checks in port, divers, shore anglers, beach inspections, vehicles)

EMS closed area monitoring (shore)

#### *Partnership Working*

Attendance at MMO TCG meetings

Joint patrols/inspections/operations with the MMO

#### *Enforcement*

Verbal warnings

Advisory letter

Official written warnings

Simple cautions (if utilised)

Financial Administrative Penalties

Prosecutions