

HER MAJESTY'S GOVERNMENT AND THE MARINE MANAGEMENT ORGANISATION

FRAMEWORK DOCUMENT



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MANAGEMENT ORGANISATION**

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This document is also available on the Defra website at: www.defra.gov.uk

Published by the Department for Environment, Food and Rural Affairs

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Foreword

The importance of our seas cannot be overstated. As a valuable resource for food, providing livelihoods and offering leisure and relaxation, the sea is part of the very fabric of our daily lives, whether directly through working in marine conservation or indirectly through the food on our tables. As an island nation the seas are an integral part of us, shaping our history and our culture, and helping to protect our way of life. The seas also help to regulate our climate. It is now time we reciprocate and offer our own protection, through effective management, to ensure that we can all benefit from the seas unique resources whilst protecting our marine area.

The groundbreaking Marine and Coastal Access Act 2009 establishes the Marine Management Organisation (MMO) as one of the UK Government's delivery bodies in the marine area. The Government sees the MMO as an active, dedicated and skilled manager of the marine area, making a significant contribution to the achievement of sustainable development. The MMO will be trusted by its stakeholders, and set marine and coastal environment planning standards which integrate conservation, energy and other resource needs.

The MMO will be a decision-making body, and a key adviser on marine issues, bringing consistency to the decision-making process and bringing together the management of marine activities.

This is an important point – the MMO will deliver functions (where not devolved) and regulate for English territorial waters and UK offshore marine areas on behalf of Government as a whole, not a simply for a single department. This combination of marine functions the MMO will be delivering, together with the knowledge and expertise it will build up, will enable integrated implementation of Government policy for the marine area.

As Secretary of State for Defra, I speak on behalf of the Government in wishing the MMO every success in this new and exciting opportunity to manage and protect our marine area.

Hilary Benn

Secretary of State for Environment, Food and Rural Affairs
March 2010

1 Introduction

This Framework Document sets out the overarching framework for the sponsorship of the Marine Management Organisation (MMO) and the governance and accountability arrangements between Government and the MMO. It has been drawn up by the Department for Environment, Food and Rural Affairs (Defra) in collaboration with the Department of Energy and Climate Change (DECC), Department for Transport (DfT), Communities and Local Government (CLG) and the Ministry of Defence (MoD), the other sponsoring Government departments. The Department for Culture, Media and Sport (DCMS) also has an interest in the MMO and has been consulted.

The MMO has been established as an Executive Non-Departmental Public Body (NDPB), a body that is not a Government department or part of one, but one which carries out its functions with technical expertise, impartiality and transparency, and to a greater or lesser extent at arm's length from Ministers. As with other executive NDPBs, the MMO is led and directed by an independent Board but Ministers remain accountable to Parliament for the overall performance of the MMO.

This document is signed and dated on behalf of the Government by Defra, as chair of the cross-Government Sponsorship Group, and by the Chair of the MMO. Copies of the document and any subsequent amendments have been placed in the Libraries of both Houses of Parliament and made available to members of the public on the MMO website (www.marinemanagement.org.uk) and Defra website (www.defra.gov.uk).

2 Status and legal framework

Status

The Marine and Coastal Access (MCA) Act 2009 established the MMO as a statutory public body to manage the marine area in accordance with the duties and obligations stipulated in the Act with the objective of contributing towards the achievement of sustainable development.

The MMO will help to deliver the Government's Public Service Agreement (PSA28) *"to secure a healthy environment in which we and future generations can prosper"*, and the sponsoring departments' relevant Departmental Strategic Objectives, which can be found at Annex 1.

The MMO's role as a strategic delivery partner will bring together within a single entity a number of marine management activities from across Government. The MMO will draw on its own knowledge and expertise and that of others to enable and maintain a coherent and co-ordinated approach to strategic delivery for the marine area in conjunction with other delivery bodies. As the Government's principal regulator, as well as its delivery body, for English territorial waters and UK offshore marine areas (for those matters that are not devolved), the MMO will deliver functions on behalf of a number of Government departments. It will also take forward the policy interests of a wide range of Government departments and planning authorities through its role in developing marine plans.

Where the UK is required to have a single competent authority for matters within the MMO's remit, the MMO may be designated in that role, together with other commitments that reasonably relate to the organisation's legal and institutional span of obligations.

Legal framework

The MCA Act 2009 provides for the establishment of the MMO but it does not set out all of the MMO's functions. There are five mechanisms for the transfer of functions to the MMO:

- Direct transfer under the MCA Act of new functions or of existing functions (by amendments to other statutes);
- Delegation of marine planning functions under Part 3 by a Secretary of State "direction" under section 55 ("a Part 3 direction");
- Delegation of marine licensing functions under Part 4 by order under section 98;
- Delegation of other marine functions by agreement between the Secretary of State and the MMO under section 14 ("a section 14 agreement"); and

- Amendment of existing statutory instruments (or introduction of new statutory instruments) to transfer functions to the MMO.

Delegating functions

To enable the MMO to make arrangements for the most effective discharge of its functions, the MMO is able (under section 15 of the MCA Act) to make agreements with other bodies to carry out functions on the MMO's behalf.

Any such agreements must be approved by the Secretary of State and must be reviewed every five years. The Secretary of State, after review, may cancel an agreement. There are exceptions to what can be included in an agreement and delegated to another body: for example, the MMO cannot delegate its planning and licensing functions.

Taking on additional functions

The MMO may be asked to take on additional functions. Bilateral discussions between the parties will scope the proposed functions and resources required, with proposals going through the sponsorship governance mechanisms. The final decision on whether the MMO should take on any additional functions will be taken by agreement between the Secretary of State (on advice from the Sponsorship Group) and the MMO Board.

The Government of Wales Act and the Northern Ireland Act allow those Devolved Administrations to request the MMO deliver certain functions on their behalf.

Delivering additional services

The MMO may be asked to deliver additional services. This can be done through bilateral agreements.

Management Framework

The overall framework that guides and defines the MMO is provided through a series of sources, summarised as follows:

- **Primary legislation** – establishes the MMO and describes the broad mechanisms of control that are in place, including powers for the Secretary of State to guide and direct the MMO;
- **Statutory Guidance** – the Secretary of State can issue guidance to the MMO on how it should discharge its functions. In particular he must provide statutory guidance to the MMO relating to its objective on sustainable development;
- **National Policy Statements** – National Policy Statements are being produced for key infrastructure sectors (e.g. water) to provide a clear statement of Government policy for decisions on nationally significant infrastructure projects.

- **Marine Policy Statement** – the Marine Policy Statement provides a specific policy framework within which the MMO must develop marine plans. The Marine Policy Statement and marine plans will provide the framework within which decisions are made in connection with the MMO's other functions;
- **Framework Document** (i.e. this document) - sets out management, operational, financial and accountability arrangements. A Framework Document aims to ensure that an NDPB operates with the right level of efficiency, flexibility and delegation, in order to be fully accountable to Parliament;
- **Corporate Plan** – deals with setting the MMO's strategic objectives, providing a basis for setting targets and a means of allocating resources for the three years ahead. It is also the basis for reviewing performance, and provides a basis for budgeting and managing resources;
- **Annual Business Plan** – sets out what the MMO intends to do in a particular year through targets and performance measures for its day-to-day business operations;
- **Service Level Agreement** between Government and the MMO – sets out the detail of how and what the MMO is to deliver. An outcome-based document that sets the framework for managing the MMO's performance; and
- **Memoranda of Understanding, Service Level Agreements and other contracts** – provides details of what is being delivered, roles and responsibilities and performance indicators in its business relationships with strategic partners, other delivery bodies or service providers.

3 Strategic context and direction

Vision

The Government's vision for the MMO is that it is a professional, active and independent marine manager, trusted by all stakeholders to make a significant contribution to sustainable development in the marine area and the wider context. It makes decisions on the majority of marine developments and, where it is not the decision-making body, is a key adviser on marine issues.

Context

The MMO will carry out the marine planning function on behalf of the UK Government (for waters around England) and will be its principal regulator in English territorial waters and the UK offshore area for matters that are not devolved. It delivers functions on behalf of several Government departments. In addition to working with the Devolved Administrations, the MMO works with other partners including regulatory, delivery, enforcement and scientific organisations.

The MMO has been created in light of recommendations from several reports and reviews that suggested fisheries management functions should be integrated with wider marine management functions. The MMO undertakes the functions previously delivered by the Marine and Fisheries Agency (MFA). These include fisheries management and enforcement, including under the European Common Fisheries Policy (CFP). The MFA's functions were broadened in anticipation of the creation of the MMO to include licensing of marine activities and developments and responsibility for contingency for pollution incidents.

The MMO's capability will evolve and grow, in particular over its first three years of existence. It will need to ensure business and operational continuity and the smooth transfer of authority in respect of functions inherited from predecessor organisations, notably the MFA, whilst growing its capability to deliver the new functions which have been allocated to it through the MCA Act, most notably in marine planning.

The MCA Act 2009 places a duty on the MMO to manage all of its functions and activities with the objective of making a contribution to the achievement of sustainable development, taking account of all relevant facts and matters and in a consistent and co-ordinated manner. A list of the MMO's functions can be found at Annex 3.

Strategic aim

Section 2 of the MCA Act sets out the MMO's general objective. Against this, taking into account the functions and resources of the MMO at any given time, the MMO will define its strategic aim. For its first years of operation, the strategic aim for the MMO is:

- To maintain exemplary levels of delivery and public service in the marine area, while growing to full capacity by 2012 to become the nationally and internationally recognised leader in marine management and sustainable development.

Strategic outcomes

To achieve its strategic aim the MMO will deliver, within resources, the following outcomes:

- A distinctive contribution to the achievement of sustainable development by, among other initiatives, introducing and developing an integrated marine planning capability that, by 2012, delivers a world-leading, integrated approach to marine management;
- Effective delivery and continuous improvement of the MMO's regulatory, licensing and statutory functions that result in professional and proactive management of our seas, characterised by efficient public service and value for money;
- Rigour, consistency and impartiality in decision making, achieved through objective assessments that access and incorporate the best available evidence and research relating to the marine area;
- Delivery of exceptional customer service and the provision of effective, responsible stewardship of the marine area by means of a responsive, trained, highly motivated and well-led workforce; and
- A comprehensive network of productive working relationships with partners and service providers, in order to provide coherence, co-operation and communication across the whole marine area.

Statutory Guidance

Statutory Guidance to the MMO is made by the Secretary of State on behalf of Government. It is expected that such guidance will periodically be reviewed and updated.

Statutory Guidance on Sustainable Development

In accordance with section 2(1) of the Marine and Coastal Access Act, the MMO is required to manage its activities "*with the objective of making a contribution to the achievement of sustainable development, taking account of all relevant facts and matters, and in a manner which is consistent and co-ordinated*". Furthermore, "*in pursuit of its overall objective, the MMO may take any action which it considers necessary or expedient for the purpose of furthering any social, economic or environmental purposes*".

The MMO must seek to deliver integrated solutions that respect all five principles of sustainable development as embodied in the High Level Marine Objectives and thereby, wherever possible, balance social, economic and environmental considerations. Whilst recognising that some decisions, whilst underpinned by all five

principles, might place more emphasis on certain principles than others, any trade-offs should be made in an explicit and transparent way so that over time the MMO's decision-making can be seen to make a real contribution to the achievement of sustainable development in the marine area and in the wider context.

The MMO's action plan as set out in its corporate and business plan, when viewed as a whole will represent the contribution that the MMO is to make to the achievement of sustainable development.

Marine Policy Statement

The Marine and Coastal Access Act provides for a new system of marine planning, the first stage being the development of the Marine Policy Statement (MPS) which will apply to the whole of the UK's waters. The Secretary of State, Welsh Ministers, Scottish Ministers and the Department of the Environment in Northern Ireland will work together on the MPS and adopt it jointly.

The MPS will build on the High Level Marine Objectives published in April 2009¹ and will set out all four administrations' agreed policies for "*contributing to the achievement of sustainable development in the UK marine area and in the wider context*". The MPS will be consistent with National Policy Statements (where relevant), and if appropriate expand on them, explaining how they relate to, and sit within, wider policy for the marine area.

The MPS will set a clear policy context for the development of marine plans. In addition, most marine authorisation and enforcement decisions will have to be taken in accordance with the MPS and any relevant marine plans (other than those of the Infrastructure Planning Commission (IPC) which shall have regard to the MPS). The MMO will be operating within this policy framework. Until such time as the MPS is adopted the draft MPS will be a relevant consideration for the MMO to take into account.

Regulatory principles

As a Government Regulator the MMO must have regard to the five principles of good regulation: i.e. that regulatory activities should be transparent, accountable, proportionate, consistent and targeted, as set out in section 21 of the Legislative and Regulatory Reform Act (LRRRA) 2006. The MMO will be added (by Order) to the list of bodies subject to the LRRRA and will operate in accordance with Regulators Compliance Code. The MMO will have a risk-based, proportionate, targeted and flexible approach to regulatory inspection and enforcement.

In carrying out its regulatory responsibilities the MMO must take into account Statutory Guidance and other instruction or guidance issued to it by the Secretary of State. The MMO is responsible for determining the scientific evidence base it requires in the course of carrying out its regulatory duties and obligations. In developing and improving the evidence base the MMO will consult strategic partners as appropriate.

¹ Defra PB 13258 <http://www.defra.gov.uk/environment/marine/documents/ourseas-2009update.pdf>

4 Relationship with the Secretary of State, Ministers and sponsoring departments

Secretary of State

The Secretary of State for Environment, Food and Rural Affairs has overall responsibility for the MMO and is accountable to Parliament for all matters concerning the MMO.

Government funding for the MMO is authorised and controlled by Parliament and is subject to departmental planning in the spending review process. The MMO's funds come partly through grant-in-aid (which at least initially will come wholly from Defra), and partly through cost recovery mechanisms such as fees and charges for services. There may be other income streams in the future such as consultancy. The Public Accounts Committee and the National Audit Office (NAO) look to Defra for ensuring accountability.

Parliamentary Questions (PQs) will be answered by Defra, in consultation with the MMO, where appropriate, or by the Chair of the MMO acting on behalf of the Secretary of State and in consultation with Defra, as appropriate.

The Secretary of State represents Government in the execution of his duties towards the MMO, and his responsibilities therefore also include:

- overseeing how the MMO operates, including agreeing corporate governance documentation with regard to the MMO's statutory duties, objectives and functions;
- giving the MMO, after consultation, guidance and general or specific directions regarding its functions;
- publishing any such directions or guidance;
- appointing the Chair;
- appointing the Board's 'ordinary' members, in consultation with the Chair;
- appointing the first Chief Executive;
- approving the appointments, and terms of appointments, of the Chief Executive and the Chief Scientific Adviser;
- suspending or terminating appointments under certain circumstances;
- where agreed, delegating appeals responsibility (e.g. to the Planning Inspectorate for licensing);
- approving or cancelling agreements between the MMO and eligible bodies;
- reviewing these agreements within five years of them being made;
- making payments to the MMO by way of grant;
- setting the fees and charges payable to the MMO associated with the exercise of its marine licensing functions;
- lending money to the MMO, or consenting to the MMO borrowing money and guaranteeing repayments and interest;
- transferring designated property, rights or liabilities or staff on a temporary basis;

- determining members and staff remuneration, allowances, pensions, gratuities and compensation for loss of office;
- directing a statement of accounts for each financial year;
- laying annual reports and certified audit statements and reports before each House of Parliament and
- where necessary, acting to develop a collective Government approach on issues of relevance to the MMO.

In practice the Secretary of State may empower a Defra Minister to act on his/her behalf on all ownership matters related to the MMO.

Ministers

A wide range of Departments across Government have policy interests in the marine area. Those with the closest interest are represented on the Sponsorship Group; this does not exclude other departments such as the Department for Culture, Media and Sport (DCMS) from contributing their views. Ministers are responsible for representing their departmental interests through the usual course of day-to-day Government business. Ministers will be informed about matters relating to the sponsorship of the MMO through the departmental representatives on the cross-Government Sponsorship Group. If the Sponsorship Group is unable to reach agreement at official level, outstanding issues would be escalated to Ministers.

Cross-Government Sponsorship Group/Sponsorship Team

A cross-Government Sponsorship Group advises the Secretary of State and the Chair of the MMO on strategic guidance, performance targets and measures in light of the Government's wider strategic aims and current Public Service Agreements; and will monitor the performance by the MMO.

The Sponsorship Group comprises senior officials from DECC, Defra, DfT, CLG and MoD, and assists the Secretary of State in the discharge of his/her duties, supporting and advising as necessary and ensuring collective ownership and responsibility across Government. The Terms of Reference for the Group and a relationship chart are at Annexes 4 and 5.

The secretariat for the Sponsorship Group is provided by the MMO Sponsorship Team based in Defra (including secondees from other Departments as appropriate), who are the main source of advice to the Secretary of State and the cross-Government Sponsorship Group on the discharge of their responsibilities in respect of the MMO. The team supports Defra's Permanent Secretary (the Principal Accounting Officer (PAO)) on his or her responsibilities toward the MMO.

The Sponsorship Team acts as the primary point of contact for the MMO in dealing with its sponsoring departments (bilateral engagement between policy leads and MMO staff will continue).

The Sponsorship Team will support the Secretary of State, Defra's Principal Accounting Officer and the Sponsorship Group to:

- advise on the appropriateness of the MMO's strategic objectives and performance management framework and hold the MMO to account for its performance.
- agree an appropriate budget for MMO in the light of the Government's overall public expenditure priorities;
- address in a timely manner any significant problems arising in the MMO, whether financial or otherwise, advising Defra's Principal Accounting Officer to make such interventions as judged necessary;
- periodically carry out a risk assessment of the MMO's activities to inform the oversight of the MMO; make proposals for strengthening these arrangements if necessary; and amend this Framework Document accordingly. The risk assessment will take into account the nature of the MMO's activities; the public monies at stake; the MMO's corporate governance arrangements; its financial performance; internal and external auditors' reports, the openness of communications between the body and its sponsors; and any other relevant matters;
- inform the MMO of relevant Government policy in a timely manner; advise on the interpretation of that policy; and issue specific guidance to MMO as necessary; and
- bring concerns about the activities of the MMO to the attention of the Chief Executive, seeking explanations and assurances that appropriate action has been taken.

The Sponsorship Team will instigate periodic reviews of the MMO, in accordance with Cabinet Office guidance (http://www.civilservice.gov.uk/Assets/9_reviewing_tcm6-2488.pdf), the business needs of the sponsoring departments and of the MMO.

Defra Principal Accounting Officer's (PAO) responsibilities

The Permanent Secretary of Defra, as the PAO, is the principal adviser to the Secretary of State on matters affecting Defra as a whole, including expenditure allocation and finance, and is responsible for ensuring a high standard of financial management. As PAO the Permanent Secretary has designated the Chief Executive as the MMO's Accounting Officer (AO), and must be satisfied that the MMO has adequate risk management, financial systems and procedures in place to promote the efficient and economical conduct of its business, safeguard financial propriety and regularity, safeguard its reputation, and ensure business continuity.

Defra's PAO is accountable to Parliament for the issue of any grant-in-aid to the MMO.

The Chair of the MMO

The Chair is responsible to the Secretary of State and communications between the Board and the Secretary of State should normally be through the Chair. The Chair is responsible for ensuring the MMO's policies and actions support the Government's wider strategic policies and that its affairs are conducted with probity. Where appropriate, these policies and actions should be clearly communicated and disseminated throughout the MMO.

In addition, the Chair has the following leadership responsibilities:

- ensuring the MMO is recognised as a respected, independent body and government regulator;
- formulating the Board's strategy;
- ensuring that the Board, in reaching decisions, takes proper account of Statutory Guidance provided by the Secretary of State;
- promoting the efficient and effective use of staff and other resources;
- delivering high standards of regularity and propriety; and
- representing the views of the Board to the general public.

The Chair ensures that the Board has a *Code of Practice* (agreed with the Secretary of State) and that its work and its members are reviewed, are operating effectively, and that the Board has a balance of skills appropriate to directing the MMO business, as set out in the *Government Code of Good Practice on Corporate Governance*.

The Chair ensures that Board members are fully briefed on terms of appointment, duties, rights and responsibilities and that they, together with the other Board members, receives appropriate training on financial management and reporting requirements and on any differences that may exist between private and public sector practice. The Chair also assesses the performance of individual Board members and advises the Secretary of State of the MMO's needs when Board vacancies arise.

The Board

The Board of the MMO has collective responsibility for determining the organisation's strategic direction and operational policies, and ensuring that the MMO discharges its statutory duties within the framework specified by Ministers and in accord with statutory guidance issued by the Secretary of State. The Board ensures that the body is properly and effectively managed, to safeguard propriety, economy, efficiency and effectiveness in its operation, and providing stewardship for the public funds entrusted to the organisation.

More specifically, the Board is responsible for:

- ensuring that the Secretary of State is kept informed of any changes which are likely to impact on the strategic direction of the MMO or on the attainability of its targets, and determining the steps needed to deal with such changes;
- demonstrating high standards of corporate governance at all times, operating within the limits of its statutory authority and any delegated authority agreed with the sponsor departments, and in accordance with any other conditions relating to the use of public funds (including taking into account guidance issued by the sponsor departments);
- ensuring effective arrangements are in place to provide assurance on operational and strategic risk management, governance and internal control, such as setting up an Audit Committee chaired by an independent non-executive member to provide independent advice; and
- appointing, with the Secretary of State's approval, a Chief Executive. The Board, in consultation with the Sponsorship Group, sets performance objectives for the Chief Executive which give due weight to the proper management, use and utilisation of public resources.

Composition of the Board

In line with the Marine and Coastal Access Act and the Government's *Code of Practice on Corporate Governance* (<http://www.hm-treasury.gov.uk/d/daocorpgovernancecode.pdf>), the Board will consist of a Chair, together with a minimum of five and up to eight ordinary non-executive members who as a whole have a balance and variety of skills and experience appropriate to directing the organisation's business and avoiding dominance by any particular sectoral interest.

Board appointments - the Chair and Board members

The Chair and Board members are appointed by the Secretary of State. The terms of appointment are to be determined by the Secretary of State, with no appointment longer than five years. Appointments can be renewed, but no person may be a member for a total period of more than 10 years, whether or not continuous. These appointments must comply with the *Code of Practice of the Office of the Commissioner on Public Appointments* (<http://www.publicappointmentscommissioner.org/>).

Individual Board members' responsibilities

Individual Board members should comply at all times with the *Board Members' Code of Practice* and with Treasury and Cabinet Office rules relating to the use of public funds and to conflicts of interest. Information gained in the course of public service should not be misused for personal gain or for political profit, nor to promote private interests or those of connected persons or organisations. Members are to comply with the Board's rules on the acceptance of gifts and hospitality, and of business appointments, and act in good faith and in the best interests of the MMO.

The Chief Executive

The Chief Executive is responsible for the day-to-day operation and management of the MMO, in accordance with this Framework Document and the Corporate and Business Plans.

As the Accounting Officer for the MMO, the Chief Executive is personally responsible for safeguarding the public funds for which he or she has charge and for ensuring propriety and regularity and value for money in the handling of those public funds through robust management disciplines (including performance management arrangements and controls). The responsibilities of the AO for NDPBs and other arm's length bodies are set out in Chapter 3 of *Managing Public Money* (http://www.hm-treasury.gov.uk/d/mpm_ch3.pdf). The Chief Executive's other key responsibilities are to:

- develop plans for Board approval on how the organisation will meet its strategic aims and objectives, consistent with the Marine and Coastal Act;
- deliver a business planning process, organisational structure and annual business plan that underpins the achievement of the MMO's purpose and strategy, evaluating and reporting to the Board on the overall performance of the organisation;
- recruit, lead, manage and motivate the senior management team and staff including the development of an organisational culture that promotes high performance and commitment;
- promote and maintain effective stakeholder and partner engagement and collaboration at strategic, developmental and operational levels to support the achievement of MMO aims, working in conjunction with the MMO Chair to represent the organisation internally and externally;
- implement an effective marketing and communications programme to raise and promote the profile of the organisation;
- assess the strategic and operational implications of proposed new business areas; and
- advise the Board on the operational implications of Government policy and legislative developments in both the UK and the EU.

The Chief Executive is accountable to the MMO Board for all matters of health and safety associated with the MMO's business activities and will ensure that resources, organisation design and arrangements are adequate for delivering effective performance.

5 Relationships with Government Departments and other bodies

The MMO has a range of relationships with other Government Departments, the Devolved Administrations, other NDPBs, Government Agencies, local authorities and bodies. A diagram of these relationships can be found on the MMO website (www.marinemanagement.org.uk).

Many of these relationships are and will be defined through a series of Service Level Agreements (SLAs), Memoranda of Understanding (MoU), contracts or other agreements between the MMO and the Departments or bodies concerned. These seek to scope the agreed policies and services to be delivered towards making a significant contribution to sustainable development in the marine area. These agreements also set out the collaborative approach to the policy development and delivery partnership.

The SLA between the Government and the MMO sets out the agreed policies and services which the MMO will deliver and in doing so, contribute to the achievement of sustainable development in the marine area. The SLA is a separate document which focuses not just on what is to be delivered and by when, but also on relationships and ways of working together, incorporating 'the deal'.

The role of the Sponsorship Group and Sponsorship Team is scoped in the previous section. In the event that relations break down or the MMO needs guidance on the priorities it has been asked to advise upon or deliver by other bodies, the Sponsorship Group can be used as an escalation route should the Sponsorship Team be unable to resolve the issues at an operational level.

Relationship with Defra

The relationship with Defra covers three main areas:

- sponsorship on behalf of Government;
- delivering Defra's Public Service Agreement (PSA), Departmental Strategic Objectives (DSOs) and marine policy; and
- providing operational support in infrastructure.

All shared support structure services, for example IT providers and contracts, have been agreed in liaison with Defra.

Relationships with other Government Departments and other bodies

Centre for Environment, Fisheries and Aquaculture Science (CEFAS)

As an executive agency of Defra, Cefas delivers marine and freshwater science advice and service to Government and its agencies. In providing marine science and advice to the MMO Cefas will be building on its existing relationships across Government.

Department for Energy and Climate Change (DECC)

DECC is a regulator in the marine area and is responsible for making decisions on oil and gas licensing, gas unloading & storage and Carbon Capture & Storage (CCS). Like the MMO, it will be guided by the Marine Policy Statement and marine plans in making these decisions. DECC's Energy Development Unit is the licensing body for all oil & gas, gas unloading & storage and CCS, subject to devolved responsibilities. The MMO will need to consult and work closely with DECC (e.g. DECC will consult the MMO on oil and gas licensing, and the MMO will consult DECC on the potential impact of MCAA licensing etc on oil and gas and CCS activities), to ensure an effective strategic partnership. These working arrangements will be set out in a SLA between the MMO and DECC.

Devolved Administrations

The MMO will need to work closely with the Devolved Administrations where they have responsibility for regulation in adjacent sea areas to the MMO, to ensure a joined-up approach to applications on or near the border.

Both Wales and Northern Ireland can ask the MMO to undertake functions on their behalf. This is permitted under the devolution settlements. This arrangement is not in place for Scotland. Section 27 of the Act makes it clear that the MMO can charge Wales and Northern Ireland for any services it undertakes on their behalf.

Environment Agency

The Environment Agency (EA) has a key role managing coastal waters and on which the MMO will involve EA. The MMO and EA will also work together on certain marine licensing activities in coastal areas and pollution issues. Roles and responsibilities will be scoped in a MoU.

Infrastructure Planning Commission (IPC)

The IPC is to be established under the Planning Act 2009 in April 2010 and will take decisions on nationally significant infrastructure projects in England and Wales (including the inshore and offshore areas) in accordance with the National Policy Statements (NPS); it will also take decisions in Scotland in relation to oil and gas pipelines that cross into England and are not constructed by a Gas Transporter². When these decisions affect the marine area (essentially for large renewable energy projects and the largest ports) the IPC must also have regard to the MPS and relevant marine plans.

The Planning Act allows the IPC to issue a deemed marine licence when considering an application which would fall within the scope of the marine licensing regime. The MMO will play a key role in advising the IPC when it is considering such applications. The MMO, as the specialist marine licensing authority, will license development projects in the marine area of a size below the IPC threshold, including renewable energy installations of 100MW or less.

² Pipelines under s.21 of the Planning Act cover oil, gas and chemical pipelines when in England and Wales, but only oil and gas pipelines when it comes to Scotland.

The MMO is a statutory consultee for potential applicants to the IPC and also a statutory interested party to the IPC's examination process. It therefore has a key role in providing its marine advice and expertise to both applicants and the IPC.

Marine Management Officers will use enforcement powers in the Marine and Coastal Access Act for monitoring compliance with consent conditions set by the IPC, and for any enforcement action that may be necessary at sea except in the territorial waters around Wales. The IPC will be able to deem that a marine licence is issued for those aspects of a project which are in the marine area. As part of its enforcement role the MMO will therefore be able to modify or add conditions to this deemed licence where appropriate (e.g. in light of new evidence), or even revoke it if necessary.

Under the Planning Act 2008 around a dozen National Policy Statements (NPS) are being produced for key infrastructure sectors to provide a clear statement of Government policy for decisions on nationally significant infrastructure projects. These will cover energy, ports, water and waste infrastructure and set out the national need for development of each type of major infrastructure, providing a clear framework within which promoters of infrastructure can bring forward projects and which the IPC will use when examining and determining applications.

Inshore Fisheries and Conservation Authorities (IFCAs)

Inshore Fisheries and Conservation Authorities (IFCAs) will replace the existing Sea Fisheries Committees from April 2011 and, as well as managing inshore fisheries, they will take on new conservation duties as set out in the Marine and Coastal Act 2009.

The IFCAs will lead, champion and manage a sustainable inshore marine environment by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable inshore fisheries and a viable industry. As such, they are one of MMO's key delivery partners.

As well as appointing IFCA committee members, the MMO will have a statutory seat on each of the committees. The MMO representative will provide an appropriate level of challenge and input to decisions taken by an IFCA committee, to ensure that they are balanced and based on good evidence.

The MMO and IFCAs will work closely together on enforcement, and officers from each organisation will be able to be cross-warranted so that they can enforce in each other's jurisdictions, where appropriate areas. IFCAs will enforce MMO byelaws that are put in place to protect inshore Marine Conservation Zones. The MMO and IFCAs will also work together to make the best use of their data and other information. This will require close co-operation between both bodies, including the exchange of knowledge, research and statistical information. The MMO will ensure that IFCAs have access to the necessary information to allow them to carry out their duties.

In Clause 169 of the Marine and Coastal Access Act, there is a duty for IFCAs to co-operate with relevant public authorities – which will include the MMO - to ensure that the fisheries and conservation needs within their districts are properly addressed. In

return, the MMO will consult IFCA on issues that will affect the management of the inshore marine environment.

Maritime and Coastguard Agency (MCA)

The MCA is an executive agency of DfT responsible for:

- minimising loss of life amongst seafarers and coastal users;
- responding to maritime emergencies 24 hours a day;
- developing, promoting and enforcing high standards of maritime safety and pollution prevention for ships; and
- when pollution occurs, minimising the impact on UK interests.

The MMO and MCA will need to work constructively together on areas of mutual interest and intend to set out the nature of their relationship in a MoU.

Natural England and the Joint Nature Conservation Committee

The MMO will take advice from Natural England (NE) and take on some regulatory functions that contribute to nature conservation, and work with NE and the Joint Nature Conservation Committee (JNCC) on designating and managing Marine Conservation Zones. The JNCC will also advise the MMO on discharging its functions and these relationships will be articulated in a formal agreement.

Secretary of State's Representative for Maritime Salvage and Intervention (SoSRep)

The UK created the role of the Secretary of State's Representative for Maritime Salvage and Intervention (SoSRep) in 1999, following a recommendation contained in Lord Donaldson's *Review of Salvage and Intervention and their Command and Control*.

The role of SoSRep is to represent the Secretaries of State for the DfT (in relation to ships) and DECC (in relations to offshore installations) by removing or reducing the risk to safety, property and the UK environment arising from accidents involving ships, fixed or floating platforms or sub-sea infrastructure. On behalf of the Secretary of State, SoSRep has the power to oversee, control and – if necessary – intervene in salvage operations within UK waters involving vessels or fixed platforms where there is a risk of significant pollution. To reduce the risk of pollution of our seas and coasts, SoSRep can direct vessels which are in difficulties to a suitable place of refuge.

During an incident SoSRep receives advice and guidance from the Environment Group. MMO coastal inspectors are members of Standing Environment Groups around the coast of England who attend Environment Groups in the event of a significant pollution incident occurring.

MMO representatives advise on fisheries and other marine activities to help inform appropriate pollution response decisions with a view to maximising environmental protection. The MMO will also give approval to use Oil Spill Treatment Products in the event of an oil spill, and co-ordinate the environmental response to marine pollution incidents.

SoSRep's powers extend to UK territorial waters (12 nautical miles from the coast/baseline) for safety issues and to the UK Pollution Control Zone (200 miles or

the median line with neighbouring states) for pollution. SoSRep is empowered to make crucial and often time-critical decisions, without delay and without recourse to higher authority, where such decisions are in the overriding UK public interest.

The powers of direction invested in SoSRep are extensive and used when he believes that the public interest is not being adequately protected. Working closely with the MCA, DfT and DECC, SoSRep's key responsibilities include:

- acting at the earliest point during a shipping or offshore incident to assess the risk to safety, to prompt the end of any such incident and to ensure that increasing risk is evaluated and appropriate measures taken to prevent or respond to escalation;
- monitoring all response measures to significant incidents involving shipping and the offshore industry;
- if necessary, exercising ultimate control by implementing the powers of intervention, acting in the overriding interests of the UK and its environment;
- participating in major national and international exercises;
- reviewing all activities after significant incidents and exercises.

6 Public Comments and Complaints

Freedom of Information

The MMO is subject to the Freedom of Information Act (FOIA) and the Environmental Information Regulations (EIR) which ensures that the public can, on request, be given access to information, in accordance with its statutory obligations. It manages official records in accordance with the Public Records Act (PRA) and undertakes to comply fully with the provisions of the Re-use of Public Sector Information Regulations (RPSIR) regarding licensing documents for re-use on application under non-exclusive agreements.

Data handling and security

The MMO is responsible for ensuring that any sensitive personal information held is protected under the Data Protection Act from inappropriate disclosure and will only share data in accordance with the Public Service Guarantee on Data Handling. Defra's Information Risk Policy details the top-level framework for managing information risk and appropriate procedures are adopted to comply with the framework.

In addition, the MMO manages appropriately Protected Personal Data (any material that links an identifiable individual with information whose release would put them at significant risk of harm or distress) which also covers any source of information relating to 1,000 or more individuals that is not in the public domain, even if the information about an individual is not considered likely to cause harm or distress.

Customer Satisfaction

The Chief Executive is responsible for ensuring that there are appropriate mechanisms for measuring customer satisfaction as a component of the MMO's overall performance. The annual results contribute to the department-wide assessment of customer satisfaction and are thus gathered and submitted in a suitable format.

Comments and complaints

The MMO handles comments, suggestions and complaints in accordance with a clear procedure. If the person requesting information under FOI and EIR is not content with the reply and an MMO adjudicator is unable to satisfy then the applicant should contact the Information Commissioner's Office through: <http://www.ico.gov.uk/>.

Parliamentary Commissioner of Administration

Members of Parliament have the right to refer complaints from the public to the Parliamentary Commissioner of Administration (the Ombudsman) where an individual claims to have suffered injustice through maladministration.

The activities of the MMO will be subject to review by the Ombudsman. Defra's Permanent Secretary, as the Principal Accounting Officer, would ask the Chief Executive to reply to the Ombudsman about any complaints of maladministration in the MMO.

The Ombudsman's Schedule 2 (bodies within the Ombudsman's jurisdiction) is updated annually and the next update exercise will take place in September 2010 when MMO will be added. The Ombudsman will be able to look at complaints retrospectively, but until then complaints will be handled internally, through the MMO Board in the first instance and in consultation with Defra as appropriate.

7 Machinery for Accounting, Audit, Monitoring and Reporting

Corporate and Business Plans

To an agreed timetable the MMO must review and submit annually to the sponsor departments a draft of the Corporate Plan covering the three years ahead, agreeing with the sponsor departments the issues to be addressed in the plan. The plan reflects the MMO's duties and, within those duties, the priorities set from time to time by the Secretary of State (including decisions taken on policy and resources in the light of wider public expenditure decisions). The plan demonstrates how the MMO contributes to the achievement of Government PSA targets.

The Corporate Plan informs the annual Business Plan. The Business Plan includes key targets and milestones for the year ahead and is linked to budgeting information so that resources allocated to achieve specific objectives can be readily identified by the sponsoring departments. The Corporate and Business Plans are published by the MMO on its website (www.marinemangement.org.uk) and made available to staff.

The plans should include:

- objectives and associated key performance targets for the forward years, and the strategy for achieving those objectives;
- key non-financial performance targets;
- a review of performance in the preceding financial year, together with comparable outturns for the previous year, and an estimate of performance in the current year;
- alternative scenarios and an assessment of the risk factors that may significantly affect the execution of the plan but that cannot be accurately forecast; and
- other matters as agreed between the sponsor departments and the MMO.

Annual report and accounts

The MMO annual report of its activities together with its audited accounts must be published after the end of each financial year, and the MMO provides Defra with its finalised (audited) accounts by an agreed date each year.

The annual report covers any corporate, subsidiary or joint ventures under the MMO's control; complies with HM Treasury's *Financial Reporting Manual (FReM)*; and outlines its main activities and performance during the previous financial year and sets out in summary form forward plans.

Information on performance against key financial targets is within the scope of the audit and should be included in the notes to the accounts. The report and accounts are laid in Parliament and made available on the MMO's website (www.marinemanagement.org.uk), in accordance with the guidance in the *FReM*. A draft of the report is submitted to Defra to an agreed timetable before the proposed publication date. The accounts are prepared in accordance with the relevant statutes and specific accounts direction issued by Defra as well as the *FReM*.

Internal Audit

The MMO must establish and maintain arrangements for internal audit in accordance with HM Treasury's *Government Internal Audit Standards (GIAS)* (http://www.hm-treasury.gov.uk/psr_governance_gia_guidance.htm), and ensures Defra is satisfied with the competence and qualifications of the Head of Internal Audit and the requirements for approving appointments in accordance with *GIAS* 5.

The MMO must:

- set up an audit committee of its Board in accordance with the Cabinet Office's *Guidance on Code of Practice for Public Bodies* and the *Audit Committee Handbook*;
- forward the audit strategy, periodic audit plans and annual audit report, including the MMO Head of Internal Audit opinion on risk management, control and governance as soon as possible to Defra; and
- keep records of, and prepare and forward to Defra an annual report on fraud and theft suffered by the MMO and notify Defra of any unusual or major incidents as soon as possible.

Defra's internal audit service has a right of access to all documents prepared by the MMO internal auditor, including where the service is contracted out.

External Audit

The Comptroller & Auditor General (C&AG) will audit and sign-off the MMO annual accounts, which together with the C&AG's report is laid before Parliament. In the event that the MMO has set up and controls subsidiary companies, the MMO ensures that the C&AG is appointed auditor of those company subsidiaries it controls and/or whose accounts are consolidated within its own accounts. The MMO discusses with Defra the procedures for appointing the C&AG as auditor of the companies.

The C&AG:

- consults Defra and the MMO regarding who – NAO or a commercial auditor - undertakes the audit(s) on his behalf, though the final decision rests with the C&AG;

- has a statutory right of access to relevant documents, including by virtue of section 25(8) of the *Government Resources and Accounts Act 2000*, held by another party in receipt of payments or grants from the MMO;
- shares with Defra information identified during the audit process and the audit report (together with any other outputs) at the end of the audit, in particular on issues impacting on Defra's responsibilities in relation to financial systems within the MMO; and
- where asked, provides departments and other relevant bodies with Regulatory Compliance Reports and other similar reports which departments may request at the commencement of the audit and which are compatible with the independent auditor's role.

The C&AG may carry out examinations into the economy, efficiency and effectiveness with which the MMO has used its resources in discharging its functions. For the purpose of these examinations the C&AG has statutory access to documents as provided for under section 8 of the *National Audit Act 1983*. In addition, the MMO shall provide, in conditions to grants and contracts, for the C&AG to exercise such access to documents held by grant recipients and contractors and sub-contractors as may be required for these examinations; and shall use its best endeavours to secure access for the C&AG to any other documents required by the C&AG which are held by other bodies.

Right of access

Defra has the right of access to all MMO records and personnel for any purpose including, for example, sponsorship audits and operational investigations.

Managing Public Money and other Government-wide corporate guidance and instructions

The MMO must work with Defra in developing its financial control and reporting mechanisms in line with HM Treasury Clear Line of Sight Programme to reform government financial processes.

Unless agreed by Defra and, as necessary, HM Treasury, the MMO follows the principles, rules, guidance and advice in *Managing Public Money*, referring any difficulties or potential bids for exceptions to the Sponsorship Team in Defra in the first instance. A list of guidance and instructions with which the MMO should comply is in Annex 7.

Once the budget has been approved by Defra, and subject to any restrictions imposed by statute, the Secretary of State's instructions and this document, the MMO has authority to incur expenditure approved in the budget without further reference to the sponsor departments, on the following conditions:

- the MMO complies with the delegations set out in Annex 6, which should be altered only with the prior agreement of Defra;

- the MMO complies with *Managing Public Money* regarding novel, contentious or repercussive proposals;
- inclusion of any planned and approved expenditure in the budget does not remove the need to seek formal departmental approval where any proposed expenditure is outside the delegated limits or is for new schemes not previously agreed;
- the MMO provides Defra with such information about its operations, performance individual projects or other expenditure as may be reasonably required; and
- the MMO provides Defra with such information to support consolidated Resource Accounts requirements where it falls within the Departmental Accounting Boundary.

Pending a comprehensive list of assets and liabilities, the details of the Transfer Scheme is to be disclosed in the MMO accounts for its first year.

Operational risk management

The MMO Board must ensure that the operational risks it faces are dealt with in an appropriate manner, in accordance with relevant aspects of best practice in corporate governance, and develop a risk management strategy, in accordance with HM Treasury guidance *Management of Risk: Principles and Concepts* (http://www.hm-treasury.gov.uk/d/orange_book.pdf).

The MMO adopts and implements policies and practices to safeguard itself against fraud and theft, in line with HM Treasury's guide: *Managing the Risk of Fraud* (http://www.hm-treasury.gov.uk/d/managing_the_risk_fraud_guide_for_managers.pdf). The MMO also takes all reasonable steps to appraise the financial standing of any firm or other body with which it intends to enter into a contract or to give grant or grant-in-aid.

Budgeting procedures

Each year in light of decisions by Defra on the updated draft Corporate Plan, Defra will send to the MMO to an agreed timetable:

- a formal statement of the annual budgetary provision allocated by Defra in light of competing priorities across Defra and of any forecast income approved by Defra;
- Defra to arrange meetings with MMO as necessary to advise and discuss any budget pressures and opportunities; and
- a statement of any planned change in policies affecting the MMO.

The approved annual Business Plan takes account both of approved funding provision and any forecast receipts, and includes a budget of estimated payments and receipts together with a profile of expected expenditure and of draw-down of any departmental funding and/or other income over the year. These elements form part of the approved Business Plan for the year in question.

Grant-in-aid and any ring-fenced grants

Any grant-in-aid provided by Defra for the year in question is voted in the Department's Supply Estimate and subject to Parliamentary control.

The grant-in-aid (GIA) is normally paid in monthly instalments on the basis of written applications showing evidence of need. The MMO complies with the general principle that there is no payment in advance of need. Cash balances accumulated during the course of the year from grant-in-aid or other Exchequer funds are kept to a minimum level consistent with the efficient operation of the MMO. The GIA lapses if not drawn down by the end of the financial year. Subject to approval by Parliament of the relevant Estimates provision, where grant-in-aid is delayed to avoid excess cash balances at the year-end, Defra makes available in the next financial year any such GIA that is required to meet any liabilities at the year end, such as creditors.

In the event that Defra provides the MMO separate grants for specific (ring-fenced) purposes, it issues the grant as and when the MMO needs it on the basis of a written request. The MMO must provide evidence that the grant was used for the purposes authorised by Defra. The MMO does not have uncommitted grant funds in hand, nor carry grant funds over to another financial year.

The fees for the Chair and Board will be paid by Defra, and will not form part of the GIA.

Where the MMO carries out functions for other Government Departments (OGD), Defra will remain responsible for the payment of the GIA. Defra will seek to recover the costs of the OGD functions from the department concerned in accordance with *Managing Public Money* and with the agreement of the relevant accounting officers until such time as the resources can be formally transferred through the Department's Supply Estimate.

A budget for the travel and subsistence expenses of the Chair and Board members will be delegated to the MMO as part of the GIA. Any surplus at the end of the financial year should be returned to Defra. The MMO will set up checking and verification procedures which will include a register of claims and copies of all claims with supporting documents (e.g. invoices, receipts). The MMO should provide Defra with a complete claim record for a set period of four weeks on request for verification that the delegated budget is being properly administered. The Accounting Officer for the MMO will be responsible for ensuring the appropriate use of this money.

As part of its budget planning process, the MMO will provide a three-year budget by end October each year, comprising a firm, profiled estimate of travel and subsistence for the Chair and Board for the forthcoming financial year, with provisional estimates for the subsequent two years.

Other sources of income

The MMO has the power to charge for services it provides under section 27 of the Marine and Coastal Access Act. It may also be given power to levy charges under other primary legislation, for example the Food & Environment Protection Act, or in limited cases can rely on secondary legislation (e.g. the implementation of EU legislation). It is envisaged that the charges will be on a full cost recovery basis and needs to be factored into any fees strategy.

The Welsh Assembly Government (WAG) and any Northern Ireland department have the ability, under their existing devolution settlements (Government of Wales Act 2006 and Northern Ireland Act 1998), to ask another public body to undertake functions on their behalf. Under section 27 the MMO can charge for these services. No such provision exists in the Scotland Act.

Procurement

Sustainable procurement

Sustainable procurement is recognised as a key tool to deliver the targets for performance on the government estate as well as wider sustainability policies. The MMO recognises the importance of embedding good sustainable procurement, which includes policy, processes and operations, across all areas of the organisation.

Novel, contentious or repercussive proposals

The MMO shall obtain the prior approval of Defra and HM Treasury before:

- incurring any expenditure for any purpose which is or might be considered novel or contentious, or which has or could have significant future cost implications, including on staff benefits;
- making any significant change in the scale of operation or funding of any initiative or particular scheme previously approved by Defra;
- making any change of policy or practice which has wider financial implications (e.g. because it might prove repercussive among other public sector bodies) or which might significantly affect the future level of resources required; and
- establishing a subsidiary company.

Reporting performance

The MMO operates management, information and accounting systems that enable it to review in a timely and effective manner its financial and non-financial performance against the budgets and targets set out in the Corporate and Business Plans and the overarching Service Level Agreement. The MMO informs the sponsor departments of any changes that make achievement of objectives more or less difficult, reporting financial and non-financial performance (including performance in helping to deliver

Government policies) and the achievement of key objectives on a regular basis to an agreed timetable.

The MMO's performance is formally reviewed by the sponsoring departments through the Sponsorship Group. The Secretary of State should meet the Chair periodically to discuss alignment with government objectives.

Providing monitoring information to Defra

The MMO provides Defra with monthly information that enables the department to satisfactorily monitor:

- the MMO's cash management;
- its draw-down of grant-in-aid;
- forecast outturn by resource headings; and
- other data required for the Combined On-line Information System (COINS).

MMO/Sponsoring Team arrangements

Officials of the MMO Sponsorship Team will liaise regularly with MMO officials to review MMO financial performance against plans, achievement against targets and expenditure against Defra's Departmental Expenditure Limits (DEL) and Annually Managed Expenditure (AME) allocations.

Financial delegations

The MMO Chief Executive has delegated authority as recorded in the Defra Delegated Authority document, summarised as follows:

- primarily responsible for securing financial authority, for preparing budgets and exercising budgetary control, and for general financial matters;
- ensuring that authorised, sub-delegated authorities are properly used; and
- ensuring that, within the delegated authorities system, important or unusual cases will be detected and referred to MMO senior management or the Chief Executive, as appropriate, for authorisation.

At all times the delegations are subject to the general requirements set out in the Defra Finance Manual (http://intranet/finance/finance_manual/index.asp) and other departmental guidance. In addition, the MMO will consult Defra and obtain the Secretary of State's approval before making financial commitments not covered by these requirements, such as:

- entering into any undertaking to incur any expenditure that falls outside the delegations or which is not provided for in the MMO's annual budget as approved by Defra;
- incurring expenditure for any purpose that is or might be considered novel or contentious, or which has or could have significant additional future cost implications;
- making any significant change in the scale of operation or funding of any initiative or particular scheme previously approved by the sponsor departments;
- making any change of policy or practice which has wider financial implications that might prove repercussive or which might significantly affect the future level of resources required; or
- carrying out policies that go against the principles, rules, guidance and advice in *Managing Public Money*.

The Limits to Delegated Authority (Capital Expenditure, Losses, Write-Offs, Special Payments and Unexpected Income) can be found at Annex 6.

8 Financial Arrangements in the event that the MMO is wound up

The MMO can only be dissolved by an Act of Parliament.

Should the MMO be subject to winding-up proceedings the sponsor departments would put in place arrangements to ensure an orderly process. In particular the Act would ensure that the assets and liabilities of the MMO are passed to any successor organisation and accounted for properly. (In the event that there is no successor organisation, the assets and liabilities would revert to Defra.) To this end, Defra would:

- ensure that procedures are in place in the MMO to gain independent assurance on key transactions, financial commitments, cash flows and other information needed to handle the wind-up effectively and to maintain the momentum of work inherited by any residuary body;
- specify the basis for the valuation and accounting treatment of the MMO's assets and liabilities;
- ensure that arrangements are in place to prepare closing accounts and pass to the C&AG for external audit, and that funds are in place to pay for such audits. It would be for the C&AG to lay the final accounts in Parliament, together with his report on the accounts; and
- arrange for the most appropriate person to sign the closing accounts. In the event that another MMO takes on the role, responsibilities, assets and liabilities, the succeeding MMO AO should sign the closing accounts. In the event that Defra inherits the role, responsibilities, assets and liabilities, Defra's PAO should sign.

The MMO would provide Defra with full details of all agreements where the MMO or its successors have a right to share in the financial gains of developers. It should also pass to Defra details of any other forms of claw-back due to the MMO.

9 Recruitment, Pay and Personnel Management

Board responsibilities towards MMO staff

Within the arrangements approved by the Secretary of State the MMO Board has responsibility for the recruitment, retention, reward, performance management and motivation of its staff. The Board's responsibilities towards its staff are to ensure that:

- the rules for recruitment and management of staff create an inclusive culture in which diversity is fully valued and that appointment and advancement is based on merit: there is no discrimination on grounds of gender, marital status, sexual orientation, race, colour, ethnic or national origin, religion, disability, community background or age;
- the level and structure of its staffing, including grading and staff numbers, are appropriate to its functions and the requirements of economy, efficiency and effectiveness;
- the performance of its staff at all levels is satisfactorily appraised and the MMO performance measurement systems are reviewed as appropriate and suitably impact assessed to ensure consistence and fairness;
- its staff are encouraged to acquire the appropriate professional, management and other expertise necessary to achieve the MMO objectives;
- proper consultation with staff takes place on key issues affecting them;
- adequate grievance and disciplinary procedures are in place;
- whistle-blowing procedures consistent with the *Public Interest Disclosure Act 1998* are in place; and
- a code of conduct for staff is in place based on the Cabinet Office's *Model Code for Staff of Executive Non-departmental Public Bodies* (http://www.civilservice.gov.uk/Assets/5_public_body_staffv2_tcm6-2484.pdf).

Staff costs and pay and conditions of service

Subject to its delegated authorities, the MMO must ensure that the creation of any additional posts does not incur forward commitments that will exceed its ability to pay for them.

The MMO should have regard to Chapter 5 of the Cabinet Office *Guide to Public Bodies* that provides guidance on staff issues in public bodies (http://www.civilservice.gov.uk/Assets/5_public_body_staffv2_tcm6-2484.pdf). MMO will, as an NDPB, have pay delegation, but its staff are subject to levels of

remuneration and terms and conditions of service approved through the annual pay remit process, by the Secretary of State for Defra, as the sponsoring department.

MFA and/or core-Defra staff in scope for transfer to the MMO, will move on terms set out in the Cabinet Office Statement of Practice (COSOP), which puts into practice the principles of the Transfer of undertakings (Protection of Employment) Regulations 2006 (TUPE). This means that they will transfer across with the contractual terms and conditions applying at the time of the transfer and their continuity of service will be preserved.

It is intended that the MMO will mirror the Defra Pay Award in 2010 with a view to implementation of a new Reward Strategy in 2011. This, along with any other proposals to change terms and conditions of employment, will require formal consultation and negotiation with the recognised Trade Unions. In line with Cabinet Office guidance, there is provision within the Act that will require changes to the terms and conditions of MMO staff to be approved, through the annual pay remit process, by the Secretary of State for Defra, as the sponsoring department.

The MMO will comply with all employment legislation including the EU Directive on contract workers, the *Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations*.

Travel expenses

The nature of business sometimes necessitates travelling to liaise effectively with customers and stakeholders. The MMO recognises that this makes it even more important that staff travel only when necessary and use the most sustainable modes.

Travel and Subsistence rates for the Chair and Board members will be the same as those agreed for senior staff of the MMO. Reasonable actual costs shall be reimbursed.

Exit policies

The MMO Board has delegated authority for early severance/retirement schemes and for making redundancy decisions of its staff including the overall numbers and grades of staff concerned. Decisions will take account of the broader position within the Defra Network and good business process.

If, however, MMO proposes to offer early severance/retirement either to an individual member of staff or under a scheme, and this offer is outside or in excess of statutory or contractual terms, then it must be approved in advance by HM Treasury. This approval should be obtained through Defra.

Pensions, redundancy and compensation

The Cabinet Office has agreed in principle that new staff joining the MMO will be eligible to join the Civil Service Pension Scheme (CSPS). MMO staff are normally eligible for a pension provided by CSPS. Staff may opt out of the occupational pension scheme provided by the MMO, but that employers' contribution to any personal pension arrangement, including stakeholder pension would normally be

limited to the national insurance rebate level. [Note that there is an exception for NDPBs covered by the CSPS partnership arrangement, and for CSPS by-analogy versions.]

Any proposal by the MMO to move from the existing pension arrangements, or to pay any redundancy or compensation for loss of office, requires the prior approval of Defra. Proposals on severance must comply with the rules in Chapter 4 of *Managing Public Money*.

Personnel records

The MMO Board is responsible for maintaining accurate personnel records, ensuring that suitable provision is made for the maintenance of accurate personnel records - including a staff database – in accordance with all Data Protection requirements.

Health and safety

The MMO Board is accountable for all matters of health and safety associated with the MMO's business activities and will ensure that resources, organisation design, and arrangements are adequate for delivering effective performance. In practice this is the responsibility of the Chief Executive to manage on a day-to-day basis.

Staff relations

The Chief Executive is responsible for maintaining good staff relations within the MMO. In ensuring this responsibility he or she will set up suitable arrangements in consultation with representatives of staff.

The Chief Executive will co-operate with management in Defra and may participate in Departmental consultations with representatives of the staff on matters of mutual interest.

10 Estates

The MMO operates from its headquarters in Newcastle and from 18 Regional Offices in England. Although the MCA Act conveys property holding powers to the MMO, the right to exercise such powers is at the discretion of the Secretary of State. As a result:

- MMO property holdings are currently vested in Defra, and for so long as Defra remain the principal sponsor there is no practical requirement to transfer ownership and control to the MMO;
- the immediate and ongoing occupation is regulated by a Memoranda of Terms of Occupation;
- Defra reports to Treasury on all property related activity;
- property disposals should be undertaken and controlled by Defra; and
- new acquisitions should be transacted by Defra subject to a full business justification produced by the MMO to the Sponsorship Team.

These measures are in line with developing Treasury guidance and policy and reflect HM Treasury's aim to reduce government exposure to property and create a sustainable government estate. Changes may take place in the future in line with rationalisation and sustainability policies.

Sustainability

In order to achieve the highest standard of sustainability Defra must ensure that the existing estate is run as efficiently as possible, in accordance with industry best practice. Wherever possible, innovative technologies will be introduced to increase energy efficiency and reduce carbon emissions. All new build/major refurbishment projects are designed to deliver BREEAM (Building Research Establishment Environmental Assessment Method) excellent ratings and the Estates Strategy supports sustainable development throughout the Defra network. Estates Division works in partnership with Defra's Executive Agencies and Non Departmental Public Bodies (NDPBs) to ensure delivery of the Sustainable Operations on the Government Estate (SOG E) targets.

There is a recognition that more needs to be done to improve the operational performance of this estate and in respect to the SOGE targets. This estate is also focusing on Carbon Management as a priority area as an important way of increasing the overall sustainability of the whole estate.

11 Arrangements for Changing the Framework Document

The Framework Document and its operation will be reviewed by Defra, in consultation with the MMO and other sponsoring departments, at intervals of not more than three years. There is an expectation that a review will take place at the end of the MMO's first year in operation.

Proposals for further freedoms will be considered in the light of evolving policy and operational factors and in light of the track record of the MMO in achieving its existing outcomes. The guiding principle will be that the extent of flexibility and freedom given to the MMO should reflect the effectiveness of its delivery, the level of risk, its overall capability, the quality of its internal controls and its operational needs.

The MMO or the Sponsorship Group may propose changes to this Framework Document at any time, and these will be subject to agreement by the Secretary of State, the Sponsorship Group, the MMO Board and HM Treasury. The Sponsorship Team based in Defra is responsible for consulting all those concerned with proposals for amendments, including HM Treasury.

The Framework Document will be published on the MMO website (www.marinemanagement.org.uk) and the Defra website (www.defra.gov.uk).

Signed.....
Date.....

(Chair of the cross-Government
Sponsorship Group, on behalf
of the Government)

Signed.....
Date.....

(Chair, on behalf of the MMO)

Annex 1 – Sponsoring Departments’ Strategic Objectives (DSOs) relevant to the MMO

		Departmental Strategic Objective
Defra	1	A society that is adapting to the effects of climate change
	2	A healthy, resilient, productive and diverse natural environment
	3	Sustainable, low carbon and resource efficient patterns of consumption and production
	4	An economy and a society that are resilient to environmental risk
	5	Championing sustainable development
	6	A thriving farming and food sector with an improving net environmental impact
	7	A sustainable, secure and healthy food supply
	8	Socially and economically sustainable rural communities
	9	A respected department delivering efficient and high quality services and outcomes
DECC	1	Climate change tackled internationally and through domestic action to reduce greenhouse gas emissions
	2	Ensure the reliable supply and efficient use of safe and competitively-priced energy
CLG	1	Support local government that empowers individuals and communities and delivers high quality services efficiently
	3	Build prosperous communities by improving the economic performance of cities, sub-regions and local areas, promoting regeneration and tackling deprivation
	5	Provide a more efficient, effective and transparent planning system that supports and facilitates sustainable development, including the Government's objectives in relation to housing growth, infrastructure delivery, economic development and climate change
DfT	1	Support national economic competitiveness and growth, by delivering reliable and efficient transport networks
	5	Improve quality of life for transport users and non-transport users, and to promote a healthy natural environment
MoD	2	Be ready to respond to the tasks that might arise (by maintaining a UK contingent capability and force elements at readiness).
	3	Build for the future (by procuring and supporting military capability and through sustainable development).
DCMS	1	Opportunity – encourage more widespread enjoyment of culture, media and sport
	4	Olympics and Sport for Young People – Deliver a successful and inspirational Olympic and Paralympic Games in 2012 that provide for a sustainable legacy and get more children and young people taking part in high quality PE and sport

Annex 2 - Establishing legislation

- Marine and Coastal Access Act 2009;
- Coast Protection Act 1949;
- Conservation (Natural Habitats) Regulations 1994, implementing the EU Habitats and Birds Directives;
- Conservation of Seals Act 1970;
- Electricity Act 1989 (Section 36);
- Energy Act 2004 (Section 95);
- Food & Environment Protection Act 1985;
- Harbours Act 1964;
- Planning Act 2008;
- Sea Fish (Conservation) Act 1967;
- Sea Fisheries (Shellfish) Act 1967;
- Sea Fisheries (Wildlife Conservation) Act 1992; and
- Wildlife and Countryside Act 1981.

Annex 3 - The MMO's Tasks and Functions

The broad tasks and functions of the MMO are implied in the Marine and Coastal Access Act 2009 and together they represent a comprehensive approach to marine management. These tasks currently include:

Conservation

- protect rare and valuable marine species and habitats;
- issue and revoke licences to take or kill seals;
- issue and revoke licences in certain circumstances to protect wild birds, wild animals, wild plants, introducing new species into the wild and selling invasive non-native species;
- provide information, data, technical expertise and knowledge to assist central Government in the development, negotiation and implementation of policy;
- have responsibility for making bye-laws;
- respond to marine pollution emergencies, including reviewing oil spill emergencies plans and co-ordinating emergency responses; and
- conduct tests ascertaining the probable effect on the marine area of oil and chemical treatment substances and surface fouling cleaners.

Economic

- ensure compliance of fishing vessels contribution to UK fishing economies;
- deliver a grants scheme aimed at a more sustainable and profitable industry and coastal communities via the European Fisheries Fund; and
- manage, record and provide data on fishing activities and catches.

Fishing

- manage UK fisheries quota;
- manage fishing fleet capacity;
- license commercial fishing vessels;
- grant exemptions from certain restrictions relating to sea fishing;
- monitor and control fishing activities under the Common Fisheries Policy;
- implement EU marketing regime through inspection and compliance with standards; and
- prepare and submit statutory returns required by EU fisheries legislation.

Licensing

- license certain construction activities, mineral extraction, sub-marine cable laying, dredging, burial at sea of human remains, the use of underwater explosives and other activities taking place below mean high water springs;
- issue section 36 Electricity Act consents for offshore energy installations with a generating power of 100MW and below;
- declare safety zones around offshore energy installations with a generating power of 100MW and below;
- issue harbour orders for harbour developments not considered nationally significant infrastructure projects;

- monitor, inspect and enforce those Food and Environment Protection Act licences and Coast Protection Act consents that is issues in line with its Enforcement Policy;
- provide advice on the marine aspects of nationally significant infrastructure projects in line with Government guidance; and
- monitor, inspect, enforce and vary Food and Environment Protection Act licences and Coast Protection Act consents deemed to have been granted by the Infrastructure Planning Commission as part of development consent under the Planning Act 2008.

Planning

- prepare and deliver a series of marine plans to implement the shared UK Marine Policy Statement in areas where UK Government is responsible for marine planning. Amend plans when required.
- to keep under review matters, including monitoring where necessary, which may affect the way it carries out its planning functions – including: the effects of the policies in the marine plan; the effects of those policies in securing the objectives for which the marine plan was prepared and adopted are met; the progress being made towards securing those objectives and in particular the progress being made towards securing the objectives of the Marine Policy Statement in that region.
- prepare and publish reports on marine plans or amended marine plans in line with MCAA timetables
- to keep under review the development and cumulative implementation of marine plans and the marine planning system to determine whether Government objectives and in particular those outlined in the marine policy statement are being met.
- advising the IPC, Devolved Administrations and other Planning Authorities on the interpretation of marine plans.
- to make effective use of the national evidence base, gathering and accessing data where appropriate in developing, using and reviewing marine plans.

Competent Authority

- Where the UK is required to have a single competent authority for matters within the MMO's remit, the MMO be designated in that that role, together with other commitments that reasonably relate to the organisation's legal and institutional span of obligations.

Annex 4 - Sponsorship Group Terms of Reference

Overview

The Marine Management Organisation (MMO) is UK Government's principal delivery body and regulator of most of its activities in the marine area³. The Secretary of State for Environment, Food and Rural Affairs (Defra) is formally accountable to Parliament for the activities, performance and expenditure of the MMO, but will be advised on the discharge of his responsibilities by a cross-Government MMO Sponsorship Group (SG). This will enable the interests of UK Government Departments to be represented without compromising the clear lines of responsibility necessary to ensure proper accountability.

Aim

The Sponsorship Group (supported by the MMO Sponsorship Team which will be based in Defra) will be the primary source of advice to the Secretary of State for Defra on the discharge of his responsibilities in respect of the MMO. It will provide a forum for dialogue on the management of risks relating to the MMO's role as strategic delivery partner. It may also perform a challenge function in relation to the MMO's general sustainable development objective.

Chair

The Group will be chaired by Defra. The chair will be neutral; his role is to build consensus and provide a balanced view to the Secretary of State which reflects that of the Group as a whole.

Membership

The Sponsorship Group will comprise one member per Department at Director level. In principle there should be no delegations or substitutions; Departments must be represented at senior level in order to provide appropriate input and advice. The members of the Group will be:

- DCLG
- DECC
- Defra
- DfT
- MoD

In the normal run of business, the Secretariat arranges meetings to enable all Members to be present at meetings. The Secretariat will circulate papers a week before the meeting. If a member is then unavoidably detained/absent at short notice and cannot attend the meeting, they may pass on views and comments in advance so that the Chair may reflect these during the meeting or, if convenient, audio conferencing may be arranged. The Secretariat will ensure that members are aware of the decisions to be taken at each meeting to enable them to make their priorities

³ For those parts of the UK marine area where MMO functions are exercisable.

accordingly. It is noted that there may also be a need for clearance of issues by correspondence. Meetings may need to be called at short notice (for example where an emergency situation is affecting the MMO's abilities to delivery its objectives). In such a case, decisions may be made by a quorum of at least three members plus the Chair.

Observer Status/Advisory Capacity

- MMO Chair
- MMO Chief Executive
- Any other MMO Board member as may be required

Any other person may be invited to attend as required on a case by case basis.

Secretariat

- MMO Sponsorship Team

Role/functions

The key purposes of the SG are:

- to support and advise Defra's Secretary of State on his duties under the Marine and Coastal Access Act 2009 (this may include giving the MMO either direction on the exercise of its functions or for the implementation of UK obligations under EU treaties or other international agreement (Section 37), guidance on its contribution to the achievement of sustainable development (Section 2(4)) or its functions (Section 38) and to set objectives from time to time with regard to the quality and effectiveness of the MMO's performance. (Section 3(1)); and
- to provide collective strategic guidance for the MMO on behalf of the Secretaries of State of all the sponsoring departments.

In doing so, the SG will ensure collective ownership of the MMO and collective responsibility for the decisions it takes.

The SG will:

- advise the Secretary of State for Defra on appropriate strategic objectives and performance framework (including annual performance targets) for the MMO in the light of available resources;
- agree the key corporate documents (and recommend sign off, where necessary by Ministers);
- monitor how well the MMO is achieving its strategic objectives and performance targets and whether it is delivering value for money and advise the SofS (and Ministers from sponsoring departments) accordingly;
- have an oversight of corporate governance issues, and if concerned, recommend an audit be carried out;

- seek to resolve any disagreements between the MMO and any of its sponsoring departments or others that cannot be resolved at bilateral operational level, and provide an escalation route where necessary;
- be kept informed about court cases/judicial reviews involving the MMO; and
- provide any other advice to the SofS Efra on the discharge of his responsibilities in relation to the MMO as may be required.

The SG will not:

- discuss policy (although it will discuss policy priorities within the context of the various National Policy Statements and Statutory Guidance on sustainable Development);
- tell the MMO how to deliver its strategy; and
- tell the MMO how resources should be used.

The Sponsorship Group recognises that the Chair and Board of the MMO has responsibility for directing the work of the MMO as they see fit to deliver the outcomes required by the Act or the Secretary of State if he should so direct.

The Marine Policy Statement, other relevant National Policy Statements, relevant policy guidance and the Statutory Guidance on Sustainable Development will be the principal documents guiding the MMO in delivering its functions and will provide part of the framework for holding the MMO to account for delivery.

The MMO Sponsorship Group will be the primary mechanism to involve relevant Departments in the functioning of the MMO. As far as possible SG business will be handled at senior official level.

At meetings Members of the Group represent their Departments' views. They will be responsible for managing their respective departments' input, including keeping their Ministers informed, seeking agreement from Ministers where necessary, and escalating issues where appropriate.

Where cross-government agreement is needed at Ministerial level, a ministerial write round will be conducted. Day-to-day relations with the MMO should be managed on an exception basis (i.e. most issues dealt with by the Sponsorship Team, with reference when necessary to the Secretary of State and/or Sponsorship Group, depending on the issue).

Frequency of Meetings

Formal meetings of the SG will take place at least twice per year, or more frequently if agreed with the Chair of the Group. As a minimum, it should meet in the autumn as part of the budget planning exercise and the corporate planning round, and in the spring to review performance against targets. It may be necessary for the SG to meet more frequently in the start up phase for the MMO.

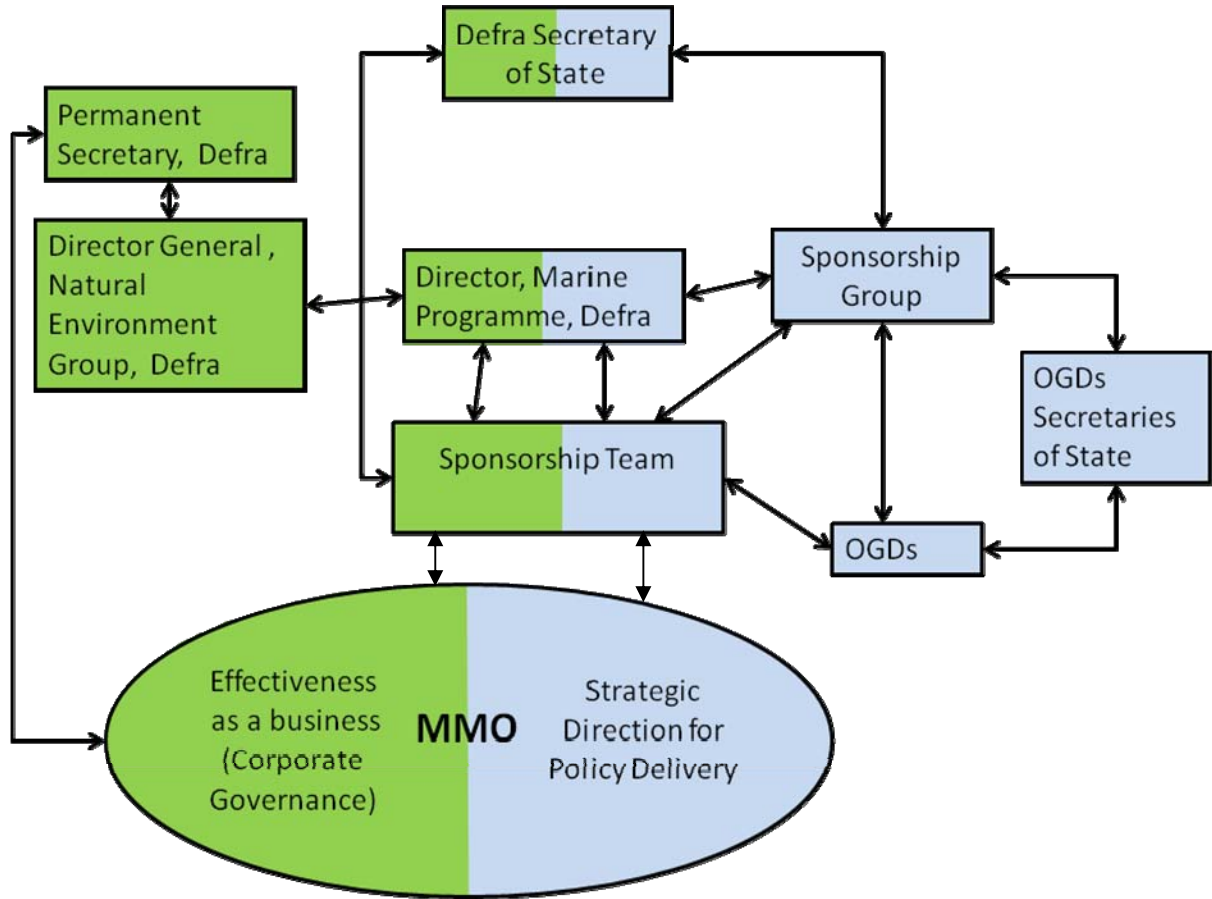
Outside the formal meetings it may be possible to resolve any issues arising by correspondence.

Conduct of Meetings

The SG provides the forum for open discussion between Departments on issues relating to demand, delivery and resources, identifying priorities within the context of the Marine Policy Statement as necessary.

Any papers tabled for the SG's consideration will be circulated with the Agenda, at least five working days in advance of the meeting. Draft minutes will be circulated for comments five working days after the meeting and the formal minutes issued, where possible, within three weeks of the meeting.

Annex 5 - Cross-Government sponsorship role



Annex 6 - Limits of Delegated Authority: Capital Expenditure, Losses, Write-Offs, Special Payments and Unexpected Income

Ref	Category of loss/expenditure	Medium Agencies/NDPBs Chief Executive	Other limits
	Commit expenditure, including all contractual commitments	Unlimited	
	Certifying expenditure	Unlimited	
	Authorise payments	Unlimited	
	Accept receipts	Unlimited	
	CAPITAL EXPENDITURE		
	Building - Per project	2.5 million	
	Equipment - Per project	1 million	
	IT system hardware & software - per project	2.5 million	
	Management and IT Consultancy - per project	£500,000	
A	CASH LOSSES		
i)	Cash Losses: Losses by theft, fraud, arson, sabotage or gross carelessness	£50,000	NO AUTHORITY
ii)	Bookkeeping losses:		
ii a)	Physical loss of cash or equivalent due to fire, accident or other similar cause	£50,000	NO AUTHORITY
ii b)	Un-vouched or incompletely vouched payments including cases where vouchers are missing	£50,000	£20,000 (such requests under these limits should be routed to the Sponsorship Team initially)
iii)	Exchange rate fluctuations: Major losses due to fluctuations in exchange rates or revaluations in currencies and write-offs	NO AUTHORITY: All queries should be directed to Defra FAB to deal with as per Defra Finance Manual	£20,000 (such requests under these limits should be routed to the Sponsorship Team initially)
iv)	Losses arising from Overpayments of pay; pensions and allowances; under deductions of social security	£100, 000: Authority rests with the DG for HR/CSD or Agency Chief Executives as appropriate.	£600 (such requests under these limits should be routed to the Sponsorship Team initially)
v)	Losses arising from Overpayments of Grants and Subsidies etc.	£50,000	£300 (such requests under these limits should be routed to the Sponsorship Team initially)
vi)	Losses due to failure to make adequate charges for the use of public property or services	Agencies - No delegation except in the case of sub-letting property to non-governmental bodies at below market value: Limit £25,000	NO AUTHORITY
B	LOSSES OF ACCOUNTABLE STORES		
i)	Losses known to be due to fraud, theft, sabotage or where there is any other culpable cause (including malicious damage to buildings, stores etc.)	£50,000	NO AUTHORITY
ii)	Losses due to other causes	£50,000	NO AUTHORITY
C	FRUITLESS PAYMENTS AND CONSTRUCTIVE LOSSES		
i)	(Fruitless payments) Payments for travel tickets or accommodation etc. wrongly booked or not used	£50,000	£200 (such requests under these limits should be routed to the Sponsorship Team initially)

ii)	(Constructive losses) Goods purchased or paid for by the MMO proven to be less useful than expected when the expenditure was authorised	£50,000	NO AUTHORITY
D	CLAIMS WAIVED OR ABANDONED (including remission of capital repayments)	£50,000	£20,000 (such requests under these limits should be routed to the Sponsorship Team initially)
E	SPECIAL PAYMENTS		
i)	Extra contractual and ex-gratia payments to contractors	£50,000	NO AUTHORITY
ii)	Other ex-gratia payments:	£50,000	NO AUTHORITY
a)	Ex-gratia payments in lieu of grant or subsidy	£50,000	NO AUTHORITY
b)	Other ex-gratia payments	£50,000	NO AUTHORITY
c) i	Gifts of stores or property	£10,000 pa	NO AUTHORITY
ii	Gifts to visiting Dignitaries - consult the Sponsorship Team who record the cumulative value of such gifts.	£500 pa	NO AUTHORITY
d)	Rewards for return of stolen property	£500 pa	NO AUTHORITY
e)	Rabies quarantine costs	£500 pa	NO AUTHORITY
iii)	Compensation payments		
a)	Loss or damage to personal property of staff on official business; or damage to property of third parties in the course of activities or loss of money while on official business overseas and at home	£15,000	NO AUTHORITY
b)	Injury payments to civil servants or their dependants after an accident in an official vehicle; claims (except from staff) for road traffic accidents involving MMO vehicles machines or animals	£100,000 Subject to consultation with Legal Department (to ensure a consistent approach)	NO AUTHORITY
c)	Personal injury to members of the public suffered on MMO premises and to civil servants in the course of MMO activities	£100,000 Subject to consultation with Legal Department (to ensure a consistent approach)	NO AUTHORITY
d)	Other compensation claims e.g. from measures taken under the Animal Health Act 1981	£50,000	NO AUTHORITY
iv)	Extra-statutory and extra-regulatory payments	£15,000	NO AUTHORITY
v)	Leasing property at above market rate (NPV +costs)	£2.5 million	NO AUTHORITY
	GIFTS RECEIVED		
	Gifts received by MMO	Unlimited	

Annex 7 - Compliance with Government-wide corporate guidance and instructions

The MMO complies with the following general guidance documents and instructions:

- this Framework Document;
- Appropriate adaptations of sections of Corporate Governance in Central Government Departments: Code of Good Practice: <http://www.hm-treasury.gov.uk/d/daocorp-governance-code.pdf>;
- Managing Public Money (MPM): <http://www.hm-treasury.gov.uk/psr-managing-public-money-publication.htm>;
- Government Internal Audit Standards: <http://www.hmtreasury.gov.uk/...gia-guidance.cfm>;
- Management of Risk: Principles and Concepts: <http://www.hm-treasury.gov.uk/d/orange-book.pdf>;
- Managing the Risk of Fraud: <http://www.hm-treasury.gov.uk/d/managing-the-risk-fraud-guide-for-managers.pdf>;
- Government Financial Reporting Manual (FReM): www.financial-reporting.gov.uk/;
- Fees and Charges Guide, Chapter 6 of MPM: <http://www.hm-treasury.gov.uk/d/mpm-ch6.pdf>;
- Departmental Banking: A Manual for Government Departments, annex 5.7 of MPM: <http://www.hm-treasury.gov.uk/d/mpm-annex5.7.pdf>;
- relevant 'Dear Accounting Officer' letters: <http://www.hm-treasury.gov.uk/psr-governance-dao-letters.htm>;
- Regularity, Propriety and Value for Money: <http://www.hm-treasury.gov.uk/psr-governance-value-for-money.htm>;
- The Parliamentary Ombudsman's Principles of Good Administration: www.ombudsman.org.uk/improving-services/good-administration/index.html;
- Consolidation Officer Memorandum, and relevant DCO letters;
- relevant Freedom of Information Act guidance and instructions (Ministry of Justice):

<http://www.justice.gov.uk/requestinginformation.htm>;

- Model Code for Staff of Executive Non-departmental Public Bodies:
http://www.civilservice.gov.uk/Assets/5_public_body_staffv2_tcm6-2484.pdf;
- other relevant guidance and instructions issued by HM Treasury in respect of Whole of Government Accounts;
- other relevant instructions and guidance issued by the central Departments;
- specific instructions and guidance issued by Defra; and
- recommendations made by the Public Accounts Committee, or by other Parliamentary authority, that have been accepted by the Government and relevant to the MMO.