

MEMORANDUM OF UNDERSTANDING between the Marine Management Organisation (MMO) and Inshore Fisheries and Conservation Authorities (IFCAs)

1. Aim of the Memorandum

This Memorandum agrees a coordinated approach to management for sustainable development of our seas and oceans, based on active engagement, shared information, cost-effective use of public resources, and effective marine planning and management of fisheries and marine environment by the Marine Management Organisation and the Inshore Fisheries and Conservation Authorities.

2. Purpose of the Memorandum

- 2.1. The Marine and Coastal Access Act 2009 (MACAA) places a duty on Inshore Fisheries and Conservation Authorities (IFCAs) to cooperate with public authorities that regulate or enforce activities in the sea within their districts. This includes the Marine Management Organisation (MMO), one of IFCAs' key delivery partners.
- 2.2. Correspondingly, Section 25 of the MACAA describes how the MMO will provide specific services to public bodies including 'Advice Assistance & Training Facilities'. MMO is committed to work with IFCAs on a range of issues as set out in the Framework Document between MMO and Her Majesty's Government.
- 2.3. This Memorandum establishes the responsibilities of both parties and the general principles for their cooperation.
- 2.4. This Memorandum shall be effective from the date of its execution and shall continue until either side decides that it is no longer needed.
- 2.5. The MMO and the IFCAs agree that this Memorandum is not legally binding between them and does not create any legal rights or obligations. It is a statement of their shared intention to work together in a spirit of co-operation.

3. Roles and functions of the signatories

3.1. *Marine Management Organisation (MMO)*

- 3.1.1. The Government's vision for the MMO is of a professional and proactive marine manager, trusted by all stakeholders to make a significant contribution to the sustainable development of the marine area. The MMO will set a high standard in the UK and internationally for planning in the marine and coastal environment, so delivering the Government's commitment to introduce a new framework for the seas that balances conservation, energy and other resource needs.
- 3.1.2. The MMO makes decisions on the majority of marine developments and, where it is not the decision-making body, is a key adviser on marine issues, bringing consistency to the decision-making process. As the Government's

principal regulator, as well as its delivery body for English territorial waters and offshore marine areas (for those matters that are not devolved), the MMO delivers functions on behalf of a number of Government Departments. It also takes forward the policy interests of a wide range of Government Departments through its role in developing marine plans. By bringing together these marine management activities within a single organisation, the MMO is able to forge strong links between them. The combination of marine functions the MMO delivers, together with the knowledge and expertise it build ups, enables integrated implementation of Government policy for the marine area.

3.2. *The Inshore Fisheries and Conservation Authorities (IFCAs)*

3.2.1. There are 10 inshore fisheries and conservation districts in England, made up of county and unitary authorities and their corresponding seaward areas out to a limit of 6 nautical miles. Each inshore fisheries and conservation district is served by a corresponding Authority (IFCA). The vision for all the IFCA is to *“lead, champion and manage a sustainable marine environment and inshore fisheries within their district, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry”*

3.2.2. Each IFCA is governed by a committee which has a membership that should reflect their districts’ economic, social and environmental needs and gives them local democratic input and accountability. The IFCAs have clear duties with respect to the management and marine fisheries and conservation within their District. Every Authority is required to make effective decisions on the sustainable management of sea fisheries resources within their districts. As a result of the membership and funding arrangements they have the backing of constituent local authorities and provide the strategic direction to ensure the long-term sustainability of the marine environment in and around their districts.

3.2.3. IFCAs assist central Government with the development of the national framework for managing the sea. They also work with Local Government to make and enforce distinct local policies and can work with adjacent IFCA across District boundaries for the benefit of all coastal communities.

3.3. Through adherence to the principles of this Memorandum, the MMO and IFCAs will work closely together to deliver their areas of mutual interest and to promote sustainable development in the marine area.

3.4. Comprehensive details about the working arrangements and activities which underpin this collaboration are included in Annexes to this MOU.

4. Principles of working together

4.1. A close working relationship between the MMO and IFCAs is critical for them both to perform their functions effectively. The MMO and IFCAs commit to the following

shared key principles governing their approach and conduct, both at a national and a local level:

- The MMO and IFCA each recognise and respect the independence and remit of the other party, but will seek to collaborate and cooperate wherever possible to achieve their objectives for the marine environment.
- Both organisations will work in an open and transparent manner while undertaking their responsibilities and will share successes as well as problems.
- The MMO and the IFCA will involve and work with each other when operating in areas of shared interest or concern, with other delivery partners involved where appropriate and agreed
- In all joint working, staff from both organisations will be respected and trusted for the expertise they offer.
- The MMO and the IFCA will keep each other informed of any data, research, collected information, other work or developments that may influence the decision or activities of the other party. They will set up a data sharing agreement to undertake exchange of such information to the fullest extent possible, particularly where the information is necessary for either party to carry out their duties, and taking account of their respective obligations under the Data Protection Act 1998.

5. Methods of joint working

- 5.1. The MMO and IFCA commit to not only sharing principles and working together on areas of mutual interest, but also to seek further opportunities to expand these principles and the shared working arrangements to maximise the benefits of their collaboration in the future. This will be enhanced by regularly exchanging information, collaborating on research, data- and intelligence-gathering at national and local levels, alerting each other to risks and opportunities and pooling expertise and resources when working together in order to avoid duplication of effort.
- 5.2. The MMO and IFCA will aim to be open, constructive and collaborative at all levels, respecting each other's views and, where these differ, ensuring proper understanding of the reasons for any such differences.
- 5.3. The relationship will be based on a policy of transparency and “no surprises” with pre-notification and consultation on significant public or policy announcements where there are implications for the other party.
- 5.4. The MMO and IFCA will aim to ensure consistent and coordinated messages and approaches when engaging with Government, delivery partners and the public.
- 5.5. The MMO and the IFCA will identify and develop joint work plans for areas where resources, activities and expertise can be shared in order to minimise duplication of efforts wherever possible, including compliance management, training, science and evidence, and asset sharing. Overviews of these work plans will be included in annexes to this MOU.

5.6. The MMO and IFCA will ensure regular contact throughout both organisations at all levels, to build relationships and facilitate honest and open dialogue.

6. Continuous Improvement

6.1. Senior officials of the MMO and Chief Officers of the IFCA will commit to twice-yearly meetings (these may be via video or telephone conferencing) on a national level to review the shared wider strategic context of the environment in which they operate and actively explore opportunities for the improvement of joint working practices.

6.2. In each IFCA district, MMO representatives to the IFCA and other relevant MMO officials will meet with IFCA Chief Officers twice yearly to review implementation of local action plans, which will set out specific working arrangements between MMO and each IFCA and will be included as Annexes to this MOU.

7. Review and appraisal of the Memorandum

This Memorandum will be reviewed annually by March 31 and, if necessary, following any pertinent changes to the policies, procedures or structures of the parties concerned.

8. Primary Contacts

The primary contact regarding this Memorandum at the MMO is Ulrika Gunnartz, Stakeholder Network Manager, and the Heads of Service for each IFCA. These primary contacts will be responsible for supporting good working relations and practices between the MMO and IFCA, resolving any disagreements and monitoring the implementation of this Memorandum.

9. Signatories

The following parties agree to the terms set out in this Memorandum:

Organisation	Chair	Chief Executive/ Head of Service
MMO	 Title: Interim Chair	 Title: Acting Chief Executive Officer
North Western IFCA	 Title:	 Title:
Devon and Severn IFCA	 Title:	 Title:
Cornwall IFCA	 Title:	 Title:
Isles of Scilly IFCA	 Title:	 Title:
Southern IFCA	 Title: Vice Chair	 Title:
Sussex IFCA	 Title:	 Title:
Kent and Essex IFCA	 Title:	 Title:
Eastern IFCA	 Title:	 Title:
North Eastern IFCA	 Title:	 Title:
Northumberland IFCA	 Title:	 Title:

Date of signature: 16th March 2011

ANNEXES

- Annex 1 - Overarching working arrangements for the MMO and IFCAs
 - Annex 2 - Marine enforcement roles and responsibilities
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ANNEX 1 - Overarching working arrangements for the MMO and IFCAs

Overarching contacts:

For the IFCAs:

See IFCa Contacts in table below

For MMO:

Ulrika Gunnartz, Stakeholder Network Manager

MMO email format: <first name>.<middle name initial if present>.<second name>@marinemanagement.org.uk

Local level contacts:

IFCA	MMO contact/representative to IFCA Committee	IFCA contact	Email
North Western	Graham Ford-Keyte, District Marine Officer, Blackpool	Stephen Atkins, Chief Executive	s.atkins@nwmwfsfc.org
Northumberland	Sean Douglas, District Marine Officer, North Shields	Mike Hardy, Chief Executive	nsfc@nsfc.org.uk
North Eastern	Paul Bryan, District Marine Officer, Grimsby	David McCandless, Chief Officer	david.mccandless@eastriding.gov.uk
Eastern	John S. Stipetic, Senior Marine Officer, Grimsby	Duncan Vaughn, Acting Chief Officer	duncanvaughan@esfjc.co.uk
Kent and Essex	Barrie Smart, District Marine Officer, Lowestoft	Joss Wiggins, Chief Officer	joss.wiggins@btconnect.com
Sussex	Paul Johnson, District Marine Officer, Shoreham	Tim Dapling, Chief Officer	dapling@sussex-sfc.gov.uk
Southern	Alex D Mackenzie, Senior Marine Officer, Poole	Ian Carrier, Chief Officer	southernsfc@btconnect.com
Devon and Severn	Julian Roberts, District Marine Officer, Plymouth	Tim Robbins, Chief Officer	trobbins@devonsfc.co.uk
Cornwall	Justin Williams, District Marine Officer, Newlyn	Edwin Derriman, Chief Officer	ederriman.seafisheries@cornwall.gov.uk
Isles of Scilly	Justin Williams, District Marine Officer, Newlyn	Steve Watt, Chief Officer	maritime@scilly.gov.uk

Overarching areas of collaboration:

Work Area	Activity	Output	Status	MMO contact	IFCA contact
1. Marine Nature Conservation (including Marine Conservation Zones)	MMO will require assistance and timely input from IFCA's when making conservation byelaws that cover 0-6 nm	<ul style="list-style-type: none"> Evidence for impact assessments Timely comments on consultation Process for communications/ consultations 	IFCA's may be requested to provide evidence for a byelaw (if appropriate) and assist with publicity (if appropriate). They will be consulted on emergency and interim byelaws and permits if required to enforce. IFCA's be notified of other byelaws outside the 0-6nm area that may impact on IFCA districts (e.g., potential displacement of fishing activity)	Neil Wellum Head of Marine Conservation and Enforcement	IFCA Chief Officers
	IFCA's will require guidance on MMO conservation byelaws that cover 0-6 and potentially 0-12 nm and their enforcement	<ul style="list-style-type: none"> Guidance from MMO A means of regular reporting on enforcement activities Evidence for impact assessments Timely comments on consultation Process for communications/ consultations 	To be taken forward via the Marine Enforcement Working Group	Neill Wellum Head of Marine Conservation and Enforcement	IFCA Chief Officers
	Develop process for byelaws quality assurance	Agreement on working arrangements for byelaws quality assurance	Under development.		

Work Area	Activity	Output	Status	MMO contact	IFCA contact
2. Sea fisheries resources management	Agree arrangements for jointly managing & enforcing fishing and conservation activities, where necessary.	<ul style="list-style-type: none"> • Clear procedures for working between IFCOs and MEOs • Effective sea fisheries resources management • MEOs and IFCOs are clear about joint working arrangements 	To be taken forward by individual IFCAs and MMO Coastal Offices Should build on the regular joint enforcement meetings between MMO, IFCAs and the Environment Agency To also be taken forward through IFCA Committee work	Angus Radford Acting Chief Marine Officer	IFCA Chief Officers
3. Enforcement and compliance	IFCAs will require assistance and timely input from MMO when making byelaws that cover 0-6 nm	<ul style="list-style-type: none"> • Evidence for impact assessments • Timely comments on consultation • Process for communications/consultations 	To be taken forward via the Marine Enforcement Working Group	Neil Wellum Head of Marine Conservation and Enforcement	IFCA Chief Officers
	Agreeing joint enforcement/cross warranting of enforcement officers for fisheries activities Anticipate broader range of cross-warranting & how enforcement officers from different agencies work together Agree arrangements for information exchange related to compliance and enforcement	<ul style="list-style-type: none"> • Effective enforcement • Warrants and procedures compliant with regulations • Enforcement officers are clear about joint working arrangements • Case-by-case advice on enforcement in areas of joint interest 	To be taken forward via the Marine Enforcement Working Group MMO are leading in the development of joint training for MMO, IFCA& EA officers. To also be taken forward through IFCA Committee work	Gary Owen Head of Fisheries Monitoring and Investigation	IFCA Chief Officers

Work Area	Activity	Output	Status	MMO contact	IFCA contact
	<ul style="list-style-type: none"> Marine nature conservation enforcement – cross warranting of enforcement officers 	<ul style="list-style-type: none"> Effective enforcement Warrants and procedures compliant with regulations Enforcement officers are clear about joint working arrangements Case-by-case advice on enforcement in areas of joint interest 	<p>Through cross warranting IFCAs and MMO may be required to assist one another with enforcement of Marine Conservation Zone/European Marine Site byelaws, general offence, protected species and habitats offences (Habitats Regulations, OMCRs, WCA, Conservation of Seals Act)</p> <p>To be taken forward via the Marine Enforcement Working Group</p>	Neil Wellum Head of Marine Conservation and Enforcement	IFCA Chief Officers
4. Marine vessel provision	<ul style="list-style-type: none"> Develop national and local Charter agreement on joint operations on a (by taking forward existing drafts) Develop joint operation objectives Application of integrated risk based approach 	<ul style="list-style-type: none"> Charter Agreement Suitable Plans/targets 	Biannual meetings with IFCA/MMO		IFCA Chief Officers
5. Marine Planning	<p>Establish mechanisms for engagement with IFCAs on marine plans to ensure input and support</p> <p>IFCAs to establish internal procedure for input to marine plans</p>	<ul style="list-style-type: none"> Guidance to IFCAs on their involvement with marine plans Case-by-case advice on marine plans Effective two-way liaison Two-way Information exchange Consistent procedures across IFCAs 	To be developed by May 2011	Stephen Brooker Head of Planning	IFCA Chief Officers
			To be developed by May 2011	Stephen Brooker Head of Planning	IFCA Chief Officers

Work Area	Activity	Output	Status	MMO contact	IFCA contact
	Establish cross-border working arrangements for relevant plans – WAG, MMO, IFCA, EA, SEPA	<ul style="list-style-type: none"> • Cross border liaison and co-operation • Consistency across marine management groups 		Stephen Brooker Head of Planning	IFCA Chief Officers
6. Marine Licensing	MMO standing advice for marine licence consultations - guidance for IFCA on what types of applications that they will be consulted on and what their remit for comment is	<ul style="list-style-type: none"> • Guidance for IFCA on marine licensing, if applicable • Case-by-case advice on licensing • Information exchange 	Aim to formalise by May 2011	Andrew Beattie Head of Regulation and Licensing	IFCA Chief Officers
	Develop consistent IFCA procedures for handling marine licence consultations & contacts for MMO	<ul style="list-style-type: none"> • Consistent procedures across IFCA 	Aim to have in place by May 2011	Andrew Beattie Head of Regulation and Licensing	IFCA Chief Officers
7. Emergency Response	Arrangements for dealing with major marine disaster incidents	Procedures for collaboration in responding to marine disasters	Considered as part of review of the National Contingency Plan for Marine Pollution from Shipping and Offshore Installations	Nick Greenwood Marine Emergency Manager	IFCA Chief Officers
8. Consultation and communication	Agree a mechanism for ensuring that both parties are consulted on developments that are relevant to them and for coordinating on stakeholder engagement and communications	<ul style="list-style-type: none"> • Clear procedures for consultation between IFCA and MMO • Effective two-way liaison and information exchange • Clear working arrangements for coordinating on stakeholder engagement and communications 	Aim to have in place by May 2011	Ceri Morgan Head of Stakeholder Engagement	IFCA Chief Officers

Work Area	Activity	Output	Status	MMO contact	IFCA contact
9. IFCA Committees	MMO representative attends all IFCA Statutory meetings and relevant sub-groups, as applicable	<ul style="list-style-type: none"> MMO are able to input fully to IFCA Committees and their decision-making IFCA Committees are fully functional 	<p>MMO representatives on IFCA committees nominated in October 2010</p> <p>MMO attendance at shadow IFCA Committee meetings in October November 2010</p>	Angus Radford Acting Chief Marine Officer	IFCA Chief Officers
	Ensure that MMO representatives are supported in their work	<ul style="list-style-type: none"> MMO committee members are kept up to date with committee work IFCA committees are fully functional 	Meeting to brief MMO representatives on their role on IFCA committees October 2010		
	MMO to ensure recruitment of independent IFCA appointees	Appropriate appointees recruited and inducted to take up post within 3 months of a new appointment being required	<ul style="list-style-type: none"> Appointments made for all 10 IFCA committees in October 2010 MMO terms and conditions for appointments agreed and signed by Induction to be undertaken by April 2010 		

Work Area	Activity	Output	Status	MMO contact	IFCA contact
<p>10. Data collection, monitoring, analysis and reporting</p>	<ul style="list-style-type: none"> Establish data-sharing agreement between IFCAs & MMO to support sea fisheries resources management, marine planning, licensing, conservation MMO science officer/manager on the IFCA Technical Advisory Group and IFCA representation on any equivalent structure in the MMO. 	<ul style="list-style-type: none"> Procedures for data sharing Exchange of data Regular reporting on monitoring activities Access to necessary databases for input and reporting UK-wide picture of marine management and enforcement activities 	<p>To be taken forward through the Technical Advisory Group</p>	<p>Patricia Almada-Villela Head of Data and Knowledge Management</p>	<p>Chairman of the Technical Advisory Group</p>
	<p>Arrange for IFCA access and input into MCSS and agree on working arrangements for joint management and development of MCSS</p>		<p>Some work already started with regards to giving IFCAs access to the Monitoring and Control Surveillance System (MCSS)</p>		
	<p>Establish needs for any joint marine monitoring (e.g., for Marine Strategy Framework Directive)</p>			<p>Patricia Almada-Villela Head of Data and Knowledge Management</p>	

Work Area	Activity	Output	Status	MMO contact	IFCA contact
11. Training	Agree and organise joint training on areas where IFCAs and MMO have a common approach including e.g. enforcement	<ul style="list-style-type: none"> Technical training plans and access to suitable training courses for IFCA and MMO officers 	To be taken forward through the Joint Training Working Group	Gary Owen Head of Fisheries Monitoring and Investigation	Chief Fisheries and Conservation Officers
12. Evidence – research and advice	Work collaboratively where possible on common research needs	Collaboration of research	To be taken forward through the Technical Advisory Group and working closely with Defra Marine Science team	Dickon Howell Head of Strategic Development	Chairman of the Technical Advisory Group
13. Marine Strategy Framework Directive	Agree working arrangements between IFCAs & MMO to ensure Marine Strategy Framework Directive delivery is joined up and consistent	Procedures and advice	Following transposition & when more details on implementation of MSFD are known	Dickon Howell Head of Strategic Development	
14. Local action plans and asset sharing	Identify opportunities for and develop arrangements for sharing of assets (e.g. office space, vessels, etc.)	Arrangements for asset sharing included in local action plans and agreements for collaboration and as an annex to this MOU	To be taken forward through national review meetings between MMO and the IFCAs and the development of local work plans for collaboration	MMO reps to the IFCA committees (DMOs)	

Annex 2 – Responsibilities for marine enforcement in English waters under the Marine and Coastal Access Act 2009

Enforcement of which legislation:	Seaward Limits (nm)	Lead post- Marine and Coastal Access Act (1)	Officers who could be cross-warranted (2)	Other officers who have powers to enforce (3)
Environment Agency fisheries legislation and byelaws (migratory and freshwater fish)	0 – 6	Environment Agency	IFCA / MMO/ Royal Navy	---
IFCA Byelaws (sea fish)	0 – 6	IFCA	Environment Agency / MMO / Royal Navy	---
UK sea fisheries legislation	0 – 6	IFCA / MMO	Environment Agency	Royal Navy
UK sea fisheries legislation	6 – 12	MMO	IFCA	Royal Navy
UK sea fisheries legislation	12 – 200	MMO	---	Royal Navy
EU sea fisheries legislation	0 – 6	MMO	Environment Agency / IFCA	Royal Navy
EU sea fisheries legislation	6 – 12	MMO	IFCA	Royal Navy
EU sea fisheries legislation	12 – 200	MMO	---	Royal Navy
Marine environment licensing	0 – 200	MMO	---	Royal Navy
MMO Byelaws (including Marine Conservation Zones and European marine sites) and the general offence of damaging a Marine Conservation Zone	0 – 6	IFCA	Environment Agency	Royal Navy / MMO

Enforcement of which legislation:	Seaward Limits (nm)	Lead post- Marine and Coastal Access Act (1)	Officers who could be cross-warranted (2)	Other officers who have powers to enforce (3)
MMO Byelaws (including Marine Conservation Zone and European marine sites) and the general offence of damaging a Marine Conservation Zone	6 - 12	MMO	IFCA	Royal Navy
General offence of damaging a Marine Conservation Zone	12 – 200	MMO	---	Royal Navy
Wildlife and Countryside Act 1981, Conservation of Seals Act 1970	0 – 6	MMO	IFCA / Environment Agency	Police / Royal Navy
Wildlife and Countryside Act 1981, Conservation of Seals Act 1970	6 - 12	MMO	IFCA	Police / Royal Navy
Offences under Habitats Regulations 1994	0 – 6	MMO	IFCA / Environment Agency	Police / Royal Navy
Offences under Habitats Regulations 1994	6 - 12	MMO	IFCA	Police / Royal Navy
Offences under Habitats Regulations 2007	12 – 200	MMO	---	Royal Navy
Legislation applying in international waters	Beyond 200	MMO	---	Royal Navy

Notes

- (1) Responsibility for enforcing the legislation is with the organisation(s) listed under "Lead post-Marine and Coastal Access Act".
- (2) Where it is appropriate, and with the agreement of both organisations, trained officers who could be cross-warranted to enforce that legislation are given in the "cross-warranted" column. It is not solely organisations listed here who could have staff cross-warranted to enforce the legislation: people from other organisations could be cross-warranted if appropriate and they had met the required training and competency standards.
- (3) Officers of organisations who have powers to enforce, but do not have a direct responsibility for ensuring compliance, are given in the final column. For example, enforcement of the MMO responsibilities for sea fisheries and nature conservation may be carried out under contract by the Royal Navy (RN). There are also some other officers appointed under the Act, such as those appointed by Welsh Ministers, who have powers to enforce some of the legislation but these have not been detailed here.

