

A 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 sustainable management of our seas and oceans based on active engagement, shared information and effective marine planning and management by the Marine Management Organisation and Inshore Fisheries and Conservation Authorities.

2. Purpose of the Memorandum

- 2.1. The Marine and Coastal Access Act 2009 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. This memorandum establishes the responsibilities of both parties and the general principles for their cooperation.
- 2.3. This Memorandum shall be effective from the date of its execution and shall continue until either side decides that it is no longer needed.
- 2.4. 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, are 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 deliver 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. ***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), whose vision 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. IFCAs work through the guidance of Committees whose balanced membership reflects their districts’ economic, social and environmental needs and gives them local democratic input and accountability. The Committees have the right level of representation from the communities they serve to be able to make effective decisions on the sustainable management of sea fisheries resources within their districts. 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 develop and enforce distinct local policies but also operate within, and contribute to, the national framework for managing the marine environment. They work across district boundaries and engage with Local and Central Government and key partner organisations at a national level, to the benefit of IFCAs and their local communities as a whole.
- 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. More details about the working arrangements and activities which underpin this effective collaboration are detailed in Annexes 1-x.

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 IFCAs each recognise and respect the independence and remit of the other party, but will collaborate and cooperate wherever possible to achieve their respective objectives for the marine environment. They will involve and work with each other when operating in areas of shared interest or concern.
 - Both organisations will work openly while undertaking their responsibilities and will share successes as well as problems.
 - In all joint working, staff from both organisations will be respected and trusted for the expertise they offer.
 - The MMO and IFCAs will keep each other informed of any data, research, collected information or other work or development that may have a bearing on the activities of the other party. They will both undertake to exchange 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.
 - Senior officials of the MMO and IFCAs commit to [twice-yearly?] meetings (these may be via video or telephone conferencing) to review and explore the shared wider

strategic context of the environment in which they operate and actively explore opportunities for the continued development of joint working practices. These strategic reviews will be in addition to local discussions on joint working at IFCA Committee meetings.

- 4.2. Through the observation of this Memorandum, all parts of the MMO and IFCA will ensure their respective responsibilities are performed consistently in keeping with the principles as outlined.

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 will seek further opportunities to expand the principles and shared work 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 jointly, to avoid duplication.
- 5.2. The MMO and IFCA will build on the good working relationships that existed between their respective predecessor bodies, the Marine & Fisheries Agency and Sea Fisheries Committees, by being open, constructive and working together at all levels, respecting each other's views and, where these differ, ensuring proper understanding of the reasons for any such differences.
- 5.3. There will be a "no surprises" policy, based on consulting each other on areas where there are significant announcements and developments in policy. The MMO and IFCA will highlight areas of interaction and set out what each expects of the other, minimising duplication of activity wherever possible and informing stakeholders about their relationship.
- 5.4. Where they have a common approach, and particularly on enforcement, the MMO and IFCA will ensure consistent and coordinated messages when working with Government, delivery partners and the public. Their respective advice and regulatory activities will advocate the sustainable development of the marine environment.
- 5.5. The MMO and IFCA will support each other with respect to joint training on areas where they have a common approach
- 5.6. The MMO and IFCA will create a powerful joint voice for the marine environment through collaborating to influence environmental strategies and policies; they will ensure regular contact throughout both organisations at all levels, to build relationships and facilitate honest and open dialogue.
- 5.7. The MMO and IFCA will support each other in their respective roles in the appointments of, active membership of, and administrative function for IFCA Committees.

6. Data Management

- 6.1. The MMO and IFCA will each provide information in its possession that may be reasonably requested by the other, subject to necessary confidentiality constraints, safeguards and statutory bars on disclosure. They will, in line with the 'provisions on information provided in confidence' in the Freedom of Information Act 2000, and the Environmental Information Regulations 2004, refer back to the originating party any requests for information it holds but did not collect and which it is aware is confidential in nature. The MMO and IFCA will each consult the other regarding any significant

disclosure it proposes to make to a third party of any information it received from the other.

- 6.2. External publication of any information generated by using exchanged data will require the other party's approval. This will not be unreasonably withheld. All Intellectual Property Rights in the data and associated information belong to their owners. No rights are transferred or assigned under this Memorandum.
- 6.3. Data exchanged under this Memorandum cannot be used for commercial purposes without the prior agreement of the party supplying that data. Where it is agreed that exchanged data may be used for commercial purposes, financial and copyright terms will be negotiated and agreed outside of this Memorandum.

7. Review and appraisal of the Memorandum

- 7.1. This Memorandum is jointly owned by the MMO and IFCAs. It 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

- 8.1. The primary contact regarding this Memorandum at the MMO is Ulrika Gunnartz, Stakeholder Network Manager, and for the IFCAs is **XXX**, Chief Executive of the Association of IFCAs. These primary contacts will be responsible for supporting good working practices between the MMO and IFCAs, resolving any disagreements and ensuring that this Memorandum is implemented to the fullest extent possible.

9. Signatories

- 9.1. The following parties agree to the terms set out in this Memorandum.

Marine Management Organisation	
Chairman	Chief Executive

Inshore Fisheries and Conservation Authorities		
North Western IFCA	Chief Executive	Chairman
Devon and Severn IFCA	Chief Inshore and Conservation Fisheries Officer	Chairman
Cornwall IFCA		

	Chief Inshore and Conservation Fisheries Officer	Chairman
Isles of Scilly IFCA	Chief Inshore and Conservation Fisheries Officer	Chairman
Southern IFCA	Chief Inshore and Conservation Fisheries Officer	Chairman
Sussex IFCA	Chief Executive	Chairman
Kent and Essex IFCA	Chief Inshore and Conservation Fisheries Officer	Chairman
Eastern IFCA	Chief Inshore and Conservation Fisheries Officer	Chairman
North Eastern IFCA	Chief Inshore and Conservation Fisheries Officer	Chairman
Northumberland IFCA	Chief Executive	Chairman
Association of IFCA's	Chief Executive	

ANNEXES

- **Annex 1 – Overall working arrangements for the MMO and IFCA's**
- **Annex 2 - Marine enforcement roles and responsibilities**
- **Possible Annexes 3-11 – Specific working arrangements between individual IFCA's and MMO coastal offices, if necessary**

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ANNEX 1 - Overall working arrangements for the MMO and IFCA's – planner 2011-12

NOTE: The contents of this table are suggested examples only at this stage and will need detailed discussion, addition and agreement in the coming months

IFCA's email:

<firstname.secondname>@xxxx.org

MMO email:

<firstname.secondname>@marinemangement.org.uk

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)	Neill Wellum District Chief Inspector Fisheries – Environment	Chief Fisheries and Conservation 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 	To be taken forward via the Marine Enforcement Working Group	Neill Wellum District Chief Inspector Fisheries – Environment	Chief Fisheries and Conservation Officers

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 	<p>To be taken forward by individual IFCAs and MMO Coastal Offices</p> <p>Should build on the regular joint enforcement meetings between MMO, IFCAs and the Environment Agency</p> <p>To also be taken forward through IFCA Committee work</p>	<p>James Cross Director of Operations</p> <p>Liz Humphreys Head of Operational Delivery</p>	Chief Fisheries and Conservation Officers
	Byelaws	<ul style="list-style-type: none"> 			
3 Enforcement	<p>Agreeing joint enforcement/cross warranting of enforcement officers for fisheries activities</p> <p>Anticipate broader range of cross-warranting & how enforcement officers from different agencies work together</p>	<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 	<p>To be taken forward via the Marine Enforcement Working Group</p> <p>MMO are leading in the development of joint training for MMO, IFCA& EA officers.</p> <p>To also be taken forward through IFCA Committee work</p>	James Cross Director of Operations	Chief Fisheries and Conservation Officers

Work Area	Activity	Output	Status	MMO contact	IFCA contact	
	Marine nature conservation enforcement – cross warranting of enforcement officers	<ul style="list-style-type: none">Effective enforcementWarrants and procedures compliant with regulationsEnforcement officers are clear about joint working arrangementsCase-by-case advice on enforcement	<p>Through cross warranting IFCA's 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>	Neill Wellum District Chief Inspector Fisheries – Environment	Chief Fisheries and Conservation Officers	
4	Marine Planning	Establish mechanisms for engagement with IFCA's on marine plans to ensure input and support	<ul style="list-style-type: none">Guidance to IFCA's on their involvement with marine plansCase-by-case advice on marine plansEffective two-way liaisonTwo-way Information exchange	To be developed by March 2011	Stephen Brooker Head of Planning	Chief Fisheries and Conservation Officers

Work Area	Activity	Output	Status	MMO contact	IFCA contact
	IFCAs to establish internal procedure for input to marine plans	<ul style="list-style-type: none"> Consistent procedures across IFCAs 	To be developed by Mar 2011	Stephen Brooker Head of Planning	Chief Fisheries and Conservation Officers
	Establish cross-border working arrangements for relevant plans – WAG, MMO, IFCAs, EA, SEPA	<ul style="list-style-type: none"> Cross border liaison and co-operation Consistency across marine management groups 		Stephen Brooker Head of Planning	Chief Fisheries and Conservation Officers
5 Marine Licensing	MMO standing advice for marine licence consultations - guidance for IFCAs on what they will be consulted on or be required to input to, as required	<ul style="list-style-type: none"> Guidance for IFCAs on marine licensing, if applicable Case-by-case advice on licensing Information exchange 	Aim to formalise by Jan 2010	Andrew Beattie Head of Regulation and Licensing	Chief Fisheries and Conservation Officers
	Develop consistent IFCA procedures for handling marine licence consultations & contacts for MMO, if applicable	<ul style="list-style-type: none"> Consistent procedures across IFCAs 	Aim to have in place by spring 2011	Andrew Beattie Head of Regulation and Licensing	Chief Fisheries and Conservation Officers
6 Consultation and communication	Agree a mechanism for ensuring that both parties are consulted on	<ul style="list-style-type: none"> Clear procedures for consultation between IFCAs and MMO 		Ceri Morgan Head of Stakeholder	

Work Area	Activity	Output	Status	MMO contact	IFCA contact
	<i>developments that are relevant to them</i>	<ul style="list-style-type: none"> • <i>Effective two-way liaison</i> • <i>Two-way Information exchange</i> 		<i>Engagement</i>	
7 IFCA Committees	MMO representative attends all IFCA Statutory meetings and relevant sub-groups, as applicable	<ul style="list-style-type: none"> • <i>MMO are able to input fully to IFCA Committees and their decision-making</i> • <i>IFCA Committees are fully functional</i> 		<i>Liz Humphreys Head of Operational Delivery</i>	
	IFCAs ensure that MMO representatives are supported in their work as	<ul style="list-style-type: none"> • <i>MMO committee members are kept up to date with committee work</i> • <i>IFCA committees are fully functional</i> 		<i>Liz Humphreys Head of Operational Delivery</i>	
	Appointments?				

Work Area		Activity	Output	Status	MMO contact	IFCA contact
8	Data collection, monitoring, analysis and reporting	Establish data-sharing agreement between IFCA's & MMO to support sea fisheries resources management, marine planning, licensing, conservation	<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>Some work already started with regards to giving IFCA's access to the Monitoring and Control Surveillance System (MCSS)</p>	Patricia Almada-Villela Head of Data and Knowledge Management	Chairman of the Technical Advisory Group
		Establish needs for any joint marine monitoring (e.g., for Marine Strategy Framework Directive)			Patricia Almada-Villela Head of Data and Knowledge Management Dickon Howell Head of Strategic Development	
9	Training	To agree and organise joint training on areas where IFCA's and MMO have a common approach	<ul style="list-style-type: none"> 	To be taken forward through the Joint Training Working Group	Liz Humphreys Head of Operational Delivery	Chief Fisheries and Conservation Officers

Work Area	Activity	Output	Status	MMO contact	IFCA contact
10 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
11 Marine Strategy Framework Directive	Agreed working arrangements between IFCA's & 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	Andrew Beattie Head of Regulation and Licensing Stephen Brooker Head of Planning Dickon Howell Head of Strategic Development	
12 Emergency Response	Arrangements for dealing with major marine disaster incidents	Procedures Potential for staff to be seconded to either organisation to assist?	Addressed in National Contingency Plan?	Nick Greenwood Marine Emergency Manager	

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.

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Annexes 3-11 – potential for individual annexes for joint working arrangements between each IFCA and the local MMO coastal office

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