

North Western IFCA

Technical, Scientific and Byelaws Sub-Committee: 21 June 2011
Strathmore Hotel, Marine Road East, Morecambe: 10.30 a.m.

AGENDA
ITEM NO.
9

DRAFT ENFORCEMENT FRAMEWORK AND RISK REGISTER

Purpose

To brief the Authority on progress

Recommendations

- 1. That the NWIFCA approves the content and format of the draft Enforcement Framework and Risk Register.**
- 2. That the Enforcement Framework and Risk Register be developed in line with the NWIFCA draft plan for 2011 – 2015.**

INTRODUCTION

1. IFCA's are required to take account of the Defra objectives, success criteria and guidance they provided. High level objective 3 requires that a risk-based enforcement framework is in place by April 2012 and a risk register published by April 2013. The enforcement framework should comply with the Regulators Compliance Code and other legislative requirements.
2. The Defra IFCA implementation project prepared guidance on the format and content of an Enforcement framework for IFCA. This was aimed at providing common approaches to enforcement work across IFCA districts and covers:
 - i. Provisions for providing advice and guidance, to ensure that IFCA's provide authoritative, accessible advice easily and cheaply and those who are regulated know what they need to do to comply.
 - ii. Sanctions; setting the out general principles that IFCA's intend to follow to ensure they are applying best practice in this area.
 - iii. Applying risk based enforcement principles and methods, providing a common approach using common tools and techniques
 - iv. Complaints handling – guidance on applying best practice when designing a complaint handling system in the public sector.
3. The aim of the enforcement performance indicator is to make the NWIFCA an efficient, fair and transparent enforcement organisation managing the exploitation of sea fisheries resources using a range of alternative enforcement methods and sanctions. The impact and effectiveness of the methods and sanctions should be regularly assessed and continually improved.

4. The NWIFCA has agreed that an enforcement risk register should be updated, published, placed on the website and made available for viewing at both offices by 30th April each year. The enforcement risk register should be provided to a national peer review panel to be set up by the MMO as set out in the performance indicator.
5. Further to the discussion at the Technical, Science and Byelaws Sub-Committee in April, the proposal for a common enforcement framework was agreed by IFCA Chief Officers. As far as possible, all IFCA should develop their enforcement policies on a common pattern and format. Work has commenced to implement this policy and IFCA Chief officers will consider how a common enforcement policy framework can be developed
6. In the meantime and until more detailed enforcement policy can be developed, the NWIFCA has adopted an enforcement code of conduct currently used by some other IFCA. This code is attached at Annex A for approval by members.
7. The draft NWIFCA Enforcement Framework includes policy and strategy statements as set out at Annex B. The detailed content is scheduled for development by April 2012 and the work will be overseen by the Technical, Science and Byelaws Sub-Committee. The framework and risk register will continue as working documents to be amended and updated to reflect changes in marine management policies as they occur.

Enforcement Director & Chief Executive
June 2011

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT, 1985

List of Background Papers

1. Marine and Coastal Access Act 2009 (c.23). Part 6 – Management of Inshore Fisheries. Chapter 1 – Inshore Fisheries and Conservation Authorities.
2. Guidance to Inshore Fisheries and Conservation Authorities on the establishment of a common enforcement framework; monitoring and evaluation and measuring performance; evidence based marine management, all under S153 (3) of the Marine and Coastal Access Act 2009 (February 2011).