

A MEMORANDUM OF UNDERSTANDING between Inshore Fisheries and Conservation Authorities (IFCAs) and the Centre for Environment, Fisheries and Aquaculture Science (Cefas)

1. Aim of the Memorandum

This Memorandum agrees a coordinated approach to evidence-based sustainable management and conservation of our inshore seas, based on active engagement, shared information and collaboration by Inshore Fisheries and Conservation Authorities and the Centre for Environment, Fisheries and Aquaculture Science.

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 Centre for Environment, Fisheries and Aquaculture Science (Cefas) insofar as its role is as a scientific advisory body to these public authorities.

2.2. This memorandum establishes the responsibilities of both parties and the general principles for their cooperation.

3. Roles and functions of the signatories

3.1. Inshore Fisheries and Conservation Authorities (IFCAs)

3.1.1. 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”*.

3.1.2. 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, evidence-based 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.

3.1.3. IFCA's 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, engaging with Local and Central Government and key partner organisations at a national level, to the benefit of IFCA's and their local communities as a whole.

3.2. Centre for Environment, Fisheries and Aquaculture Science (Cefas)

3.2.1. Cefas is an Executive Agency of the Department for Environment, Food and Rural Affairs (Defra). It is the UK's largest and most diverse applied marine science centre and has a remit to provide evidence-based scientific advice on marine and freshwater environments, to manage related data and information, to conduct world class scientific research, and to facilitate collaborative action through its wide-ranging national and international relationships.

3.3. Through adherence to the principles of this Memorandum, IFCA's and Cefas will work closely together to deliver their areas of mutual interest. The working arrangements and activities which underpin this effective collaboration are set out in principle in Annex 1. The detail of the activities in Annex 1 will be subject to review and agreement between the IFCA Technical Advisory Group and Cefas once this MOU comes into force.

4. Principles of working together

4.1. A close working relationship between IFCA's and Cefas is essential for them both to prioritise and perform their functions effectively. IFCA's and Cefas commit to the following shared key principles governing their approach and conduct, both at a national and a local level:

- IFCA's and Cefas 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 advice and expertise they offer.
- IFCA's and Cefas 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 and any confidentiality agreements with other third parties.
- Senior officials of IFCA's and Cefas 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 collaborative working at IFCA Committee meetings.

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

5. Methods of joint working

- 5.1. IFCA and Cefas 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 data collection and research at national and local levels, alerting each other to risks and opportunities and pooling expertise and resources when working jointly, to avoid duplication and maximise efficiencies.
- 5.2. Both parties will build on the good working relationships that existed between the IFCA's predecessor bodies, the Sea Fisheries Committees, and Cefas by being open, constructive and working together at all levels, respecting each other's views and advice 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 research. IFCA and Cefas 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 marine monitoring and research, IFCA and Cefas 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. IFCA and Cefas will work together through the IFCA Technical Advisory Group to meet the aims of that Group, particularly: improving sustainable fisheries management through better coordination and dissemination of fisheries- and environmental-related scientific research, defining and applying best practice to the scientific and technical responsibilities of IFCA and improving cooperation between all the bodies represented in the Group to integrate science strategies and policies.
- 5.6. IFCA and Cefas will ensure regular contact throughout both organisations at all levels, to build relationships and facilitate honest and open dialogue.
- 5.7. Cefas will be mandated and funded to provide timely scientific advice to IFCA via the revision of the existing mechanism of annually agreed MOUs A and B between Defra and Cefas which previously incorporated the provision of best scientific advice

to Sea Fisheries Committees (SFCs) on the status and management of commercially important fish and shellfish stocks. Defra, Cefas and IFCAs will agree annually a baseline advisory service to be provided to IFCAs through the MOUs and agree a mechanism between the three parties whereby in-year changes may be made to the agreed the baseline, if circumstances require.

- 5.8. As part of developing opportunities to work together, IFCAs and Cefas will agree how work will be undertaken between them including any necessary financial provisions, funding arrangements and a set of Terms and Conditions. These will be appended to this Agreement in the form of Service Level Agreements.

6. Data Management

- 6.1. IFCAs and Cefas 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. IFCAs and Cefas 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 IFCAs and Cefas and commences 1 April 2011. It will be reviewed annually after its commencement 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 for the IFCAs is [see note¹], Chief Executive of the Association of IFCAs and at Cefas is Dr Carl O'Brien, Defra Chief Fishery Science Adviser. These primary contacts will be responsible for supporting good working practices between the IFCAs and Cefas, coordinating the regular reviews of this Memorandum, 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.

Centre for Environment, Fisheries and Aquaculture Science (Cefas)	
Name	RICHARD JUDGE
Date:	13/7/2011
Signature:	<i>Richard Judge</i>
	Chief Executive
	 Cefas The Centre for Environment, Fisheries and Aquaculture Science Lowestoft Laboratory, Pakefield Rd Lowestoft, Suffolk NR33 0HT

Inshore Fisheries and Conservation Authorities		
	Chief Executive/ Chief Officer	Chair
North Western IFCA	Name: Date: Signature:	Name: Date: Signature:
Cornwall IFCA	Name: Date: Signature:	Name: Date: Signature:
Isles of Scilly IFCA	Name: Date: Signature:	Name: Date: Signature:
Southern IFCA	Name: Date: Signature:	Name: Date: Signature:

¹ As at March 2011 this position is yet to be confirmed/appointed; until such a position is filled the primary contact will be Robert Clark, Chairman, Technical Advisory Group of IFCAs.

Sussex IFCA	Name: Date: Signature:	Name: Date: Signature: 
Kent and Essex IFCA	Name: Date: Signature:	Name: Date: Signature:
Eastern IFCA	Name: Date: Signature:	Name: Date: Signature:
North Eastern IFCA	Name: Date: Signature:	Name: Date: Signature:
Northumberland IFCA	Name: Date: Signature:	Name: Date: Signature:
Association of IFCA's	Name: Date: Signature:	Chief Executive

ANNEXES

- **Annex 1 – Overall working arrangements for IFCA's and Cefas**

ANNEX 1 - Overall working arrangements for IFCA and Cefas – planner 2011-12

NOTE: The contents of this table are subject to review and agreement once the MOU comes into force.

Work Area	Activity	Output	Status	Cefas contact	IFCA contact
1	<p>Evidence – research and advice</p> <p>Work collaboratively where possible on common research needs</p> <p>Development and implementation of joint research programmes, building on the recent success of fishing activity mapping</p> <p>Alternate the organisation of annual science conference, focused on priority research areas that drives better national collaboration</p> <p>Work driven forward by Technical Advisory Group?</p>	<ul style="list-style-type: none"> • Collaboration of research • Strategic research programmes that maximise efficiencies • Science conference that helps meet the aims of both parties and the Technical Advisory Group 	<p>Subject to decisions by Defra Marine on roles and responsibilities and funding arrangements. Subsequently to be taken forward through the Technical Advisory Group.</p>	Carl O'Brien	Chairman of the Technical Advisory Group

Work Area	Activity	Output	Status	Cefas contact	IFCA contact
2 Data collection, monitoring, analysis and reporting	Establish data-sharing agreement between IFCA's & Cefas to support sea fisheries resources management, marine planning, conservation and byelaw-making	<ul style="list-style-type: none"> • Procedures for data sharing • Agreed formats for data sharing • Exchange of data • Regular reporting on monitoring activities • Access to necessary databases for input and reporting • Sharing equipment, where possible 	<p>To be taken forward through the Technical Advisory Group.</p> <p>Data sharing sub-committee?</p> <p>Defra data sharing MOU?</p>	Sergio Vettese	Chairman of the Technical Advisory Group
	<p>Joint or coordinated marine sampling and/or survey programmes for ensuring sustainable management of inshore sea fisheries resources, including shellfish waters classifications and sampling, inspections and certification of shellfish movements</p> <p>Monitoring marine protected areas to ensure that conservation objectives</p>	<ul style="list-style-type: none"> • Joint survey work would help reduce costs and more effectively target resources • Sharing best practice • Regular reporting on monitoring activities • Sharing equipment, where possible 	<p>Subject to decisions by Defra</p> <p>Marine on roles and responsibilities and funding arrangements.</p> <p>Subject to agreed financial provision and funding mechanisms.</p>	Ewen Bell	To be agreed

Work Area	Activity	Output	Status	Cefas contact	IFCA contact
	are met				
	Ongoing MCSS support	<ul style="list-style-type: none"> Need to agree roles and responsibilities for support for IFCAs regarding access to Monitoring and Control Surveillance System (MCSS) in collaboration with MMO 	<p>Subject to agreed financial provision and funding mechanisms.</p> <p>Subject to agreed direction from MMO.</p>	Andy Gouldby	To be agreed
3	Byelaws and enforcement	IFCAs may require assistance and timely input from Cefas for making evidence-based byelaws, particularly in drafting impact assessments, or for evidence for prosecutions.	<ul style="list-style-type: none"> Roles and responsibilities in providing advice for byelaws or assistance with prosecutions needs to be assessed and agreed <p>Subject to decisions by Defra Marine on roles and responsibilities and funding arrangements.</p> <p>Subject to agreed financial provision and funding mechanisms (eg IFCA to contract Cefas for role in drafting impact assessments).</p>	Carl O'Brien	Chief Officer of relevant IFCA
4	Consultation and communication	Agree a mechanism for ensuring that both parties are consulted on all developments that are relevant to them	<ul style="list-style-type: none"> Clear procedures for consultation between IFCAs and Cefas Effective two-way liaison Two-way information <p>To be taken forward through a Joint Consultation Sub-Working to form annex to MOU.</p>	Carl O'Brien	To be agreed

Work Area		Activity		Output		Status	Cefas contact	IFCA contact
5	IFCA Committees	Cefas support the work of IFCA Committees, where possible	<p>exchange</p> <ul style="list-style-type: none"> Cefas are able to input to IFCA Committees and their decision-making, where necessary IFCA Committees are able to make evidence-based decisions 	<p>Subject to decisions by Defra Marine on roles and responsibilities and funding arrangements.</p> <p>Subject to agreed financial provision and funding mechanisms.</p>	Koen Vanstaen	Chief Officer of relevant IFCA		
6	Training	To agree and organise joint training on areas where IFCAs and Cefas have a common approach, particularly around data collection, monitoring and surveying.	<ul style="list-style-type: none"> Officers trained to a similar standard in areas of common interest Technical training on equipment resourcing and practise. 	To be taken forward through the Joint Training Working Group?	Dave Limpenny	To be agreed		
7	Several and Regulating Orders	Respective roles of IFCAs and Cefas in Several and Regulating Orders should be clarified and set out.		Subject to decisions by Defra Marine on roles and responsibilities and funding arrangements.	Adrian Judd	Chairman of the Technical Advisory Group		
8	Marine Planning	Establish mechanisms for engagement between IFCAs and Cefas on marine plans to ensure joined-up input and support, where possible.		Subject to decisions by Defra Marine on roles and responsibilities and funding arrangements.	Adrian Judd	To be agreed		

Work Area	Activity	Output	Status	Cefas contact	IFCA contact
9	IFCA four-year reviews	Cefas will need to provide an informed and objective input to the four-yearly review of IFCAs.	Subject to decisions by Defra Marine on roles and responsibilities and funding arrangements.	Carl O'Brien	To be agreed

