

**MEMORANDUM OF UNDERSTANDING between Inshore Fisheries and Conservation Authorities (IFCAs) and the Environment Agency (EA)** Horizon House, Deanery Road, Bristol BS1 5AH.

**1. Aim of the Memorandum**

**This Memorandum agrees a coordinated approach to sustainable development in our seas and estuaries based on active engagement, shared information and effective management of fisheries and the environment in estuaries and coastal waters by the Inshore Fisheries and Conservation Authorities and the Environment Agency.**

**2. Purpose of the Memorandum**

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

2.2. The Inshore Fisheries and Conservation Authorities and the Environment Agency agree that this Memorandum is not intended to be a legally binding document.

**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), who leads, champions and manages 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. a) *This applies for all IFCAs except Devon and Severn:* 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.

b) *For Devon and Severn IFCA:* Under the 2009 Act the Devon & Severn IFCA is a statutory joint committee of those local authorities whose areas fall within the IFCA's district. The membership of the IFCA must comprise members of those local authorities, persons appointed by the Marine Management Organisation for their knowledge of the local fishing community or for their knowledge and expertise in marine environmental matters, and other persons. This level of representation from the community is stipulated by the Act. The IFCA must achieve effective, evidence based decisions on the sustainable management of sea fisheries resources within its district. It must also provide the strategic

direction to ensure the long term sustainability of the marine environment in and around its district. The IFCA is funded by contributions from those local authorities whose area falls within the IFCA's district, in the proportions stipulated in the Statutory Instrument establishing the IFCA.

3.1.3. 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.

### **3.2. The Environment Agency (EA)**

3.2.1. The principal aim of the EA is to protect and enhance the environment across England and Wales. It has a key role in the sustainable management of estuaries and coastal waters, including controlling polluting discharges from land-based sources, strategic overview of flood risk management and coastal erosion, management of migratory fisheries (to six nautical miles), protecting and enhancing biodiversity and acting as competent authority for the implementation of the Water Framework Directive.

3.3. Through adherence to the principles of this Memorandum the IFCAs and the EA will work closely together in areas of mutual interest such as marine planning, marine licensing, marine monitoring, fisheries management and enforcement. A list of the working arrangements and activities which underpin this effective collaboration are detailed in Annex 2.

## **4. Principles of working together**

4.1. The IFCAs and the EA will work closely based on common principles:

- The IFCAs and the EA each recognise the independence and remit of the other party, but will always seek to collaborate and cooperate in the achievement of their shared and respective objectives in the marine environment.
- The organisations will operate transparently in relation to the other, while undertaking their responsibilities.
- The organisations will involve and work with each other in areas of shared interest or concern, with other relevant delivery partners included where appropriate and agreed.
- The parties will keep each other informed of any data, research, collected information or other work or development that might influence the decisions or activities of either party, to the fullest extent possible, taking account of their respective obligations under relevant legislation.

4.2. Through the observation of this Memorandum, all of the IFCAs and the EA will seek to ensure their respective responsibilities are discharged consistently in keeping with the principles as outlined.

## **5. Methods of joint working**

- 5.1. The IFCA's and the EA will explore further opportunities to expand shared working and reduce duplication of effort. This aspect will be enhanced by exchanging information, collaborating on enforcement, research, monitoring, data and evidence gathering at national and local levels, sharing environmental issues and intelligence and pooling expertise and resources.
- 5.2. The relationship will thrive on a policy of transparency and "no surprises" based on pre-notification of significant public or policy announcements where there are implications for the other party.
- 5.3. The IFCA's and the EA will ensure consistent and coordinated messages when working with Government, delivery partners and the public.
- 5.4. IFCA's and the EA will support each other in their respective roles in the administrative function for, and active membership of, IFCA Committees.

## **6. Data Management**

- 6.1. Each party will, subject to a separate information sharing agreement, provide information in its possession that may be reasonably requested by the other, subject to necessary confidentiality constraints, safeguards and statutory rules. The parties will, in line with Freedom of Information Act 2000 'provisions on information provided in confidence' and the Environmental Information Regulations 2004, contact the originating party with regard to any requests for information it holds, but did not collect, and which it is aware is confidential in nature. Each party will consult the other party about any significant disclosure of received information it proposes to make to a third party.
- 6.2. External publication of any information generated in the use of exchanged data will require the other party's approval, which will not be unreasonably withheld. All Intellectual Property Rights belong to their owners and no rights are transferred or assigned as a result of this Memorandum.
- 6.3. Data exchanged under this Memorandum cannot be used for commercial purposes without the prior agreement of the party supplying the data. When it is agreed that exchanged data could be used for commercial purposes, financial and copyright terms will be negotiated and agreed outside the terms of this Memorandum<sup>1</sup>.

## **7. Continuous Improvement**

Senior officials of IFCA's and the EA 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.

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<sup>1</sup> The IFCA's accept that they should not disclose information received from the EA with a classification of "high risk". A separate Data Sharing service level agreement will be established to define the parameters for data sharing and disclosure.

These strategic reviews will be in addition to local discussions on collaborative working at IFCA Committee or joint enforcement meetings.

## 8. Review and appraisal of the Memorandum

This Memorandum is jointly owned by the IFCAs and the EA and will be reviewed annually, by 31 March, and whenever substantial changes occur to the policies, external relationships and structures of the parties concerned.

## 9. Primary Contacts

The IFCAs and the EA will each nominate a lead contact. These primary contacts will be responsible for maintaining a fluent, transparent relationship between the IFCAs and the EA, resolving difficulties and monitoring the smooth operation of the Memorandum.

## 10. Signatories

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

Environment Agency		
Director of Operations		
Inshore Fisheries and Conservation Authorities		
Cornwall IFCA	Chief Inshore Fisheries and Conservation Officer	Chairman
Devon and Severn IFCA	Chief Inshore Fisheries and Conservation Officer	Chairman
Eastern IFCA	Chief Inshore Fisheries and Conservation Officer	Chairman
Kent and Essex IFCA	Chief Inshore Fisheries and Conservation Officer	Chairman
North East IFCA	Chief Inshore Fisheries and Conservation Officer	Chairman
Northumberland IFCA	Chief Inshore Fisheries and Conservation Officer	Chairman
North West IFCA	Chief Inshore Fisheries and Conservation Officer	Chairman
Southern IFCA	Chief Inshore Fisheries and Conservation Officer	Chairman
Sussex IFCA	Chief Inshore Fisheries and Conservation Officer	Chairman

## ANNEXES

- Annex 1 – Marine enforcement roles and responsibilities
- Annex 2 - Strategic working arrangements for IFCAs and the EA

## Annex 1 – 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 Conservation of Habitats and Species Regulations 2010	0 – 6	MMO	IFCA / Environment Agency	Police / Royal Navy
Offences under Conservation of Habitats and Species Regulations 2010	6 - 12	MMO	IFCA	Police / Royal Navy
Offences under Offshore Marine Conservation (Natural Habitats &c) 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.

**Annex 2.**

**to Memorandum of Understanding between Inshore Fisheries and Conservation Authorities and the Environment Agency**

**Summary of key generic work areas and progress OCTOBER 2011**

**Lead contacts: Godfrey Williams (Environment Agency) and Stephen Bolt (Association of IFCAs)**

	<b>Theme</b>	<b>Common work area/output</b>	<b>Status</b>	<b>EA contact</b>	<b>IFCA contact</b>
1	Enforcement	Warrants – standard approach to exchanging and issuing warrants	Process coordinated by MMO	N. Keen, National Enforcement Service	
		Joint working – generic approach to joint operations	To be developed through National Strategic Liaison Group (NSLG)	P. Lidgett  Environment & Business Senior Advisor	
		Intelligence/information sharing – generic approach to exchanging information relevant to enforcement	To be developed through National Strategic Liaison Group (NSLG)	P. Lidgett  Environment & Business Senior Advisor	
		Joint use of vessels & equipment – core principles in shared use of resources	To be developed through National Strategic Liaison Group (NSLG)	R. Baker  Marine Vessel Supply Manager	
		Operational liaison – minimum standards for engagement at tactical operational level	To be developed through National Strategic Liaison Group (NSLG)	P. Lidgett  Environment &	



				Business Senior Advisor	
2.	Training	Joint training – generic approach to sharing training events and opportunities	To be developed through Joint Enforcement Group	P. Lidgett  Environment & Business Senior Advisor	
3.	Making regulations	Consulting on proposed measures – core principles in providing help, advice and comment	To be developed through National Strategic Liaison Group (NSLG)	P. Lidgett  Environment & Business Senior Advisor	
4.	Water Framework Directive	WFD Guidance to help IFCA's ensure management decisions are WFD compliant	To be developed through National Strategic Liaison Group (NSLG)	D Hutchings  Environment & Business Manager	
5.	Marine nature conservation	Generic approach to mutual support and exchange of information	To be developed through National Strategic Liaison Group (NSLG)	L. Tucker  Environment & Business Senior Advisor	
6	Emergency Response	Marine pollution incident response	Addressed in National Contingency Plan – for pollution response	Incidents and Emergencies Team	
7	Data sharing	Establish data sharing agreement between EA & IFCA's	Will follow signing of MoU	HO Data and information unit	

8	Evidence – Science and monitoring	Explore opportunities for integrated monitoring and joint science needs	Via IFCA/Cefas/EA technical working group	TBA	
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Note: This document is a living document that will be reviewed and updated every six months.