



Department
for Environment
Food & Rural Affairs

www.gov.uk/defra

Report to Parliament about Inshore Fisheries and Conservation Authorities' (IFCAs) conduct and operation.

Call for evidence

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This document is also available on our website at:

<https://consult.defra.gov.uk/>

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Part One

Introduction

1. There are ten Inshore Fisheries and Conservation Authorities (IFCAs) around the coast of England.
 - Cornwall IFCA¹
 - Devon and Severn IFCA²
 - Eastern IFCA³
 - Kent and Essex IFCA⁴
 - North Eastern IFCA⁵
 - North Western IFCA⁶
 - Northumberland IFCA⁷
 - Isles of Scilly IFCA⁸
 - Southern IFCA⁹
 - Sussex IFCA¹⁰
2. They were created by the Marine and Coastal Access Act 2009 as successors to Sea Fisheries Committees. Legally, each IFCA is either a committee or joint committee of principal local authorities. Members are drawn from local councillors, experts, people who know the fishing community and people with expertise of marine environmental matters. The Marine Management Organisation is responsible for appointing local people with relevant expertise to the IFCA committee. Government guidance¹¹ helps the Marine Management Organisation meet this responsibility. IFCA officers work for the authority. They are not members of the committee.
3. The IFCAs are statutory regulators and have been fully operational since 1 April 2011. They are responsible for the sustainable management of sea fisheries resources to six nautical miles from coastal baselines. Running costs of each IFCA are met by member local authorities. Some local authorities receive supplementary support from Defra through the Local Services Support Grant (often referred to as “New Burdens Funding”).
4. The IFCAs have byelaw-making and enforcement powers, drawing on local knowledge and expertise of members. An IFCA must base its decisions on evidence and take appropriate expert advice. It is for this reason that Natural England nominates a representative to each IFCA, as does the Environment Agency¹² and the Marine Management Organisation.

¹ <http://www.cornwall-ifca.gov.uk>

² <http://www.devonandsevernifca.gov.uk>

³ <http://www.eastern-ifca.gov.uk>

⁴ <http://www.kentandessex-ifca.gov.uk>

⁵ <http://www.ne-ifca.gov.uk>

⁶ <http://www.nw-ifca.gov.uk>

⁷ <http://www.nifca.gov.uk>

⁸ <http://www.scillyifca.gov.uk>

⁹ <http://www.southern-ifca.gov.uk>

¹⁰ <http://www.sussex-ifca.gov.uk>

¹¹ http://www.marinemanagement.org.uk/about/ifcas/documents/ifca_appointments_guidance.pdf

¹² except on the Isles of Scilly, where the Environment Agency has no remit

Report to Parliament about the IFCA's' conduct and operation

5. Every four years, the Secretary of State must prepare a report into the conduct and operation of IFCAs, which must be laid before Parliament. Each four-year period runs from the date the first Statutory Instruments were made that established the IFCAs. This first report will cover the period to the end of August 2014. We anticipate that it will be presented to Parliament in December 2014.

Your opportunity to contribute to the report

6. This call for evidence is part of the research process for the first report to Parliament. It is an opportunity for you to provide evidence that will help us understand how each individual IFCA has worked to meet its duties and/or demonstrated the local leadership that might be expected of a statutory regulator. It is a public document and has been placed on the Defra consultation website. A letter accompanies this document and has been sent to more than 3,000 stakeholders (including local authorities, fishermen, industry, conservation organisations, sea users and representative bodies) inviting them to contribute their evidence. Defra officials will make an open, public presentation about this call for evidence and the report-making process at scheduled quarterly meetings of each IFCA during April, May and June 2014. The process will be publicised, further, in [Fishing Focus](#) magazine.
7. This document invites contributions of evidence to a series of open questions, structured around the IFCA success criteria published in *Guidance to IFCAs on monitoring and evaluation, and measuring performance*¹³. The final question in this pack invites 'anything else' contributions which might not fit easily under the seven success criteria headings.
8. Comments can be sent to us through Defra's consultation website (<https://consult.defra.gov.uk>) or by email to ifca.consultation@defra.gsi.gov.uk

Please let us have your comments by Friday 1 August 2014.

Background

9. IFCAs conduct business according to European, national and local government legislation. IFCA members do not represent constituencies or organisations. Instead, they are appointed to the IFCA and expected to develop an approach that manages local fisheries for wider social benefit. Local membership ensures that communities are engaged and involved in managing the inshore area. IFCA members' generic terms of appointment are published on the Marine Management Organisation¹⁴ website.

¹³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/182347/2011-ifca-guide-memp.pdf

¹⁴ <http://www.marinemanagement.org.uk/about/ifcas/>

10. The IFCAs' legal duties are described in section 153 of the Marine and Coastal Access Act 2009¹⁵. They must manage the exploitation of sea fisheries resources in their district. They must balance the social and economic benefits of exploiting the resources of sea fisheries in their districts with the need to protect the marine environment, or help it recover from past exploitation.
11. Defra issued a suite of guidance notes¹⁶ to IFCAs in March 2011 describing how they should make a contribution to sustainable development and implement their statutory duties using evidence-based marine management and risk-based enforcement. Additionally, guidance was issued on the annual planning and reporting obligations so that IFCAs might demonstrate good governance.

Funding

12. Each IFCA publishes its annual budget. IFCAs charge a levy to their member local authorities. Local authority members of IFCAs have a right to veto, by vote, the total budget but local authorities do have a legal duty to pay the levy
13. Defra allocated £3,000,000 'New Burdens Funding' each year for four years (2011-2012; 2012-2013; 2013-2014; 2014-2015) to defray additional costs incurred by local authorities operating IFCAs. New Burdens Funding is paid to local authorities through the Department for Communities and Local Government's (DCLG) Local Services Support Grant. Of the forty-nine local authorities that are members of IFCAs, thirty-nine receive New Burdens Funding. In line with Government policy, this funding is not ring fenced.
14. Following the latest Spending Review by Government, Defra will extend the original New Burdens Funding allocation by making an additional £3,000,000 available to the IFCAs' member local authorities, during 2015 – 2016.

Table 1. Breakdown of New Burdens Funding, calculated by IFCA

North West	Devon & Severn	Scilly	Cornwall	Southern	Sussex	Kent & Essex	Eastern	North East	Northumberland	TOTAL
406,789	409,297	109,726	324,838	329,425	205,637	363,774	394,145	301,729	154,640	3,000,000

15. Each IFCA is required by the Marine and Coastal Access Act 2009 to prepare and publish an Annual Plan, before the beginning of the financial year. An Annual Report must be prepared following each financial year. The Annual Plan should include a budget and description of how resources will be used. IFCAs are able to supplement their income with commercial activity such as survey work or data management.

¹⁵ <http://www.legislation.gov.uk/ukpga/2009/23/contents>

¹⁶ <https://www.gov.uk/government/publications/ifca-byelaw-guidance>

IFCA obligations – duties and powers

16. Each IFCA must publish an Annual Plan and an Annual Report. These documents set out how an IFCA will meet or has met its duties. Under the Marine and Coastal Access Act 2009, the IFCA duties are:

- managing the exploitation of sea fisheries resources within their district
- ensuring that the exploitation is carried out in a sustainable way
- ensuring effective management of marine habitats in the district. This includes activities such as recreational sea angling; bait digging and gathering of seaweed, which were not previously regulated by Sea Fisheries Committees
- balancing the social and economic benefits of exploiting the sea fisheries resources of the district with the need to protect the marine environment from, or promote its recovery from, the effects of exploitation
- taking steps which are necessary or expedient to make a contribution to sustainable development
- balancing the different needs of persons engaged in the exploitation of sea fisheries resources
- seeking to ensure the conservation objectives of any Marine Conservation Zone in the district are furthered.

IFCA byelaws

17. IFCAs have powers to make byelaws covering their district (which includes the entire area of member local authorities).

18. Byelaws made by an IFCA must be advertised for two weeks followed by a consultation period of 28 days. Byelaws must be accompanied by a regulatory impact assessment which documents the purpose of the byelaw and the costs and benefits to interested parties.

19. Byelaws, unless classified as 'Emergency byelaws', are sent to the Marine Management Organisation which carries out quality assurance checks. Once checked and confirmed by the Secretary of State, they come into force.

20. Emergency byelaws are time limited. They must be notified to the Secretary of State within 24 hours.

21. IFCAs inherited byelaws made by predecessor Sea Fisheries Committees. The Marine and Coastal Access Act 2009 (Transitional and Savings Provisions) Order 2011¹⁷ said that if any local fishery committee byelaws (i.e. SFC byelaws) were in force immediately before the transfer date; had effect in an area covering all or part of the IFC district; and were within the remit of a byelaw that could be made by an IFCA, then it had effect as if it were an IFCA byelaw.

¹⁷ <http://www.legislation.gov.uk/uksi/2011/603/made>

22. Each IFCA has an objective to review its suite of byelaws in the first years of operation, aiming to have completed the exercise by April 2015 and to have removed duplicate or redundant byelaws making sure, where necessary, that gaps are covered.

Enforcement

23. IFCAs appoint Inshore Fisheries and Conservation Officers (IFCOs). IFCOs have powers to enforce byelaws; remaining sections of the Sea Fish (Conservation) Act 1967 and the Sea Fisheries (Shellfish) Act 1967. The Marine and Coastal Access Act 2009 grants Common Enforcement and Fisheries Enforcement powers to IFCOs across England and Wales if they believe an offence (which may be an infringement of national or European legislation, in addition to byelaws) has been committed within their district. Additionally, IFCOs enforce byelaws in Marine Conservation Zones (MCZs).
24. IFCAs have power to enter into agreements and delegate some functions to other appropriate parties. In practice, this means they may cross-warrant with other regulators and enforcement agencies or delegate functions to adjacent IFCAs or the Environment Agency.

Supplemental powers

25. Section 179 of the Marine and Coastal Access Act 2009¹⁸ gave IFCAs the legal power to acquire or dispose of land or property, but excludes them from being able to borrow money.
26. Additionally, each IFCA has legal power to enter into arrangements with other IFCAs to establish a co-ordinating body. All ten IFCAs are members of the Association of IFCAs¹⁹. The Association is set-up as a Company Limited by Guarantee. It is wholly owned by the ten IFCAs and acts in a representation, communication and co-ordination role. Each IFCA contributes an agreed sum to fund the Association, which covers employment costs for its officers and logistics. The Association is not a public authority, has neither a statutory nor regulatory role and is not a subject of this report.

Next steps

27. The evidence you provide will help us draft the report. We expect to complete the report so that Ministers may present it to Parliament in December 2014.

¹⁸ <http://www.legislation.gov.uk/ukpga/2009/23/contents>

¹⁹ <http://www.association-ifca.org.uk>

Part Two – the questionnaire

We welcome your evidence about the IFCA's' conduct and operation to date. The questions are structured around the success criteria set out in the *Guidance to Inshore Fisheries and Conservation Authorities on monitoring and evaluation and measuring performance*²⁰. You may send your evidence to us through the Defra consultation website (<https://consult.defra.gov.uk>), by email to ifca.consultation@defra.gsi.gov.uk or by post to:

Defra Marine Sponsorship Team
Zone 8 A Millbank
17 Smith Square
London SW1P 3JR

Please let us have your comments by Friday 1 August 2014.

About you:

First name:	Last name:
Organisation (if applicable):	
Address:	
Email address:	
Telephone:	

Which IFCA you are providing comments about?			
<input type="checkbox"/> Cornwall	<input type="checkbox"/> Devon & Severn	<input type="checkbox"/> Eastern	<input type="checkbox"/> Kent & Essex
<input type="checkbox"/> North Eastern	<input type="checkbox"/> North Western	<input type="checkbox"/> Northumberland	<input type="checkbox"/> Southern
<input type="checkbox"/> Sussex	<input type="checkbox"/> Isles of Scilly		

Are you providing personal views or responding on behalf of an organisation? If an organisation, please name it here.
Do you wish your name to be published alongside your response? We will not publish your name in our summary unless you ask for it to be included.

If you ask us to keep your contribution confidential, we will try to meet that wish provided there is good reason. You should be aware that information might be requested at a later date. Please explain why you want us to keep your response confidential.
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²⁰ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/182347/2011-ifca-guide-memp.pdf

IFCAs have sound governance and staff are motivated and respected

We welcome comments that demonstrate the extent to which the IFCA has shown a professional, fair and consistent approach to its work; the effectiveness of the Committee and the extent to which it is engaged with communities and stakeholder interests. We would like to know about the support given to the Committee by the IFCA's constituent local authorities. You might offer evidence of the quality of the IFCA's leadership and/or management and the effort that has been made to work with the Committee. In writing your evidence, you might consider (but don't feel you have to respond to all points):

- Has the IFCA held public meetings?
- Can you tell what the IFCA does; what its objectives and priorities are and the work it has delivered over the previous year by reading its Annual Plan and Annual Report?
- Has the IFCA identified marine sustainability and/or fisheries management issues in the District? Do you know how the IFCA will address, or proposes to address, those issues?
- When you have met IFCA staff do they appear professional, fair, interested in their jobs and consistent?
- You may skip to the next question, if you prefer

Evidence based, appropriate and timely byelaws are used to manage the sustainable exploitation of sea fisheries within the district

We welcome comments that demonstrate whether and/or how the IFCA uses byelaws to manage sea fisheries resources; its progress in reviewing 'legacy' byelaws inherited from predecessor Sea Fisheries Committees; and, its observance of byelaw-making guidance and engagement with stakeholders in the byelaw-making process. In writing your evidence, you might consider (but don't feel you have to respond to all points):

- Has the IFCA used byelaws to manage sea fisheries resources in the IFC District and followed statutory procedure described from s.155 of the Marine and Coastal Access Act 2009 to make new ones? Have public notices been issued for two consecutive weeks and have stakeholders had 28 days to respond, before new byelaws have been made?
- Do you know which byelaws apply in the IFC District and where you can obtain copies of them?
- Has the IFCA used other management options, e.g. voluntary local agreements to manage, protect and promote the recovery of sea fisheries resources from the effects of exploitation?
- Has the IFCA observed guidance given to it (s.153 Marine and Coastal Access Act 2009) by the Secretary of State with respect to managing sea fisheries resources in the IFC District?
- You may skip to the next question, if you prefer

A fair, effective and proportionate enforcement regime is in place

We welcome comments that demonstrate whether the IFCA complies with legislative requirements; manages the exploitation of sea fisheries resources and, when necessary, is an efficient and fair enforcement authority using a range of enforcement methods and sanctions, seeking to assess their impact and effectiveness and make improvements where necessary. In writing your evidence, you might consider (but don't feel you have to respond to all points):

- Has the IFCA prepared an enforcement policy statement that is easy to understand; which outlines how IFCA members, the Chief Fisheries Officer or Chief Executive have been involved in its preparation and which describes how sanctioning decisions will be made and applied for breach of byelaws?
- Has the IFCA carried out inspections professionally and in accordance with its Code of Conduct?
- Has the IFCA applied an Administrative Penalty Scheme under s.294 of the Marine and Coastal Access Act 2009 and the Sea Fishing (Penalty Notices) (England) Order 2011?²¹ If so, are you satisfied the scheme is applied transparently?
- Does the IFCA provide advice and guidance to people who might carry out activities that are regulated and subject to the enforcement regime?
- Do you know how to make a complaint to the IFCA?
- You may skip to the next question, if you prefer

²¹ <http://www.legislation.gov.uk/uksi/2011/758/contents/made>

IFCAs work in partnership and are engaged with their stakeholders

We welcome comments that demonstrate the extent to which IFCAs have worked with others (e.g. in policy, regulatory, commercial, recreational or environmental sectors) to develop a 'partnership approach' that supports the socio-economic and environmental outcomes described in sections 153-154 of the Marine and Coastal Access Act 2009. In writing your evidence, you might consider (but don't feel you have to respond to all points):

- How has the IFCA engaged with local and central government and other bodies; industry; recreational users (e.g. anglers) and individuals? Have these methods been effective?
- Has the IFCA demonstrated a transparent, balanced approach to dealing with stakeholders that enables their views to be taken into consideration when making decisions?
- Have you used the IFCA's website to access current information and obtain copies of forms and documents?
- Has the IFCA developed a mechanism to engage with and seek feedback from its local stakeholders?
- You may skip to the next question, if you prefer

IFCAs make the best use of evidence to deliver their objectives

We welcome comments that demonstrate how the IFCA has acquired and applied its own data and/or shared data with others (e.g. other IFCAs, Natural England, Marine management Organisation, Environment Agency, Centre for Environment, Fisheries and Aquaculture Science (Cefas)) so that it has been able to meet its statutory duties. In writing your evidence, you might consider (but don't feel you have to respond to all points):

- Has the IFCA developed an in-house capability to collect, analyse and interpret evidence to inform its decision-making
- Has the IFCA demonstrated a risk-based prioritisation approach to protecting sea fisheries resources and marine protected areas?
- Has the IFCA consulted on, developed and published a strategic research plan?
- Has the IFCA demonstrated that it uses evidence in its decision making processes?
- You may skip to the next question, if you prefer

IFCAs support and promote the sustainable management of the marine environment

We welcome comments that demonstrate how the IFCA has delivered responsive and flexible management of sea fisheries resources to meet local needs, legislative requirements and guidance set by central government. Government accepted that an IFCA might need to prioritise work objectives within available resources to ensure that important policies, such as providing management measures for European Marine Sites, could be delivered. In writing your evidence, you might consider (but don't feel you have to respond to all points):

- Has the IFCA, working with other organisations (e.g. Marine Management Organisation, Natural England, Environment Agency, central and local government), demonstrated its responsibilities for marine conservation, including the management of marine protected areas?
- Has the IFCA demonstrated sustainable marine management best practice by using tools such as a Habitat Regulations Assessment?
- Has the IFCA identified those issues impacting sea fisheries resources within its District? Has it prioritised them and, if appropriate, developed a suitable management plan for them?
- How does, or how might the IFCA demonstrate it is having an effective, positive impact within the District? How does or how might it show that sea fisheries resources are being exploited sustainably? If new performance measures were to be developed, how might the IFCA demonstrate this in future?
- You may skip to the next question, if you prefer

IFCAs are recognised and heard

We welcome comments that demonstrate whether IFCAs have developed a visible presence, on land or water that projects a respected, authoritative, expert and trusted voice as a leading inshore regulator. Has the IFCA developed an accessible communications strategy and does it make use of different engagement or media approaches (e.g. newsletters, noticeboards, public meetings, face-to-face communications, website, social media (e.g. Twitter and/or Facebook etc.), workshops, collective communications, local press etc.). In writing your evidence, you might consider (but don't feel you have to respond to all points):

- Has the IFCA developed a 'brand' and profile which is recognised by stakeholders, enhances the IFCA's visibility and projects the leadership and accessibility expected of a respected, trusted statutory authority?
- Has the IFCA, individually and/or jointly with other IFCAs, engaged with local and central government and other partners to the benefit of all IFCAs?
- Has the IFCA, using the supplemental powers available to it at s.179 of the Marine and Coastal Access Act 2009, been involved in membership, good governance and running of the IFCA Association so that activities and communication between IFCAs is co-ordinated?
- You may skip to the next question, if you prefer

Any other comments you would like to make?

If you would like to submit evidence about the conduct and operation of the IFCA but you feel your comment doesn't fit within the seven success criteria, please use this box: