



Agenda item B10

From: Chief Fisheries and Conservation Officer

To: Kent and Essex Inshore Fisheries and Conservation Authority – 18 June 2025

Subject: IFCAs' Conduct and Operations Report

Classification: **Unrestricted**

Summary:

A report on the conduct and operation of the Inshore Fisheries and Conservation Authorities (IFCAs) was laid before Parliament by Defra. The report covers the period 2018 to 2022 and contains a series of 13 conclusions. This report provides a background to the conduct and operation report, its conclusions and the process suggested to address the conclusions.

Recommendations:

Members are asked to **NOTE** the report, and **AGREE** to support and work with the Association of IFCAs to address the recommendations of the IFCAs Conduct and Operations and work collaboratively with Defra in doing so.

Background

The third quadrennial report into the Conduct and Operations of the IFCAs has been prepared for Parliament and covers the period 2018 to 2022, through which significant events such as Covid-19 and EU Exit took place. The Joint Fisheries Statement, Fisheries and Environment Acts were all introduced through this period. Whilst the consultation was focused on this time period, it is acknowledged that some stakeholders might have included their reflections on their experience of conduct and operations since 2022.

The overall approach to the consultation considered evidence produced by Defra which showed that fishers favour informal conversations over formal consultations. Questions for stakeholders were developed by Defra based on success criteria previously developed and agreed by the IFCA Chief Officers. The

following channels used these questions to gather information and evidence which was analysed for this report:

- Questionnaire sent to Chief Officers (August and September 2022),
- In-person engagements as part of quayside conversations (October 2022 to January 2023),
- Citizen Space and Qualtrics online survey platforms which ran for 8 weeks (23 February 2024 to 22 April 2024),
- Data commission and additional information from IFCA Chief Officers (May to July 2024),
- Other relevant information.

In total, over 500 responses were received, and the breakdown of respondents is shown in Annex B. As a result, this is the most comprehensive report published by Defra on the conduct and operations of the IFCA since they were established under MaCAA.

The report has been constructed around key themes that emerged using the responses to the consultation questionnaires and summaries of conversations.

<https://assets.publishing.service.gov.uk/media/67a47f92baccec3af36b3bfd/ifca-conduct-operation-2018-2022.pdf>

Findings of the report

The report is structured by overarching themes, developed through analysis of the data: Accountability, Governance and Finance; Engaging Stakeholders and Working in Partnership; Evidence and Data; Fisheries Management; and Compliance and Enforcement.

The analysis has led to thirteen government conclusions, which are addressed by the Government Response. The conclusions are as follows:

- *IFCA committee structure and membership*

IFCA committee structures are set out in accordance with IFCA Orders and the MMO appoints general members following guidance issued by Defra. Stakeholders report that committee general membership does not adequately reflect fisher representation with respect to knowledge, expertise and input to decision making and that there is an imbalance between fisher and environmental interests.

- *Oversight of IFCA activities*

The IFCA collaborate with other organisations, including the MMO, on various workstreams such as intelligence gathering, enforcement, training, and byelaw development. Stakeholders note duplication particularly between IFCA and the MMO

which may impact on delivery of partnership outcomes, including efficient ways of working.

- *Transparency around decision making*

The divergence between the Chief Officers and stakeholder feedback indicates that although the IFCA's may engage with stakeholders to inform decision making and publish decisions, the process between engagement and final decision is not sufficiently transparent for stakeholders.

By not understanding the decision-making process or how the IFCA's have balanced multiple viewpoints, stakeholders (particularly fishers) are not feeling sufficiently engaged and are not able to understand if their inputs have influenced the resultant decision.

- *Funding and accountability*

Chief Officers and stakeholders shared concerns with the funding provided to and utilised by IFCA's. Government acknowledges the range of IFCA revenue budgets. It is for IFCA committees to agree work plans that fulfil the IFCA's statutory duties and determine the corresponding level of funding. The current funding model, including accountability arrangements between Defra and Local Authorities, is not transparent and limits the oversight of the effectiveness IFCA management such as day to day running costs associated with the organisations, risks associated with budget management, and delivery of duties.

- *Transparency around consultations*

There are a wide variety of engagement methods that the IFCA's use with a significant range of stakeholders, with communication by email and consultations being common methods. Less common methods included stakeholders accessing authority meeting papers, attending authority meetings, or through social media.

In quayside conversations stakeholders expressed a need and preference for face-to-face communication and indicated that online approaches didn't reach some, in particular older members of their community.

Stakeholder perception was mixed around transparency of consultations which led to reduced confidence and trust in IFCA public consultations and how the information is used.

- *Tailoring engagement*

Effective stakeholder engagement through the Covid-19 pandemic was challenging. The large spatial geography of some IFCA districts creates obstacles for effective communication. Stakeholders wished to see engagement that was closer to their home ports and communities. Specific stakeholder groups wish to see engagement and communication channels tailored to the needs of the audience.

- *Promoting partnership working arrangements*

IFCA's work closely with other public bodies across several workstreams and through a number of fora. Stakeholders perceive that partnership working is not always communicated sufficiently and appropriately.

- Stakeholder engagement through data collection

IFCAs gather evidence from a wide variety of stakeholders which enables them to identify and prioritise issues while balancing the needs of local sectors and communities. Fishers perceived that evidence they provided was not always utilised and reflected in reports. Fishers, as an important stakeholder group, wished to see more encouragement of fishers and contractors contributing to data collection and science programmes.

- Balancing stakeholder views in decision making

IFCA management decisions are shown to be evidence based, using a range of available sources. Some stakeholders, in particular inshore fishers, do not feel that they have sufficient ability to influence management decisions; they reported that their fisheries are not balanced alongside other users of the marine environment, which can impact trust in IFCAs as fishing regulators. IFCA statutory duties as set out in section 153 and 154 of MaCAA state that IFCAs must ensure that the Marine Protected Areas (MPAs) in their district are appropriately protected from damaging fishing activities.

- Byelaw making process

The process for making and confirming byelaws across the IFCAs, MMO and Defra is complex, and Defra acknowledges the rigour required to implement new legal instruments is extensive. Efficiencies across partners could be explored to improve stakeholder engagement and the pace at which new measures can be implemented.

- Building trust

IFCA officers that undertake enforcement are trained in accordance with the requirement of the statutory powers afforded to them through warrants. Stakeholders believe that there is a disproportionate emphasis on enforcement. Some stakeholders report that this may be influenced by the volume of IFCA employees with a police or military background.

- Knowledge of the fishing industry

IFCA compliance and enforcement strategies are in accordance with Government's Codes of Practice, such as the Regulators Code and Powers of Entry. Officers are highly trained and work in accordance with the codes and associated legislation, as they are legally required to do.

Some fishers would like to see a greater tailoring of approach to include the possibility of face-to-face communication where appropriate, and an increase in enforcement staff who have a background in the fishing industry. Differences are reported between MMO and IFCA enforcement approaches and decisions.

- Complaints

Efforts are made by IFCAs to conduct activities as a fair and proportionate regulator. Defra recognises that in support of this, there is a need for a consistent and effective complaints process across all IFCAs that is published and easy to navigate.

The Government Response to these findings

We are very grateful for the time that all interested parties have taken to provide constructive input to help us create the IFCA Conduct and Operations Report 2018-2022 ("the report"). The conclusions of the report have guided our approach to developing recommendations to support the improvement of the conduct and operations of the IFCAs.

Conclusions have been drawn from the analysis of the evidence arising from the consultation response and supporting data commissions, and recommendations are grouped to address multiple conclusions.

Government will work with interested parties where appropriate, to support the work required to fulfil the implementation of the recommendations. A review of progress will be undertaken by government and reported on in subsequent Conduct and Operations Reports.

Defra will undertake work to further look at the MMO/IFCA interface and regulatory responsibilities. This will include close work with the MMO and IFCAs, and if necessary other marine regulators, to review the roles and responsibilities of MMO and IFCAs as marine regulators, with an eye to improving the regulatory cohesion, simplifying the landscape and developing and agreeing an optimal operational model (Conclusion 2, 7).

This review will look back at the findings of the 2019 IFCA independent evaluation and will consider the themes explored throughout this report, considering, under any future operating model, how to ensure that decision-making and communication thereof is transparent and reflective of key stakeholder interests and sets out best practice where it can be demonstrated (Conclusion 3, 5, 6).

Effective and clear funding and accountability arrangements are critical to the longevity of any organisation. This consultation has highlighted concerns about the complexity of funding arrangements for IFCAs, complicating forward planning and effective delivery. An additional aspect to the review will consider accountability for delivery as well as setting common standards for IFCAs. As part of the wider review on roles and responsibilities mentioned above, Defra will consider funding and accountability arrangements to enable future delivery of statutory duties and government priorities (Conclusion 4).

Given that stakeholder feedback has suggested that committee general membership does not adequately reflect fishers' interests, The review will also seek to strengthen Defra guidance to the MMO with respect to committee general member appointments and will consider ways to increase fisher representation on committees (Conclusion 1). The byelaw making process will be considered including what efficiencies could be made to reduce the time it takes to make and confirm byelaws and communicate those in a timely way to

stakeholders (Conclusion 10). It will also consider other guidance that Defra has provided to the IFCAs and any other guidance that may be useful.

In the immediate term, the Minister encourages IFCAs to implement the following recommendations:

1) TRANSPARENCY AND ENGAGEMENT AROUND DECISION MAKING

To ensure that all stakeholders are given the opportunity to maximise their input into management decisions (Conclusion 9)..... IFCAs should maximise transparency and communication around decision making processes and consultations, ensuring stakeholders can determine how their input is used, and that engagement is tailored to the needs of stakeholder groups (Conclusion 3, 5, 8, 6).

2) DECISION MAKING AND MPAs

Where IFCAs are compelled to prioritise MPA protection over fisheries management, IFCAs should clearly explain the reasoning for this prioritisation to help build trust and understanding. The IFCAs should aim to be transparent when other constraints impact fisheries management decisions (Conclusion 9).

3) JOINT ENFORCEMENT & COLLABORATION

IFCAs should consider ways to improve collaboration and communication when undertaking regulatory duties to build understanding and trust amongst fishers, such as on the thresholds for issuing advice and guidance and/or taking enforcement action. (Conclusion 11).

4) INDUSTRY ENGAGEMENT IN ENFORCEMENT APPROACHES

IFCAs should consider whether closer collaboration with those with a background in the fishing industry can support appropriate enforcement approaches (Conclusion 12).

5) COMPLAINTS PROCEDURES

IFCAs should also consider ways to work with local authorities to improve the adequacy of complaints processes and review their effectiveness from a customer-facing perspective (Conclusion 13).

Responding to the Conduct and Operations Report Actions – IFCAs working together through the Association of IFCAs

At a meeting of the IFCAs' Chief Officers Group (COG) on 11th March 2025 it was agreed that the Chair of the COG work with the AIFCA to establish a Steering Group with Defra and other relevant partners to implement the recommendations of the report.

At a meeting of the Marine & Fisheries and Chief Officers (MAFCO) group on 1 April 2025 it was agreed that the AIFCA, the IFCA COG and Defra establish an overarching steering group through which to collaborate on implementing the recommendations of the report. It was also agreed that the Steering Group would be led by the IFCAs with Defra and MMO participation.

The overall purpose of the Group is to provide identifiable leadership and ownership for considering and addressing the findings of the report through a collaborative and coordinated approach.

In undertaking this work the Steering Group will:

- Assess the recommendations to determine and assign priorities.
- Attribute actions to each recommendation (or group of recommendations) and establish Task and Finish Groups to address those actions.
- Coordinate the work of the Task and Finish Groups, to enable active participation across organisations with a focus on the efficient use of resource to ensure work is not duplicated.
- Use the outputs of the work of the Task and Finish Groups to develop and agree recommendations in support of a shared implementation action plan to address the report's recommendations.
- Consider making recommendations on the format for future conduct and operations reports.

It is recognised that some actions will sit with individual organisations, and whilst the Steering Group recognises the autonomy over certain actions it is anticipated that all parties will seek to work collaboratively and will endeavour to reach consensus. As this process develops future reports to KEIFCA will keep the Authority updated as to any significant proposals and decisions the Authority need to make.

Recommendations:

Members are asked to **NOTE** the report, and **AGREE** to support and work with the Association of IFCAs to address the recommendations of the IFCAs Conduct and Operations and work collaboratively with Defra in doing so.