



Department  
for Environment  
Food & Rural Affairs

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# **Inshore Fisheries and Conservation Authorities**

## **Conduct and Operation 2010 - 2014**

**March 2015**



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**Department for Environment, Food and Rural Affairs**

# **Inshore Fisheries and Conservation Authorities**

## **Conduct and Operation 2010 - 2014**

**Presented to Parliament pursuant to  
Section 183 (1) of the Marine and Coastal Access Act 2009**

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# Summary

1. This report has been laid before Parliament by the Secretary of State for Environment, Food and Rural Affairs. It meets the requirements of s.183(1) of the Marine and Coastal Access Act 2009<sup>1</sup> and describes the conduct and operation of ten Inshore Fisheries and Conservation Authorities (IFCAs) in England over the four year period to 31 August 2014. This report is the first one to have been prepared for Parliament under this section of the Act. It has been structured to demonstrate:
  - the context in which IFCAs were established and the legislative environment they operate in (Part One)
  - a detailed description of local operations (Part Two) and
  - a final section that identifies areas for further consideration in light of this report (Part Three).
2. IFCAs are statutory regulators created by the 2009 Act as successors to Sea Fisheries Committees (SFCs). They are responsible for the sustainable management of sea fisheries resources in Inshore Fisheries and Conservation Districts (IFCDs) to six nautical miles from coastal baselines. District boundaries and IFCA membership were set out in separate Statutory Instruments, made at the beginning of September 2010. IFCAs became fully operational on 1 April 2011. As IFCAs are new bodies, this report covers their establishment phase and describes resourcing, capability, technical and procedural matters.
3. This report was compiled following research that included a public call for evidence. In total, 108 responses were received from interested stakeholders. Additional research was carried out and material collected through literature review and from interviews with IFCA Committee Chairs, Committee members, Chief Officers and staff. Themes emerging from the report-making process that might merit further consideration by government and the IFCAs are identified in the report and noted in this summary.

## Duties

4. The IFCAs must manage the exploitation of sea fisheries resources in their district, balancing the social and economic benefits of exploiting resources with the need to protect the marine environment, or help it recover from past exploitation. They must seek to ensure that the conservation objectives of any Marine Conservation Zone (MCZ) are furthered and manage marine areas and European Marine Sites (EMS). IFCAs have byelaw-making and enforcement powers.

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<sup>1</sup> <http://www.legislation.gov.uk/ukpga/2009/23/contents>

## Areas for further consideration

5. As a result of evidence gathered in preparing this report, the following areas were identified for further consideration:

- Government will give further consideration to the maximum size of an IFCA Committee
- geographic knowledge will be borne in mind when general member appointments are next made to the Cornwall, North Western and Eastern IFCAs
- induction and training should be made available to all members of IFCA Committees, including local government procedure for those needing it
- Government will review guidance on making appointments and re-appointments of IFCA Committee members
- Government will now consider progressively reviewing the appropriateness of performance criteria and other guidance to IFCAs
- Joint use of resources between IFCAs and other agencies particularly the use of patrol vessels, is an established, albeit local, practice. Cross-warranting exists between some IFCAs and other agencies and might usefully be rolled-out elsewhere. IFCAs already co-operate with neighbouring Authorities, the Environment Agency (EA), Marine Management Organisation (MMO), HM Revenue & Customs, Police, Environmental Health and Border Force personnel. Further opportunities should be explored and developed.
- Some IFCAs occupy leasehold premises. When leasehold terms come to an end, with forward estate planning, opportunities for shore-side co-location with other marine agencies might offer financial savings on premises costs or back-office functions; could deliver a more integrated customer experience and might lead to stronger inter-agency relationships, co-operation and closer working.

# Part One: The Inshore Fisheries and Conservation Authorities

6. There are ten Inshore Fisheries and Conservation Authorities (IFCAs) around the coast of England.
  - Cornwall IFCA<sup>2</sup>
  - Devon and Severn IFCA<sup>4</sup>
  - Eastern IFCA<sup>6</sup>
  - Kent and Essex IFCA<sup>8</sup>
  - North Eastern IFCA<sup>10</sup>
  - Northumberland IFCA<sup>3</sup>
  - North Western IFCA<sup>5</sup>
  - Isles of Scilly IFCA<sup>7</sup>
  - Southern IFCA<sup>9</sup>
  - Sussex IFCA<sup>11</sup>
7. The IFCAs were created by the Marine and Coastal Access Act 2009<sup>12</sup> (“the Act”) as successors to Sea Fisheries Committees (SFCs), first created under Victorian legislation<sup>13</sup> that had always brought an element of local management to fisheries resources. The creation of IFCAs, at a time when the infrastructure for delivering marine policy was being renewed, embedded the Government’s approach to sustainable development and support for localism.
8. There is an *Authority* for each Inshore Fisheries and Conservation *District*. Legally, each IFCA is either a committee or joint committee of relevant local authorities for a district, where that district is an area consisting of the combined areas of the relevant Councils and the adjacent area of sea. IFC Districts extend to the territorial limits of the entire member local authority district and can include estuaries that were previously managed by the Environment Agency (EA).
9. 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. Baselines were established by the Territorial Waters Order in Council 1964 and the Territorial Waters (Amendment) Order in Council 1979 and defined as being from the low-water line along the coast including the coast of all islands in that territory.
10. Defra and the SFCs, in consultation with local and central government and non-governmental organisations, developed a vision statement for IFCAs before they became operational:

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<sup>2</sup> <http://www.cornwall-ifca.gov.uk>

<sup>3</sup> <http://www.nifca.gov.uk>

<sup>4</sup> <http://www.devonandsevernifca.gov.uk>

<sup>5</sup> <http://www.nw-ifca.gov.uk>

<sup>6</sup> <http://www.eastern-ifca.gov.uk>

<sup>7</sup> <http://www.scillyifca.gov.uk>

<sup>8</sup> <http://www.kentandessex-ifca.gov.uk>

<sup>9</sup> <http://www.southern-ifca.gov.uk>

<sup>10</sup> <http://www.ne-ifca.gov.uk>

<sup>11</sup> <http://www.sussex-ifca.gov.uk>

<sup>12</sup> <http://www.legislation.gov.uk/ukpga/2009/23/contents>

<sup>13</sup> The Sea Fisheries Regulation Act 1888



*“Inshore Fisheries and Conservation Authorities will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry.”*

11. The number and membership of each IFCA Committee is described in the Statutory Instrument<sup>14</sup> that established the Authority. Members, appointed under Section 151 of the Act, are drawn from local councillors, people who know the fishing community of the district and people with expertise of marine environmental matters.

**Table 1: Number and membership of IFCA Committees**

IFCA Committee	Local Authority members	General members	Natural England nominee	Environment Agency nominee	Marine Management Organisation nominees	TOTAL
Cornwall	7	11	1	1	1	21
Devon & Severn	12	15	1	1	1	30
Eastern	7	11	1	1	1	21
Kent & Essex	9	9	1	1	1	21
North Eastern	13	14	1	1	1	30
North Western	10	17	1	1	1	30
Northumberland	7	11	1	1	1	21
Scilly	3	3	1	0	1	8
Southern	9	9	1	1	1	21
Sussex	7	11	1	1	1	21
<b>TOTAL</b>	<b>84</b>	<b>111</b>	<b>10</b>	<b>9</b>	<b>10</b>	<b>224</b>

12. Across all ten IFCAs, there are 224 IFCA Committee members, including 111 ‘general members’ who are appointed to the Committee by the Marine Management Organisation (MMO) and selected, for example, from the recreational angling sector, commercial, conservation, science and research fields. Some general members of the newly-created IFCA Committees had previously been members of the twelve SFCs, bringing their knowledge and expertise to the new Authorities.

13. When Parliament debated the Marine and Coastal Access Bill, there was consensus that IFCAs should have a more balanced membership than existed on

<sup>14</sup> Cornwall (SI 2010/2188): <http://www.legislation.gov.uk/uksi/2010/2188/contents/made>;  
 Devon & Severn (SI 2010/2212): <http://www.legislation.gov.uk/uksi/2010/2212/contents/made>;  
 Eastern (SI 2010/2189): <http://www.legislation.gov.uk/uksi/2010/2189/contents/made>;  
 Kent & Essex (SI 2010/2190): <http://www.legislation.gov.uk/uksi/2010/2190/contents/made>;  
 North Eastern (SI 2010/2193): <http://www.legislation.gov.uk/uksi/2010/2193/contents/made>;  
 North Western (SI 2010/2200): <http://www.legislation.gov.uk/uksi/2010/2200/contents/made>;  
 Northumberland (SI 2010/2197): <http://www.legislation.gov.uk/uksi/2010/2197/contents/made>;  
 Scilly (SI 2010/2213): <http://www.legislation.gov.uk/uksi/2010/2213/contents/made>;  
 Southern (SI 2010/2198): <http://www.legislation.gov.uk/uksi/2010/2198/contents/made>;  
 Sussex (SI 2010/2199): <http://www.legislation.gov.uk/uksi/2010/2199/contents/made>

the SFCs, to include the local authorities and those with local expertise of fishing and the environment. Parliament wanted to ensure that IFCA could fulfil the additional duties given to them through the Act; that its decisions would be balanced and that no one sector could dominate a Committee. There was a desire that the transition from SFCs to IFCA should be accompanied by a culture change, to reflect the objective of sustainable fisheries management.

14. Defra wanted the membership of the IFCA to represent the right balance for each individual district's economic, social and environmental needs. The needs of the individual IFCA districts differ and may vary over time so detailed prescriptive guidance on the balance of membership was not issued. Instead Defra's Secretary of State issued statutory guidance<sup>15</sup> on appointments under section 38 of the Act that allowed the MMO to consult the IFCA membership and partners on the appropriate balance of general members, responsive to local circumstances.

15. Four broad categories of general members were identified in the guidance (see Table 2 below). Membership drawn from each general category will vary on a district by district basis depending on local circumstances. Government has accepted that, within the normal ebb and flow of membership and recruitment, the number of general members drawn from any particular category might decline temporarily, or that a single recruitment campaign might not attract sufficient, suitable applicants from particular groups. Once appointed however, individual members of the IFCA are expected to work collegiately and not represent constituencies or interest groups. Appointed members of the IFCA are 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.

**Table 2. Indicative categories to aid selection of IFCA General Members**

Commercial fishing	<ul style="list-style-type: none"> <li>• Mobile gear finfish (e.g. trawling, netting)</li> <li>• Mobile gear shellfish (e.g. dredging)</li> <li>• Static gear finfish (e.g. lines and nets)</li> <li>• Static gear shellfish (e.g. traps and pots)</li> <li>• Other (e.g. aquaculture, bait diggers)</li> </ul>
Recreational fishing	<ul style="list-style-type: none"> <li>• Recreational sea fish angling;</li> <li>• Charter industry;</li> <li>• Holders of limited permits;</li> <li>• Other (e.g. bait diggers)</li> </ul>
Marine environment	<ul style="list-style-type: none"> <li>• Interests in designated conservation sites (e.g. MCZs, SACs, SPAs, SSSIs)</li> <li>• Special wildlife interests (e.g. bird or sea mammal groups);</li> <li>• Underwater archaeological and historic environment interests</li> </ul>

<sup>15</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/347493/ifca\\_appointments\\_guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/347493/ifca_appointments_guidance.pdf)

Other	<ul style="list-style-type: none"> <li>• Coastal process (e.g. flood and coastal erosion risk);</li> <li>• Independent local marine science (e.g. conservation, fisheries, social science) Access to the coast;</li> <li>• Estuarine interests;</li> <li>• Maritime related organisations (e.g. Harbour Masters, RNLI, Maritime and Coastguard Agency);</li> <li>• Leisure and yachting interests;</li> <li>• Subaqua or commercial diving interests;</li> <li>• Other marine industries (e.g. offshore )</li> </ul>
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## IFCA funding

16. IFCAs are funded by levy charged to their sponsoring local authorities. Local authorities have a legal duty to pay the levy. Some additional revenue is generated from fees charged for permits, shellfish sampling etc. Additionally, a small amount of revenue is generated from bank interest on general reserves (often accrued over several years to fund replacement of Fisheries Patrol Vessels). Recovered court costs awarded from successful prosecutions also appear as revenue. IFCAs are encouraged to explore ways of supplementing their income by creating commercial revenue through, for example, survey work, data management or support for leisure activities.

17. During the 2014 – 2015 financial year, the ten IFCAs will commit levy-raised revenue totalling just over £8.7m to inshore management around the coast of England. The Act requires that each IFCA must prepare and publish an Annual Plan before the beginning of the financial year. The Annual Plan should include a budget and description of how resources will be used.

18. Only four IFCAs have an annual revenue budget exceeding £1m (Cornwall IFCA, Eastern IFCA, North Eastern IFCA and North Western IFCA). Although an IFCA is a levying authority, the principal council members of an IFCA, being the democratically accountable members for local public taxation, have a right of veto over the budget. In practice, the IFCA and its levy-paying authorities begin each financial year having arrived at an accommodation for resources to deliver a statutory regulatory service, balanced against the wider demands of tighter budget control and austerity in public finances.

## New Burdens Funding

19. When Parliament created IFCAs, Government recognised that the increased role might impose further costs on some local authorities. Government sought to defray these costs in compliance with the New Burdens doctrine<sup>16</sup>. The mechanism for calculating the New Burdens funding was subject to public

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<sup>16</sup> <https://www.gov.uk/government/publications/new-burdens-doctrine-guidance-for-government-departments>

consultation in December 2010, following which the Government chose to adopt a flat profile across the four years of the spending settlement (2011-2012; 2012-2013; 2013-2014; 2014-2015). A total of £3m was paid each year, from the Defra budget, to the affected local authorities via the Department for Communities and Local Government's (DCLG) Local Services Support Grant. It is not paid to the IFCA's directly. In January 2014, the Fisheries Minister announced that the New Burdens support would be extended for a further year, to 31 March 2016.

20. Of the forty-nine local authorities that are members of IFCA's, thirty-nine receive New Burdens Funding. There is no obligation on local authorities to allocate all or any of the New Burdens Funding to the IFCA's. A table listing the levy payments made to IFCA's and the New Burdens allocation by local authority is included at Annex A of this report.
21. Ten local authority sponsors of IFCA's (Plymouth City Council, Torbay Council, Southend-on-Sea Council, Blackpool Borough Council, Cumbria County Council, Bournemouth Council, Poole Borough Council, Portsmouth City Council, Southampton City Council and Brighton & Hove Council) receive no New Burdens funding.
22. Nine local authority sponsors of IFCA's (Bristol City Council, Gloucestershire County Council, North Somerset Council, Somerset Council, South Gloucestershire Council, Stockton-on-Tees Council, Cheshire West & Chester Council, Halton Borough Council and Liverpool City Council) receive a New Burdens allocation that is greater than the levy they pay to their respective IFCA's.

## Prohibition on borrowing money

23. Section 179 of the Act gave IFCA's the legal power to acquire or dispose of land or property, but excludes them from being able to borrow money. The most significant asset held by any IFCA is often the fisheries patrol vessel. All seagoing vessels have a limited operational expectancy depending on design and capability. This means that an IFCA and its levy paying member local authorities need to agree and develop a funding plan so that eventual vessel replacement can be afforded. In practice, most IFCA's subscribe to a reserve fund over the lifetime of their patrol vessel by making yearly contributions that are at least equivalent to the annual depreciation of the asset. There is an assumption that, when a decision to replace a patrol vessel is made, the asset will retain some capital value that can be released through sale.

## Audit arrangements

24. The Audit Commission Act 1998 requires an external audit of the accounts of a committee or joint committee of local authorities (e.g. IFCA's). Consequently, an IFCA should meet the requirements of the Accounts and Audit Regulations 2003 and prepare a Statement of Accounts which is signed off by the Audit Commission.

25. During the period covered by this report, all IFCAs met the audit requirements. The smaller IFCAs (i.e. those with an annual budget of less than £1m) used the Audit Commission Small Bodies return procedure. The larger IFCAs have service agreements with one of their principal local councils that include audit services provided by an external auditor.

## Marine Policy Statement

26. The UK Government published the Marine Policy Statement<sup>17</sup> in March 2011 setting out the approach that would be taken to integrate multiple uses of the seas, introduce a new marine planning regime and describe how sea users could make a contribution towards achieving sustainable development. The Common Fisheries Policy sets the framework for fisheries management, but the Marine Policy Statement recognises the contribution of fisheries and aquaculture to food security and created an expectation that IFCAs will participate fully in the marine planning process.

27. The Marine Policy Statement set five objectives, all of which are supported by normal operation of IFCAs:

- achieving a sustainable marine economy
- ensuring a strong, healthy and just society
- using sound science responsibly
- living within environmental limits
- promoting good governance.

## IFCA functions and legal obligations

28. IFCAs conduct business according to European, national and local government legislation. The IFCAs' main legal duties are described in section 153 of the Act. They must manage the exploitation of sea fisheries resources in their district, balancing 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. Under section 154 of the Act, they must seek to ensure the conservation objectives of any Marine Conservation Zone (MCZ) in the district are furthered. Additionally, IFCAs are deemed relevant authorities for marine areas and European Marine Sites (EMS), under the Conservation of Habitats and Species Regulations 2010.<sup>18</sup> By comparison to SFCs, the duties and obligations set out in the Act require IFCAs to collect and analyse greater quantities of data and exercise management for some marine plants and animals, not just commercially exploited fish species. This obligation is made explicit at section 175 of the Act.

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<sup>17</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69322/pb3654-marine-policy-statement-110316.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69322/pb3654-marine-policy-statement-110316.pdf)

<sup>18</sup> <http://www.legislation.gov.uk/uksi/2010/490/contents/made>

29. Defra issued a suite of guidance notes<sup>19</sup> to IFCA 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. Guidance was issued on the annual planning and reporting obligations so that IFCA might demonstrate good governance. Success criteria and high-level objectives were set out, so that all annual plans and annual reports have a common framework against which IFCA can demonstrate performance.
30. In addition to the Conservation of Habitats and Species Regulations 2010, IFCA are deemed to be relevant authorities under the EU Water Framework Directive (2000/60/EC) and the Marine Strategy Framework Directive (2008/56/EC). Both Directives establish frameworks for community action in marine environment and water quality policy.

## Byelaws

31. The IFCA have bylaw-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 (NE) nominates a representative to each IFCA, as do the EA<sup>20</sup> and the MMO.
32. 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 that documents the purpose of the bylaw and the costs and benefits to interested parties.
33. Byelaws, unless classified as 'Emergency byelaws', are sent to the MMO which carries out quality assurance checks. Once checked and confirmed by the Secretary of State, they come into force.
34. Emergency byelaws are time limited. They must be notified to the Secretary of State within 24 hours.
35. IFCA inherited byelaws made by predecessor SFCs. The Marine and Coastal Access Act 2009 (Transitional and Savings Provisions) Order 2011<sup>21</sup> stated 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 IFCA district; and were within the remit of a bylaw that could be made by an IFCA, then it had effect as if it were an IFCA bylaw.
36. Each IFCA has an objective to review its suite of byelaws in the first years of operation, aiming to remove duplicate or redundant byelaws making sure, where necessary, that gaps are covered.

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<sup>19</sup> <https://www.gov.uk/government/publications/ifca-byelaw-guidance>

<sup>20</sup> except on the Isles of Scilly, where the Environment Agency has no remit

<sup>21</sup> <http://www.legislation.gov.uk/uksi/2011/603/contents/made>



## Enforcement

37. IFCA's appoint Inshore Fisheries and Conservation Officers (IFCOs). IFCOs have powers to enforce byelaws, the remaining sections of the Sea Fish (Conservation) Act 1967 and the Sea Fisheries (Shellfish) Act 1967.
38. The Act 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 MCZs.
39. IFCA's have power to enter into agreements and delegate some functions to other appropriate parties. Section 167 of the Act permits an IFCA to enter agreement with another eligible body (i.e. an adjoining IFCA or the EA) to perform the functions of the first IFCA. In practice, this means the IFCA's can cross-warrant with other regulators and enforcement agencies or delegate functions to adjacent IFCA's or the EA. To date, one agreement has been made under section 167, between Sussex IFCA and Southern IFCA, covering management of sea fisheries and marine resources in Chichester Harbour.

## IFCA performance: annual plans and annual reports

40. Sections 177 and 178 of the Act require each IFCA to prepare and publish an annual plan and an annual report. The annual plans include an agreed budget and are made ready for the beginning of the financial year. All annual plans (and annual reports) share a format, based on the performance framework for IFCA's described in *Guidance to Inshore Fisheries and Conservation Authorities on Annual Planning and Reporting* and *Guidance to Inshore Fisheries and Conservation Authorities on monitoring, evaluation and measuring performance*<sup>22</sup>.
41. The guidance takes the IFCA vision statement and sets out seven success criteria to underpin it. The criteria are:
  - IFCA's have sound governance and staff are motivated and respected
  - evidence-based, appropriate and timely byelaws are used to manage the sustainable exploitation of sea fisheries resources within the district
  - a fair, effective and proportionate enforcement regime is in place
  - IFCA's work in partnership and are engaged with their stakeholders
  - IFCA's make best use of evidence to deliver their objectives
  - IFCA's support and promote the sustainable management of the marine environments; and

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<sup>22</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/182345/2011-ifca-guide-planreport.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/182345/2011-ifca-guide-planreport.pdf)

- IFCA's are recognised and heard.
42. The seven success criteria are subdivided into twenty three high level objectives leading to specified outcomes. Progress is measured against sixty one performance indicators. Each IFCA Committee receives a quarterly report from its Chief Officer describing corporate performance against the standard measures. The annual report is prepared as soon as reasonably practicable following the end of the reporting year and sets out the IFCA's performance over the preceding twelve months. It is endorsed by the IFCA Committee before publication. A copy of the annual report is provided to the Secretary of State.

## **The Sea Fishing (Penalty Notices) (England) Order 2011**

43. Although a Financial Administrative Penalty (FAP) scheme had operated since 1998 for breaches of EU fisheries offences, the Sea Fishing (Penalty Notices) (England) Order 2011<sup>23</sup> introduced a system of FAPs for national fisheries offences, including inshore fisheries byelaw offences, using powers from the Act. The Order authorised IFCOs to use administrative sanctions as an enforcement tool in the inshore regulatory regime. Its intent is to develop an effective deterrent for breaches of domestic and inshore fisheries offences. The rationale for FAPs sought to increase transparency and reduce costs and uncertainty for fishermen by offering non-court disposal for minor offending and provide a consistent approach for dealing with all fisheries offences.
44. Implementing a FAP scheme bears a cost for IFCA's. Under the FAP scheme, the standard of evidence must be at least as good as any prosecution taken through the courts, yet the scheme leaves an IFCA without an opportunity to recover those costs following conviction.
45. The IFCA's have published a nationally developed FAP scheme. Penalties range from up to £1000 for a first offence and double on a second offence. Subsequent offences are referred for prosecution.

## **Supplementary legal power to form a representative body**

46. Each IFCA has legal power to enter into arrangements with other IFCA's to establish a co-ordinating body. All ten IFCA's are members of the Association of IFCA's. The Association is set-up as a Company Limited by Guarantee. It is wholly owned by the ten IFCA's and acts in a representation, communication and co-ordination role. The Association has, on behalf of all ten IFCA's, led discussion with government on the development of fisheries policy and, in particular, the revised approach to managing commercial fisheries in European

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<sup>23</sup> <http://www.legislation.gov.uk/ukSI/2011/758/introduction/made>



Marine Sites (EMS). Each IFCA contributes an agreed sum to fund the Association that covers employment costs for its officers and logistics.

47. The Association is not a public authority, has neither a statutory nor regulatory role and is not a subject of this report.

## **Working in partnership with other organisations**

48. When IFCAs were established, Defra issued guidance to the new Committees including a common framework for monitoring performance. The framework required each IFCA to develop Memoranda of Understanding with partner organisations: NE, EA, MMO and the Centre for Environment, Fisheries and Aquaculture Science (Cefas). The Memoranda were agreed in 2011.

49. Locally, IFCAs work with the Police, HM Revenue & Customs, the Border Agency, Gangmasters' Licensing Authority, local authorities, Environmental Health Services and Food Standards Agency on a regular basis.

## **Managing commercial fisheries in European Marine Sites (the 'revised approach')**

50. Government, working with IFCAs and the MMO, revised its approach to managing commercial fisheries in European Marine Sites (EMS) throughout 2012. Management measures are required for fishing activities unless it can be demonstrated they have no adverse effect on the integrity of a site. An evidence based matrix classifies fishing activities according to site sensitivity as Red, Amber, Green or Blue, dependent on the different gear types in use.

51. Government expects IFCAs to develop management measures for each site. For all Red sites, measures were required by the end of 2013. Statutory measures (i.e. byelaws) were encouraged to ensure that enforcement levers are in place, with emergency byelaw powers encouraged or other appropriate measures where it was clear there was an existing or imminent threat to any Red feature. Amber risks are expected to undergo site level assessment. NE provides advice to IFCAs, assisting with site level assessments where Amber ratings are found to be at imminent risk. Management measures are required for Amber sites by 2016 to remove the risk of adverse effects unless these are at imminent risk, in which case IFCAs need to prioritise work on these features in a similar manner to those rated as Red.

## Report to Parliament about the IFCAs' conduct and operation

52. Section 183 (1) of the Act requires the Secretary of State to lay a report before Parliament about the conduct and operation of the Authorities for any IFC Districts in existence during the whole or part of a four year period. Each four year period runs from the date the Statutory Instruments were made that established the IFCAs. The Statutory Instruments were made at the end of August and beginning of September 2010.
53. Although IFCAs became fully operational on 1 April 2011, this first report covers the period to the end of August 2014. During that period the IFCAs established themselves as corporate bodies, engaged new staff, became familiar with the legislative context within which they operate and began to build their presence and visibility with local communities, both on and off the water. In the period to the end of August 2014, no IFCAs were dissolved; no new IFCAs were created and there were no boundary changes between the Districts. Therefore, this report covers the conduct and operation of the ten IFCAs created by Statutory Instruments in 2010.
54. The report was compiled following a public call for evidence, which opened on 22 April 2014 and closed on 1 August. The call for evidence created an opportunity for members of the public and interested parties to help Defra understand how each individual IFCA worked to meet its duties and/or demonstrated the local leadership that might be expected of a statutory regulator. Respondents were invited to submit evidence about individual IFCAs structured around the seven success criteria built into the IFCA common reporting framework:
- IFCAs have sound governance and staff are motivated and respected
  - evidence-based, appropriate and timely byelaws are used to manage the sustainable exploitation of sea fisheries resources within the district
  - a fair, effective and proportionate reporting regime is in place
  - IFCAs work in partnership and are engaged with their stakeholders
  - IFCAs make the best use of evidence to deliver their objectives
  - IFCAs support and promote the sustainable management of the marine environment
  - IFCAs are recognised and heard

Respondents were also invited to submit comments and evidence that did not fall within any of the seven success criteria.

55. The call for evidence was publicised on the government 'Citizen Space' website and in letters addressed to the Chief Executive Officers (or equivalent) at each of the forty-nine levy-paying principal local authorities that are sponsors of IFCAs. Additional letters announcing the launch of the call for evidence were sent to the Committee Chairs at each of the ten IFCAs. It was promoted to all of Defra's

marine stakeholders and publicised, further, in the *Fishing Focus*<sup>24</sup> newsletter. The industry newspaper, *Fishing News*, covered the call for evidence and the report-making process in May. Defra officials made an open, public presentation about the call for evidence and the report-making process at scheduled quarterly meetings of each IFCA Committee during April, May and June 2014.

56. Seventy-six organisations and individuals responded to the call for evidence through the Citizen Space website. A further thirty-two responses were received in written formats (either by email or letter, including one response comprising a series of annotated photocopies of documents and press cuttings and including a request made under the Freedom of Information Act 2000). In total, 108 responses were received.

**Table 3. Breakdown of responses to the call for evidence**

IFCA	No. of responses	%
Cornwall	14	13
Devon & Severn	14	13
Eastern	17	16
Kent & Essex	8	7
North Eastern	9	8
North Western	9	8
Northumberland	4	4
Southern	10	9
Sussex	11	10
Isles of Scilly	4	4
Kent & Essex and Southern	1	1
Generic comments	7	6
<b>Total</b>	<b>108</b>	<b>100</b>

57. A list of the organisations that responded is included at Annex B. Individual respondents have not been named (a commitment made in the call for evidence supporting documentation). The information and evidence submitted by stakeholders and members of the public was supplemented by interviews carried out between Defra officials and senior officers and Committee members from each of the ten IFCA's.

<sup>24</sup> <https://www.gov.uk/government/collections/fishing-focus>

# Part Two: Summaries for each Inshore Fisheries and Conservation Authority

## Cornwall IFCA

58. Cornwall IFCA has 21 members, seven of whom are members of Cornwall Council, 11 are general members and there is one member from each of the EA, MMO and NE. As members of a Cornwall Council Committee, members of the IFCA uphold the Council's Code of Conduct.
59. The Inshore Fisheries and Conservation District extends from Marsland Mouth on the north coast to the western end of the Plymouth Breakwater and includes the rivers and estuaries of the county to their tidal limits. Cornwall IFCA and the Isles of Scilly IFCA are the only two IFCAs that are Committees of parent Unitary Authorities. The Cornwall IFCA shares Penzance office space with the MMO and Cefas, in a complex owned by Cornwall Council.
60. The Cornwall IFC District covers a number of protected areas, including five MCZs designated in November 2013 (the Manacles; Padstow Bay and surrounds; Upper Fowey and Pont Pill; Whitsand and Looe Bay are all within the Cornwall IFCA management area, whereas the Tamar Estuary MCZ is managed jointly with the adjacent Devon & Severn IFCA) and five EMS Special Areas of Conservation (SAC) and a Special Protection Area (SPA) in the Tamar. The IFCA made the Closed Areas (European Marine Sites) Byelaw to manage those activities with high impact (the 'Red risks') in the SAC.
61. Government launched a public consultation on a second tranche of potential MCZs in January 2015, including: Mounts Bay; Land's End (Runnel Stone); Newquay and the Gannel; and Hartlands Point to Tintagel. A potential Special Protection Area, extending from Falmouth Bay to St Austell Bay is under consideration. If designated, the SPA will protect three over-wintering species of seabird: the Great Northern and Black-Throated Divers; and the Slavonian Grebe. The IFCA is undertaking survey work within the potential designation site to assess fisheries operations within the area and identify any potential seabird by-catch so that appropriate management measures can be designed.
62. Recorded fish landings within the district show the high value to the local economy of sole, lemon sole, bass, monkfish, herring, crabs, lobsters, scallops shrimps and prawns. In 2013, 608 fishing vessels (of which 576 were under 10 metres in length) and 825 fishermen were registered in Newlyn. Similarly, 650 fishermen and 350 fishing vessels were registered in Plymouth, Devon, of which 275 are of 10 metres length or under. Many of these vessels fish in Cornish waters.
63. The IFCA employs sixteen full time staff. Members of staff are employees of the IFCA, not Cornwall Council. Science officers hold graduate and post-graduate qualifications. The Chief Officer and Fisheries Patrol Vessel Skipper each hold a

Class 1 Seagoing Certificate and all seafaring staff are trained as coxswains. A learning and development programme for IFCA staff is in place and opportunities for foreign language, accountancy and science skills are being pursued. Cornwall IFCA was awarded Investors in People status in March 2014.

64. Enforcement training is delivered on a three year cycle. With the exception of the Chief Engineer and junior clerical staff, all officers hold warrants enabling them to take enforcement and prosecutorial action. All Warranted Officers uphold the IFCA Code of Good Conduct for IFCOs and, when fisheries issues arise, attempt to promote compliance and apply Codes of Practice to situations with fishermen and other stakeholders, rather than take an automatic recourse to legal action. The Cornwall Chief Officer is also the lead trainer for the national IFCA enforcement course developed jointly with the MMO and other IFCAs and is training to become a national assessor. The Principal Enforcement Officer will commence the same training in 2015. When it is rolled out in 2015, the course will deliver a transferable Level 3 award, equivalent to 'A level' standard, that has been accredited by Ofqual.
65. The IFCA has a current annual levy budget of £1,068,700. It has secured an increment from Cornwall Council over the first four years of operation, some of which is returned to the Council as office rent and service level agreement charges. Cornwall Council has received £324,838 New Burdens Funding from central government for each financial year. The predecessor Sea Fisheries Committee received a single award of £26,753 transition funding when the IFCA was created, to facilitate administrative and logistic work during the establishment phase. The IFCA is accruing a general reserve fund to meet the cost of replacing its fisheries patrol vessel.
66. Cornwall IFCA has a fee-based service level agreement with Cornwall Council covering personnel, payroll, finance, occupational health and legal services. Cornwall Council provides internal audit services before an external auditor is appointed. The final audit return is submitted to the Audit Commission. Specialist advice is bought-in at extra cost (e.g. staff pay and grading). The IFCA subscribes to the Cornwall Council pension scheme.
67. Fisheries Protection Vessel *Saint Piran* is the IFCA's 27m patrol boat and dates from 2000. A mid-life refit was delivered in 2014. Full replacement is anticipated in 2025. FPV *Saint Piran* undertakes chartered survey work for NE and the Isles of Scilly. In the last full year of the reporting period (2013 – 2014), inspection patrols using *Saint Piran* boarded 191 fishing vessels. The vessel could be available for charter for enforcement activity beyond the 6nm zone. There are two 6.5m Rigid Inflatable Boats *Lyonesse* and *Avalon*. The *Lyonesse* usually operates from the *Saint Piran*, while *Avalon* is stand-alone. Both can be deployed independently by trailer. A 7m research and survey catamaran, the *Kerwyn* was replaced in 2014 with a more capable 10.8 metre catamaran *Tiger Lily* allowing the Authority to undertake survey work anywhere inside the District. As part of a partnership project with Natural England, *Tiger Lily* will be used to carry out an at-sea netting monitoring project for the potential Special Protection Area.

## Comments received during the report making process

68. Defra officials interviewed the Vice-Chair and Chief Fisheries Officer at the IFCA office on 19 June 2014 and attended the IFCA Committee annual general meeting at Liskeard on 20 June 2014. The meeting opened under the guidance of the Clerk to Cornwall Council until nominations to leadership of the IFCA Committee had taken place and an election completed.
69. Fourteen respondents submitted comments about Cornwall IFCA to the call for evidence. Comments received from respondents demonstrated a perception of imbalance among the Committee membership; that commercial fishing interests are over-represented and recreational interests are under-represented. There is a perception that the Committee lacks detailed local knowledge of fisheries and marine management on the north Cornwall coast. Some respondents believed there is still some progress to be made effecting a cultural transition from a Sea Fisheries Committee concerned with regulating commercial fishing activity, to an Inshore Fisheries and Conservation Authority. However, respondents recognised the motivation, professionalism and dedication of IFCA staff and the evidence based approach to developing environmental measures. Practical engagement with environmental stakeholders was seen to be positive. There was a welcome reception for the progress that had been made on the Red EMS sites. An issue with the IFCA's handling of consultation on measures to manage oyster fisheries in the Helford River was raised and has since been re-visited by the IFCA. Some individual respondents were unhappy that a local government committee system means IFCA meetings focus on agenda items and are not the platform for open discussion on fisheries and marine environmental management issues they anticipated.

## Devon & Severn IFCA

70. Devon & Severn IFCA has 30 Committee members. It is a Joint Committee of Devon, Somerset and Gloucestershire County Councils; Torbay, Bristol City and Plymouth City Councils; North Somerset and South Gloucestershire Councils. There is a statutory appointee to the Committee from each of MMO, NE and the Environment Agency. Fifteen general members are appointed by the MMO to the Committee. The full Committee is supported by the Finance & General Purpose sub-Committee; and the Byelaw & Permitting sub-Committee.
71. Devon County Council provides legal services, salary grading, access to pension arrangements and HR support for IFCA staff, through a Service Level Agreement. Devon Audit Partnership leads internal audit arrangements. An external auditor is also appointed.
72. The IFCA employs 11 members of staff and, additionally, funds a PhD student at Plymouth University. Staff members include marine biology graduates, supplemented by others who hold post-graduate and doctorate qualifications. The skipper, a former commercial fisherman, holds a commercial ticket for vessels up to 500 tonnes. All enforcement officers including the Chief and Deputy Chief Fisheries Officers hold commercially endorsed RYA Advanced tickets. Additional training is undertaken throughout the year by all officers. This includes commercial vehicle and powerboat handling, Habitats Regulations Assessments, management of health & safety and annual training for the Police and Criminal Evidence Act 1984. All officers employed by the Authority carry a warrant and receive regular training in house as well as attending the IFCO national enforcement training course on a three year rotation. All enforcement officers undertake training nationally with the Marine Management Organisation.
73. The Fisheries Protection Vessel *Drumbeat of Devon*, acquired originally from the predecessor Sea Fisheries Committee, was sold in 2014. It is now deployed on fisheries protection work by the Cameroon Government. A replacement vessel is being sought. The use of risk-based enforcement has enabled the IFCA to look at alternative ways to carry out sea patrols within the district. Part of this work is the development of an inshore vessel monitoring system which will place a 'black box' on all mobile gear vessels licenced in the district to enable better monitoring of fishing activity within the coastal waters. Currently the Devon & Severn IFCA owns a Rigid Inflatable Boat *Enforcer* which is kept on a trailer to enable it to be launched anywhere within the District. There is a charter arrangement with the Environment Agency locally for the use of two RIBs, one on the south coast and a second on the north Devon coast and in the Severn Estuary. Cross-warranting between IFCA and Environment Agency staff is in place, meaning that Agency staff hold IFCO warrants and IFCA staff hold Agency warrants. There is no cross-warranting currently with the MMO, but regular joint enforcement work is undertaken as well as monthly planning meetings for all enforcement activity. Additionally, agreements have been made with commercial security services to enable additional delivery of enforcement activity in estuaries, particularly when illegal netting is an issue.

74. Staff comply with the IFCA Code of Conduct for Investigations which is published on the IFCA website. As well as the development of new byelaws, the Devon & Severn IFCA has Voluntary Codes of Conduct promoting stakeholder compliance rather than relying on prosecution-driven enforcement. The Codes should help angling to develop locally for the Burnham, Berrow and Brean Angling Zone, Emstromm Wreck Angling Zone and the Start Bay Angling Zone.
75. Officers attend and support the national IFCA Association, the national IFCA Technical Advisory Group, the IFCA Chief Officers' Group, the Association of Severn Estuary Relevant Authorities, the Shellfish Association of Great Britain, regional meetings of the National Federation of Fishermen's Organisations and the South West Fishermen's Association. Officers also support local estuary partnership meetings.
76. The geography of the south west peninsula means that Devon & Severn IFCA, uniquely, has two non-contiguous coastal boundaries. The southern boundary extends from Lyme Regis to the Devon/Cornwall boundary in the River Tamar. The northern boundary extends from Countisbury Cove to Chepstow. The Inshore Fisheries and Conservation District includes the River Avon through Bristol and all other rivers entering the sea through the district; and Lundy Island, the first Marine Conservation Zone in English waters, designated under the Marine and Coastal Access Act 2009. IFCA byelaws play a significant part in the management of the area. Of the 269 vessels registered to Brixham port in 2013, almost 200 of them are small (10 metre and under) vessels. Demersal catch (including sole, gurnard and monkfish) generally provide the bulk of locally-landed fishing income, supplemented by lobster, turbot and lemon sole. UK vessels landed £24million of fish into Brixham in 2013, which had the highest total catch value of all ports in England. The quantity of fish landed has decreased by 2,104 tonnes compared with 2012. There are significant shellfisheries within the district all of which are managed by the IFCA through byelaws. Whelks and scallops provide the bulk of the fishery with brown crab and lobster providing high value landings.
77. Devon and Severn IFCA inherited 29 byelaws from the predecessor Sea Fisheries Committee. Taken alongside the applicable EA byelaws, the IFCA has 45 byelaws to review, a task that should be completed during 2015. The IFCA works closely with Cornwall IFCA and Southern IFCA. A byelaw harmonisation group was set-up between all three organisations and considers all new byelaws brought forward by individual IFCAs. The Devon & Severn IFCA has regular meetings with the Welsh Government to work towards coherent byelaws along the boundary line in the Severn Estuary.
78. There are six European Marine Sites within the district. The Devon & Severn IFCA has developed a local approach to management of EMS by using Mobile Fishing Permits (delegated from byelaws) rather than stand-alone byelaws. This approach, developed with Government support, enables the IFCA to protect all EMS within the district where towed fishing gear might have an impact on sensitive features. The new innovative byelaws allow for protection of the whole district whilst providing adaptive and flexible management of fishing activities.



The IFCA has prioritised the Red risks and is now developing management measures for the Amber risks.

79. In addition to Lundy Island, three other Marine Conservation Zones were designated in November 2013: Skerries Bank & Surrounds (managed jointly with the MMO); the Tamar Estuary (managed jointly with Cornwall IFCA); and, Torbay. Three of the MCZs are co-located within European Marine Sites. In January 2015, Government launched a consultation on the second tranche of MCZs, which include the Bideford to Foreland Point site. The co-location of sites and the cross boundary nature of many of these Marine Protected Areas lead to greater partnership working between all the agencies responsible for their protection. The south west IFCAs are very proactive in this approach with regular meetings.

### **Comments received during the report making process**

80. Defra officials attended a meeting with the council members of the IFCA Committee on 26 June 2014 to describe the report making process, staying to attend the full IFCA Committee meeting later that day. Officials interviewed the Chief Officer at the IFCA offices in Brixham, the following morning.
81. Fourteen respondents submitted comments about Devon & Severn IFCA, in response to the call for evidence. Gloucestershire County Council submitted a report, commissioned from environmental consultants that looked at the presence of commercially exploited marine fish species within the Gloucestershire county boundary. Gloucestershire County Council suggested that evidence of the commercial fish species' likely abundance was insufficient to justify the local authority's continued inclusion within the IFCA.
82. Four Council respondents suggested that the proportionate levy distributions across all member authorities of the IFCA should be looked at again and that the IFCA, although providing a high standard of service, allocated a large proportion of its scarce resources to fisheries management off the south Devon coast and a small proportion to management within the Severn Estuary. It was suggested that the Severn authorities should contribute 20% of the IFCA total levy, the larger proportion being funded by the Devon councils.
83. There was a suggestion that the Severn and Devon local authorities could be separated into different organisational structures, but a concern was raised that the costs of providing a full IFCA service might then prove too high for residual councils. A respondent suggested that an Estuary/Bristol Channel management entity should be created in partnership with the Welsh Government
84. The IFCA's service is highly regarded by stakeholders, despite the challenge of scarce resources. The Chief Officer and staff were praised for their professionalism. The cultural transition from the SFC appears to be progressing well and the IFCA is recognised to be a professional, expert manager for marine protected areas. Engagement is perceived to be good. Effort is committed to communication. The IFCA attained positive recognition for its efforts to engage with anglers.

85. Membership of the IFCA by councils adjoining the River Severn has been a cause of dispute since vesting. An alternative arrangement, the dissolution of the current structure and creation of two replacement IFCAs, one covering Devon and the other covering the Severn Estuary, has been suggested by Severn authorities. The Government has said it would consider such an application.
86. The Government encourages the IFCA to continue working closely with the Welsh Government to manage their respective areas in the Severn Estuary and Bristol Channel but notes that inshore fisheries management is a devolved matter.

## Eastern IFCA

87. Eastern IFCA has 21 Committee members. It is a Joint Committee of Lincolnshire County, Norfolk County and Suffolk County Councils. Seven Committee members are nominated from the county councils. Taken alongside the nominees from the EA, NE and the MMO, the Committee also includes 11 general members, 4 of whom are fishermen based in the Wash. The IFCA lacks fishing industry representation from the north Norfolk and Suffolk coasts. The IFCA Committee is supported by sub-committees covering Finance & Personnel; Regulation & Compliance; Planning & Communications; and Marine Protected Areas. Eastern IFCA has, at its member councils' request, reduced its budget by 25% since vesting. It has a budget of £1,391,070 during 2014 – 2015. The IFCA meets the requirements of the Accounts and Audit Regulations 2003. Internal audit services are provided by Norfolk County Council. An external auditor is appointed and a return submitted to the Audit Commission.
88. The IFCA District extends from Haile Sand Fort, just off the north Lincolnshire coast to the River Stour in Suffolk. It supports a diverse range of fisheries including cockles, mussels and shrimps in the Wash, which are exploited mainly by vessels from Kings Lynn and Boston together with a small number of vessels from the Thames. There are three shellfish processing plants across the IFC District – two at Kings Lynn and one at Boston, which receive the shellfish catch from the Wash. Fleets from Brancaster to Sea Palling in the north Norfolk coast target crab and lobster, which is landed to an industrial processing plant in Cromer and other smaller processing operations. There is a burgeoning whelk fishery throughout the district that is becoming increasingly exploited by regional and national vessels, which is also landed into Kings Lynn. Suffolk vessels target sole, skate (roker), cod, bass and plaice. Aquaculture is present throughout the district with mussels being cultivated in the Wash and north Norfolk coast and oysters within the rivers Deben, Stour and Orwell in Suffolk. Aside from commercial activity, there is a very active recreational sea angling sector throughout the district supporting both shore and boat based anglers.
89. Marine Protected Areas in the IFC district include: Site of Special Scientific Interest (SSSI); EMS Special Protected Area and Special Area of Conservation. The Cromer Shoal Chalk Bed is being consulted upon as part of the second tranche of proposed MCZ sites. The consultation started in January 2015.
90. There are 24 members of staff. Research and Environment officers are qualified at graduate level or above (often holding a Masters-level qualification in Marine Biology or Marine Environmental Science). In addition to academic qualifications, there is a range of experience available to the IFCA. Members of staff include two ex-commercial fishermen, a former aquaculturist, a former Detective Superintendent with extensive law enforcement experience and an ex-Royal Navy Captain with command experience in the Fishery Protection Squadron and qualification as a Marine Enforcement Officer. A new Chief Fisheries Officer was recruited in 2012. He is also the IFCA's nominated Responsible Finance Officer.

91. The IFCA holds 15 byelaws from the Eastern Sea Fisheries Joint Committee (ESJFC) (covering the majority of the district) together with 19 inherited byelaws from the North Eastern Sea Fisheries Committee (NESFC) (applied in the northernmost part of the district). The IFCA estimates that half the NESFC byelaws could be revoked; the remainder could be merged with ESFJC byelaws and re-made under the IFCA badge. A byelaw review process started in 2013 and has delivered a strategic assessment of regional fisheries to identify those with the most pressing need for management action. Whilst key elements will be completed in 2015 it will form the basis of the IFCA's business model in future years.
92. The Wash Fishery Order 1992 was established for local management of mussel, cockle, clams, scallops and queens in the Wash estuary. It enables the IFCA to grant exclusive fishing rights for named species to certain fishermen within the Wash. Vessel size is limited to under 14 metres. The IFCA can close shellfish beds; allocate areas of inter-tidal flats to individual fishermen for the purposes of aquaculture; impose quotas and limit the number of vessels licensed to work the beds. The Order will expire in 2022.
93. Members of staff recognise that the need to demonstrate management of fishing activities in EMS catalysed the transition from the SFCs of the east coast to the IFCA. Project planning the Red risk sites has been a motivational factor. Establishing the IFCA and communicating its objectives to stakeholders has required cultural change. Conservation is now an explicit corporate objective. Members of staff now have greater confidence to take public discourse beyond single-issue fishing concerns. The IFCA is making progress in persuading stakeholders there should be no conflict between conservation and fisheries management. The cockle fishery has significant value for the district and the annual cockle survey takes a month of work, but IFCA operations extend beyond managing the Wash fishery. The IFCA is building a co-management model for fisheries management, engaging fishermen and other stakeholders in local discussion and building a commonly understood consensus about decisions that need to be taken. A 'bright ideas' questionnaire was made available to stakeholders in September, inviting comments and suggestions for local prioritisation. The approach is seen as one way to help build sustainability into marine management culture among stakeholders, not just professional fishery managers, with an intention to create a 'grown-up' development relationship between regulators, stakeholders and industry rather than a dependency culture.
94. Emphasis is given to the IFCA's professional visibility with wider communities. The Chief Officer has been invited to chair three Commercial Fisheries Working Groups, set-up to facilitate co-existence between fishermen and renewable energy developers, so that discussion can be held within a transparent, formal framework and fishermen who might qualify for compensation from energy installation development can raise issues that subsequently benefit from discussion by the IFCA Committee.
95. A relationship with member local authorities that extends beyond the councils' representation on the IFCA Committee is being nurtured. The IFCA Chief Officer meets with the local council leaders at least annually and with their respective

Finance Directors at least twice a year. After each quarterly meeting of the IFCA Committee, the Chief Officer and the Deputy Chief Officer lead regional meetings across the district, which aggregate into an annual programme of 16 stakeholder events. The IFCA has acquired a display trailer and mobile aquarium, which is used for display purposes at regional events such as county shows and access days at wildlife reserves. It has developed a presence on social media (Facebook) and produced a YouTube presentation describing and demonstrating its work. The IFCA Committee encourages development of the public profile. Professional and operational visibility, one of the established success criteria for all IFCAs, is seen as an effective means of raising awareness of conservation and regulatory issues, promoting behavioural change and voluntary compliance with management measures without relying exclusively on prosecutorial enforcement.

96. The IFCA's visibility achieved by attending stakeholder and public events is enhanced by its presence on the water. The IFCA Patrol Vessel *John Allen*, an 11 metre cabin Rigid Inflatable Boat, became operational in September 2013. It demonstrates a combination of speed and agility on the water beyond the capability of its large, predecessor vessels as well as delivering significant savings in term of fuel expenditure and crew costs. A sister boat is on order. The IFCA's Research Vessel *Three Counties* is an 18m vessel dating from 2002 and enables the fisheries survey needs set out in the IFCA Annual Research Plan to be delivered. The IFCA's ongoing strategic review of sea going assets will inform replacement plans.

### **Comments received during the report making process**

97. Seventeen respondents contributed to the public call for evidence with material specifically about Eastern IFCA. Defra officials attended the quarterly IFCA Committee meeting at Wisbech on 23 April 2014 and interviewed the Chief Officer and Deputy Chief Officer on 25 July, at the IFCA office in Kings Lynn.
98. The IFCA's approach and commitment to engagement with stakeholders was acknowledged to be good, including by stakeholders who, discussing conservation concerns, accepted differentiation between their preferred approach and the settled approach taken by the IFCA. Communication and leadership of the IFCA was acknowledged to be professional, clear and pragmatic. Engagement with and communication about renewable energy installations attracted positive comments. The cultural transition from the Sea Fisheries Committees to the IFCA is perceived to be making good progress.
99. Three respondents suggested that enforcement could be strengthened, although others indicated they did not have concerns. The IFCA has commented that some of this may relate to legacy issues and the enforcement processes put in place by the Deputy Chief Officer were recognised nationally and were being adopted by other IFCAs. The Deputy Chief Officer has been selected to chair the National Inshore Marine Enforcement Group to standardise marine enforcement practice across all regulators.

100. There was some concern about the balance of membership on the Committee and that fisheries interests from the Norfolk and Suffolk coast are under-represented. Some commentators suggested that Eastern IFCA, like IFCAs in other parts of the country, has yet to achieve an adequate balance between recreational and commercial fishermen. Stakeholders commented about the IFCA's budget, taking an opportunity to raise their concern about the viability of service were it not for central government support.

## Kent & Essex IFCA

101. Kent & Essex IFCA has 21 members. The Committee chairman is also chairman of the national IFCA Association and Vice President of the North Sea Commission. The IFCA is a Joint Committee of Southend Borough; Kent County; Essex County; Thurrock Borough and Medway Borough Councils. Nine members are councillors. There is one representative each from NE, MMO and the EA. The remainder are general members. All new members are provided with a IFCA Members' Handbook; are encouraged to develop their knowledge of the organisation by going out to sea on the patrol vessels; and attend specific training events. Culture change is central to operations. Behaviours and compliance are encouraged as a counter-balance to prosecution-based enforcement work. Professionalisation of the service is based on recognition of the wider social and environmental expectations of the IFCA, beyond narrowly defined commercial interests.
102. Kent & Essex IFC District covers that part of the south-east from the River Stour at the northern tip of Essex, to Rye Bay off the coast of Kent. It extends into the river estuaries of Essex, the Thames and those district rivers running into the Swale and Medway. The 6 nautical mile boundary in the Thames Estuary actually extends 15 miles from land. The effect is caused by sandbanks that are drying out and bay closing lines. The Kent & Essex IFC District has almost 10% more sea area and more than 800km more coastline than the predecessor SFC.
103. The IFCA employs 12 full time and 2 part time members of staff, three more full time staff members than the SFC but not as many as had been hoped for when the IFCA vested. The IFCA has developed its 'People Capability Strategy', a learning and development programme for all staff, who have primary and secondary responsibilities to ensure task coverage and corporate resilience. A staff structure and breakdown of responsibilities is included in the IFCA's published Annual Plans and Reports. Individual working level objectives show a clear link to corporate performance measures based on success criteria and high level objectives. Staff performance is reviewed through quarterly meetings with the Deputy and Chief Fisheries Officers. A time-accounting process has been introduced. Kent & Essex IFCA staff possess academic qualifications up to and including Masters and Doctorate level in marine science. Administrative staff are encouraged to develop their knowledge of enforcement work. Staff have a handbook and comply with Codes of Conduct covering enforcement and boarding, hauling fishing gear, behaviour at sea and standards of dress. Learning and development is encouraged through cross-working with and support for other IFCAs. The Kent & Essex Chief Officer was, previously, secretary to the national IFCA Technical Advisory Group. The Deputy Chief Officer is secretary to the National Enforcement Group.
104. IFCA staff have developed their GIS capability and utilise their skills in mapping and producing management solutions in the EMS Red sites. Understanding and knowledge of local marine mapping is accretive. The GIS officer accompanies boat crews at sea and can make corrections to maps in real time. All regulatory measures prepared by the IFCA (e.g. byelaws) are

accompanied by GIS-driven mapping work. GIS mapping also supports localism through research and communication with stakeholders.

105. Kent & Essex IFCA has a levy budget (2014 – 2015) of £889,600. This is an increase of £23,600 on the previous year but, over the first four operational years, demonstrates that levy requirement has remained broadly static and is similar to the precept budget of the SFC. Legal, clerking, accounting and payroll services are bought-in from Kent County Council. With an annual budget of less than £1m, the IFCA follows the Audit Commission Small Bodies annual return procedure.
106. The IFCA has two fishery patrol vessels. The FPV *Ken Green* is based in Ramsgate and has a crew of four. The vessel came into service in 2000, is a 16 metre fast patrol vessel and carries an aft-mounted Rigid Inflatable Boat which can be launched in various conditions to undertake boarding at sea. In December 2013, a £1.1m contract was awarded to Canvey Island based boat builders to construct its replacement. Replacing the RIB is likely to cost a further £50,000. A new 12m catamaran, *Tamesis* was launched on 6 April 2011. This vessel is based at Brightlingsea, has a crew of three and undertakes enforcement, monitoring and survey duties. The vessel also carries a RIB for boarding. When this is in use, the vessel carries a crew of four.
107. Four MCZs were designated in the IFC District, in November 2013: the Blackwater, Crouch, Roach and Colne Estuary; Folkestone Pomerania; Medway Estuary and the Thanet Coast. Together, the designation extends over 440km<sup>2</sup>. In January 2015, the Government launched a consultation on the second tranche of MCZs. In the Kent & Essex District, these are the Swale Estuary and stretches from Dover to Deal and Dover to Folkestone.
108. The Outer Thames Estuary Special Protection Area covers 3793km<sup>2</sup> (52% of the IFC District) and a number of other SPAs cover the main estuaries and bays, including Dungeness SPA, Swale and Medway SPA, Thames Estuary and Marshes SPA, Mid Essex Coast SPA and Thanet Coast & Sandwich Bay SPA. Special Areas of Conservations at Dungeness, Thanet Coast and Essex Estuaries protect vegetative drift lines, sea caves and underwater features and colonised sandbanks, respectively.
109. The fleet within the district is mainly composed of small under 10 metre boats which tend to fish on day trips and travel up to a maximum of 25 nautical miles from port, working within the 6 or 12 mile limits. There are about 275 licensed fishing vessels in the district which provide full time employment for over 300 people. The main fishing ports in the district include Dungeness, Folkestone, Ramsgate and Whitstable in Kent and Leigh-on-Sea, West Mersea and Harwich in Essex. Fishing boats also land at a range of other smaller ports within the district, with some vessels in Kent (Herne Bay, Deal, Hythe and Dungeness) landing on the beach.
110. Static and mobile gears are used within the district including trawling, pair trawling, drift/fixed netting, potting, scallop and oyster dredging and cockle dredging. Within the district, trawlers and netters land a variety of fish including



soles, plaice, dab, bass, cod, herring, sprat and thornback rays. Other vessels within the district also land scallops, oysters, whelks, lobster and, to a lesser extent, mussels and crab. Cockle harvesting is one of the most productive fisheries within the district and has a range of management measures designed to maintain the stock at sustainable levels. Within the Thames some boats also dredge for whiteweed (a form of hydroid) which, after being processed, can be dyed and sold as decorations.

111. The IFC District encompasses a wide variety of recreational sea angling opportunities including piers and harbours, creeks and deep-waters, estuaries and open sea, sandy shallows and deeply shelving gravel beaches. Most common finfish species of interest to recreational sea anglers include bass, thornback ray, smooth hound, grey mullet, cod and whiting. Being close to the dense populations of London and the South East, the district's recreational sea fisheries also attract visitors from further afield supporting businesses and livelihoods comprised of the many angling charter boats, bait-diggers, tackle shops, and angling guides etc. There are a large number of sea angling clubs in the district, many of them organising shore-based competitions and with large areas of sheltered water and plentiful marinas and slipways, the District also attracts many privately owned angling boats.

### **Comments received during the report making process**

112. Nine respondents contributed to the call for evidence with comments that were specifically pertinent to the Kent & Essex IFCA. Defra officials attended and made a presentation to the IFCA Annual General Meeting on 20 May 2014 at Chelmsford and interviewed the Chief Officer and Deputy Chief Officer on 7 July, at the IFCA office in Ramsgate. Some stakeholders demonstrated an underlying belief that the IFCA is trying to do too much, resulting in under-performance across areas, especially related to finfish, angling and enforcement. The IFCA's development of its website as a portal for inshore fisheries information is recognised and receives positive comment. The IFCA's internet presence has been live since June 2011. As a result of feedback that suggested it was hard to use, the IFCA simplified its website and launched the new format in May 2014. As a development that happened at the end of the period covered by this report, it is unlikely to have influenced stakeholder perception to a significant extent.

## North Eastern IFCA

113. North Eastern IFCA has 30 Committee members, of which 13 are Council members, 14 general members appointed by the MMO and 3 nominated by the EA, MMO and NE. It is supported by an Executive sub-Committee led by the IFCA Committee Chair, which deals with urgent matters between quarterly Committee meetings. A Science & Governance Working Group supports the byelaw making process. All Committee members are held to the IFCA's Code of Conduct. Quarterly Committee meetings are accessible to members of the public although their attendance is light, which might reflect the distance, time and commitment required to travel to a working hours meeting held centrally within the district. The Committee Chair uses discretion and invites comments from members of the public who do attend and has never refused anybody the opportunity to speak if they ask to.
114. The IFC District extends from the Tyne to the Humber. There are three EMS within its jurisdiction: the Tees Estuary; the Humber Estuary and Flamborough Head. The District extends into the East Inshore area of the first published Marine Plan. Clerkship, secretarial, administrative, financial, human resources and legal functions are undertaken by East Riding of Yorkshire Council, which hosts the IFCA at its Bridlington office on favourable terms.
115. The IFCA has a total levy budget (2014 - 2015) of £1,139,521. On vesting, the IFCA and levy-paying member authorities came to agreement that the budget would remain at a fixed level for the first three years of operation. The agreement was extended to cover the 2014 – 2015 and 2015 – 2016 financial years. All IFCAs are debarred from borrowing money so North Eastern IFCA, like most others, makes an annual contribution to a reserve fund so that an accrued capital sum will be available to replace patrol vessels at the end of operational service. Internal audit services are provided by East Riding of Yorkshire Council. An external auditor is appointed and the IFCA meets the Audit Commission's requirements.
116. The IFCA owns Fisheries Patrol Vessel *North East Guardian III*. It undertakes enforcement work, records sightings information, facilitates water column sampling and acoustic seabed and fisheries stock assessment. The boat is the IFCA's largest asset. During 2013/14 the Authority purchased a new 4.7m Rigid Inflatable Boat designed to be launched and recovered from the shore. Stock monitoring and assessment programmes have been implemented including monthly potting surveys with support from local fishermen. Underwater cameras and acoustic surveys enabled the assessment of chalk reef habitat in the Flamborough Head EMS.
117. Nineteen members of staff are employed. They hold a blend of local knowledge, experiential, vocational and academic qualifications up to post-graduate level. The Authority's senior management is conscious that the IFCA needs to maintain credibility with fishermen and the academic sector and should be integrated with the local community. The IFCA has developed a Training and Development Plan, which covers both staff and members of the Authority. An

internal staff review identified a demand for scientific and environmental expertise so resources have been committed to meet the need. The IFCA encourages learning and career development for staff. It is supporting a technical officer through a doctorate programme of study and has facilitated National Examination Board in Occupational Safety and Health (NEBOSH) training. The boat crew hold RYA qualifications with commercial certification. The IFCA achieved Investors in People status in May 2012.

118. IFCA officers contributed towards the development of the Holderness Fisheries Local Action Group (FLAG). The FLAG, which secured £1.15m of European Fisheries Fund support, has three main objectives which include securing a sustainable fishing industry, developing the area's tourism potential and creating stronger coastal communities.
119. Across the IFC District, more than 2,500 tonnes of whitefish and 3,800 tonnes of shellfish are landed within the area, having a total first sale value of more than £12m. The Authority completed its initial review of all 22 legacy byelaws by March 2012 and made its first standard byelaws, protecting 'V'-notched lobsters<sup>25</sup> and managing scallop dredging, later that year. In the first year of operation, it made an early use of emergency byelaw powers to control unregulated cockle gathering activity in the Tees Estuary. Emergency byelaws were used, again, to protect sensitive habitat from damage associated with an expansion of scallop dredging the following year.
120. The IFCA's principal enforcement functions relate to minimum landing sizes; net and fishing gear regulations; restricted fishing areas and protection of MCZs. The second tranche of potential MCZs, announced in January 2015, identified two sites in the North Eastern district for consideration: Runswick Bay and the Holderness Inshore area. The IFCA's published enforcement policy was prepared in accordance with the Regulators Compliance Code and follows a risk-based approach, enabling prioritisation and targeting of resources to the most sensitive marine sites where risk of harm is greatest. The IFCA utilises prosecution, formal caution and administrative penalties. Enforcement work is delivered in partnership with other authorities including the EA, the MMO, HMRC, the UK Borders Agency, Police and local government.
121. The IFCA puts emphasis on its local engagement work. A formal public visibility programme throughout 2013 – 2014 led to officers attending ten events across the District and registering interest from more than 4,300 people. Funding through the FLAG has enabled a permanent display at the Deep Aquarium in Hull. The display was installed in March 2014 and demonstrates the IFCA's work in both fisheries management and marine conservation. A revised website, including an 'Ask the Chief' section, achieves 80% positive scores. The Chief Officer has cultivated a relationship with the Whitby and District Fishing School. Approximately 2000 permit holders are recorded on the IFCA's database and

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<sup>25</sup> mature egg-laying females have their tails 'notched' to indicate they should not be landed, providing protection for two years (the time it takes for the notched casing to grow out).

contact is maintained with them by newsletter. Port surgeries are held with local fishermen, by appointment, which often focus on byelaw issues and consultations. However, it has been found that surgeries also enable individuals to report concerns to the IFCA that they might not want to raise in a public forum. Customer service questionnaires contribute to a formal feedback system from end users. A complaints system has been created based on the East Riding of Yorkshire Council model.

## **Comments received during the report making process**

122. Nine respondents to the call for evidence made comments that were specific to the North Eastern IFCA. Defra officials attended and made a presentation to the IFCA Committee annual general meeting, at York, on 5 June 2014. The meeting was opened under the guidance of the Clerk until nominations and elections of office holders had completed. An interview with the Chief Officer and IFCA staff members took place on 6 June, at the IFCA's Bridlington office.
123. Respondents noted the professionalism of officers, particularly when carrying out inspections, but one stakeholder commented on a lack of rapport with the Chief Officer. The size of the Committee, at 30 members, was not thought to be conducive to decision-making and there might be a need to develop new sub-Committees and offer training in Committee procedure to members. The Chair was commended for her handling of the IFCA Committee, although her decision to allow sea users to speak at meetings caused some discomfort and a perception that it exposed the members to lobbying. Recurrent themes of local pragmatism and support for the FLAG were commended, as was the IFCA's visibility, use of its brand and the efforts it makes to engage with stakeholders.
124. There were mixed views on the IFCA's approach to managing the EMS. One respondent raised a concern that management measures to protect the reef features of the Flamborough Head Special Area of Conservation from bottom towed gear might not meet the requirements of Article 6 of the Habitats Directive.
125. There was recognition that the IFCA has invested in technical kit to enable it to collect and analyse survey data, but the Authority's limited resources and availability of staff led stakeholders to believe it was being used sub-optimally. There was positive recognition of the crustacean Strategic Environmental Assessment work and development of a similar assessment for finfish. Some concerns were expressed that the IFCA prioritises socio-economic considerations over environmental management, but the converse view was also stated.

## Northumberland IFCA

126. Northumberland IFCA has 21 Committee members, of which 7 are Council members, 11 general members appointed by the MMO and 3 nominated from the EA, MMO and NE. It is supported by two standing committees, both of which meet before and report to the scheduled quarterly meeting of the full Authority. The Watch Committee deals with issues relating to enforcement, staff matters and the patrol vessel. The Finance Committee considers the IFCA budget and receives reports from the IFCA Finance Officer and Chief Executive. IFCA members comply with a Code of Conduct.
127. The IFCA establishes and convenes other sub-Committees when necessary to look at specific issues, which are then reported back to the full Authority. Sub-Committees have been convened to examine science and technical matters; management; prosecutions; communications; premises, patrol vessel procurement and consultations.
128. The levy budget for 2014 - 2015 is £773,284, which includes a £15,000 contribution to the patrol vessel replacement fund. The levy budget has shown a flat profile over the first years of operation. An operational deficit of some £12,000 was predicted for the 2014 – 2015 financial year, which would have been met from reserves. In fact, after various savings, a £6,000 surplus is forecast for the end of 2014 - 2015. Levy is charged to Northumberland County Council and North Tyneside Metropolitan Borough Council. A further £9,200 will be raised from other sources. At the end of the period covered by this Report, the Authority owned a 21m Protection Vessel “*St Oswald*”, but had made progress in securing its replacement which is to be a twin-hulled catamaran offering both research and enforcement capability that can be operated with greater efficiency. The IFCA has developed a Joint Working Arrangement with other agencies, leading amongst other things to joint use, sharing and chartering of the patrol vessel for enforcement and environmental work. The IFCA has two Rigid Inflatable Boats. A risk-based enforcement regime is in place, in line with the Regulators Compliance Code.
129. There are 15 members of staff holding qualifications up to and including postgraduate level in marine science. Five members of staff are employed on a part-time basis. Officers comply with Codes of Conduct. A recruitment campaign to search for and select two new Inshore Fisheries and Conservation Officers attracted 15 applicants all holding at least a graduate qualification and some with post-graduate degrees. The range of applicants demonstrates that the IFCA can attract potential employees who hold a broader portfolio of skills and qualifications than was achieved by the Sea Fisheries Committee. The Authority is committed to learning and development for its staff. A training plan is in place, which also makes provision for Committee members. New appointees benefit from an induction process, led by the Chief Executive and at least one officer.
130. The IFC District extends from the middle of the Tyne Estuary to the English/Scottish Border. There are 14 harbours and 4 landing sites within the Authority’s jurisdiction. In 2013, approximately 152 local vessels and

approximately 315 fishermen were working from ports and harbours within the Northumberland IFCA district. Fishing vessels use both static and mobile gear, including pots or creels, which are used to catch brown crab, lobster, velvet crab and prawns. The crab fishery is usually at its best in spring and early summer, however in the winter months fishermen tend to move their pots further offshore to target the brown crab and to protect their gear from weather. The lobster fishery peaks between the months of July to September. Landings of velvet crabs have increased throughout the whole of the district over the last few years, making them a marketable commodity. Most, along with the lobsters and prawns, are transported by wholesalers to continental markets in Spain and France where demand and prices are higher. Gill-nets are used to catch cod and flat fish plus a small by-catch of shellfish.

131. The trawl fleet has become reliant on Nephrops, which are now the fleet's principal fishery. Best catches are landed during the autumn and winter. When the fishery is at its height it attracts a large number of visiting boats from Scotland, Northern Ireland and other English ports. During the summer months, larger trawlers switch effort to grounds further offshore and target both whitefish and prawns. A large number of the smaller trawlers tend to move their operations to ports in the Firth of Forth area where there is a summer fishery for prawns. Shellfish provide the bulk of income in terms of landings. Cod, haddock, and whiting also generate considerable turnover.
132. An established lobster V-notch scheme protects mature egg-laying females. On vesting, the IFCA continued with its byelaw to protect and prevent taking of V-notched lobsters. A Lobster Management Plan is in development.
133. There are six EMS across the District, which include the Berwickshire and North Northumberland Coast and Tweed Estuary Special Areas of Conservation; and the Lindisfarne, Northumbria Coast, Farne Islands and Coquet Island Special Protection Areas. The Aln Estuary MCZ was designated in November 2013. It is predominantly coastal saltmarsh and reedbed, with sheltered muddy gravels and estuarine rocky habitats. Due to the conditions, such as low wave energy, strong tidal effects, freshwater inflow and mobile sediments, biological communities can be diverse and unique. Saltmarshes stabilise sediments to form a natural coastal defence and provide an important habitat for invertebrates, which are a food source for waterfowl. Birds that have been identified in the area include roosting gulls, dunlin and other waders including redshank, curlew and snipe. The estuary supports sprat nurseries. Juvenile migratory species including plaice, flounder, brown trout, Atlantic salmon, European eel and sand eel have been found close to the estuary; these species may also be utilising the area as a spawning and nursery ground.
134. Government launched a consultation on the second tranche of MCZs, in January 2015. Coquet to St. Mary lies in the Northumberland IFC District. The Farnes East proposed site is just outside, but the boundary of Farnes East follows the 6nm line.
135. At the end of the period covered by this report, the IFCA had seventeen byelaws in place, including fifteen legacy byelaws inherited from the

Northumberland Sea Fisheries Committee. The IFCA carried out a review of all its byelaws. A suite of eight consolidated byelaws is expected to replace the full seventeen, in 2015.

### **Comments received during the report making process**

136. Four respondents replied to the call for evidence with comments that were specific about the Northumberland IFCA. Defra officials attended and made a presentation to the IFCA Committee at its scheduled meeting in Morpeth, on 22 April 2014. Subsequently, they interviewed the Chief Executive and Chairman of the IFCA Committee at Northumberland County Council offices.

137. The Committee is perceived to be balanced. Respondents noted the professionalism and commitment of Northumberland IFCA staff, especially when carrying out inspections and patrols. Members of staff are reported to be friendly, approachable and appear to prefer taking an educational approach that encourages compliance, rather than defaulting to enforcement action. Engagement with stakeholders was commended. The IFCA's work on the Recreational Sea Angling Strategy and implementation of the revised approach to managing commercial fisheries in EMS was noted. The IFCA is seen to engage and work collaboratively with other organisations, including Scottish stakeholders where appropriate. The IFCA's Compliance and Enforcement Strategy was held to be a good example of how it sets out its enforcement policies and makes them publicly available on its website. Respondents were aware that Northumberland IFCA has an Administrative Penalty Scheme in operation.

## North Western IFCA

138. The North Western IFCA Committee has 30 members. It is a Joint Committee of Cumbria and Lancashire Counties; Blackpool Borough; Cheshire West and Chester; Liverpool City; Halton Borough; Sefton; and Wirral Metropolitan Councils. It was formed from an amalgamation of the Cumbria and North Western Sea Fisheries Committees. North Wales, previously part of the North Western and North Wales Sea Fisheries Committee has been managed by the Welsh Government since 2010. The IFC District extends from the Welsh boundary in the Dee Estuary to the Scottish boundary in the Solway Firth.
139. Ten members represent the levy paying councils. In addition to the NE, EA and MMO nominees to the Committee, seventeen general members are appointed by the MMO. Committee meetings are usually open to the public. Standing Orders and Authority papers are made available on the IFCA website or from the Clerk. The Authority is supported by a Finance sub-Committee made up of council members; a Technical, Science and Byelaw sub-Committee; and a Patrol Boat sub-Committee which provides advice on the replacement of the IFCA's main patrol vessel, *Solway Protector*. A Chairman's Working Party advises officers on sensitive or confidential matters and is convened as required.
140. The IFCA has a budget of £1,306,287 during 2014 - 2015. It anticipates income from permit fees (£100,000); shellfish sampling fees (£15,000) and interest on reserves (£4,000) in addition to levy charged to member councils (£1,187,287). The operational budget has not increased since being set up, but in 2013 member councils agreed the levy should increase by 2% per annum to provide funding for patrol vessel replacement.
141. North Western IFCA employs 21 officers who hold qualifications up to postgraduate level. Officers are expected to be multi-skilled so, in common with other IFCAs, staff may work across a number of operational areas. Ten warranted Inshore Fisheries and Conservation Officers (IFCOs) also assist with science and survey. Three science officers also hold warrants, as do the three members of boat crew. Officers comply with the Code of Conduct for Inspections. Four administrative staff support the Authority, from offices in Carnforth and Whitehaven. The Chief Officer is based at Carnforth. In addition to the normal policy development and operational business common to all IFCAs, over the first years of operation North Western IFCA has overcome significant challenge managing the integration of staff, premises and assets from the predecessor Sea Fisheries Committees into one new organisation. Uniquely, the North Western IFCA's area of jurisdiction does not adjoin the coastal area of any other English IFC Districts.
142. The IFCA supports learning and development for staff and has developed a comprehensive training programme. All newly appointed IFCOs receive mandatory training that enables them to hold a warrant. This is supplemented by further training, both in-house and MMO courses designed for Marine Enforcement Officers, such as the Technical Conservation and Investigative Law programme. Senior officers have completed the Royal Navy 'Searider' course to



achieve the British Sea Fisheries Officer qualification. Officers comply with a Code of Conduct for Inspections and follow a defined enforcement policy. Safety and procedure training is undertaken within the first weeks of employment, updated annually and offered to experienced officers as refresher courses.

143. The IFCA offers a Graduate Placement Scheme in partnership with Cumbria Wildlife Trust, offering survey and mapping opportunities as part of the European Marine Site Management Plan. It is sponsoring a three year PhD student, in partnership with Liverpool University and a marine environmental consultancy, examining the sustainability of fisheries in the North Western IFC District. Liverpool University supervision is provided by an IFCA Committee member. The sponsorship package costs North Western IFCA £4,000 per year.
144. More than 70% of the North Western IFC District is covered by Marine Protected Area designations to protect wildlife and habitats. These are mostly European Marine Site Special Areas of Conservation (SAC) and Special Protection Areas (SPA). The most important sites are: Solway Firth SAC and SPA, Shell flats (a submerged sandbank just off the Blackpool coast) SAC, Dee Estuary SAC and SPA, Mersey Estuary SPA and Liverpool Bay SPA. Two Marine Conservation Zones were designated in November 2013. The Cumbria Coast MCZ is an 18km<sup>2</sup> intertidal habitat designation. The Fylde Coast MCZ is a 260km<sup>2</sup> offshore site adjacent to the Shell flats. MCZs are subject to all district-wide byelaws, the Cod Recovery, Hake Recovery and Western Waters regimes. The Government launched a consultation on the second tranche of MCZs in January 2015. In the North Western IFC District, Allonby Bay and the West of Walney area are proposed sites.
145. An application for a hybrid Fisheries Order for Morecambe Bay and the Duddon Estuary was considered as a solution to the large, unregulated gangs of cockle fishers prevalent between 2000 and 2007. However, the enhanced byelaw powers offered by the Marine and Coastal Access Act 2009 allowed introduction of a stronger shellfish byelaw in 2012, which provides for tight limits on numbers of permits and detailed provisions for the safety of fishers. The effectiveness of this byelaw has led the IFCA to conclude that better and more integrated shellfish regulation can be achieved under management through byelaws rather than within a Fishery Order, so the proposal for an Order has been dropped.
146. There are 168 over 10 metre registered fishing vessels, 95 under 10 metre and 330 unregistered and unlicensed vessels operating in the North Western IFC District. Shellfish provide the bulk of landings. Haddock, plaice, skates and rays are also important. The main commercial fishing activities are trawling for Dublin Bay prawn (*Nephrops*), dover sole, brill and turbot; intertidal hand raking for cockles and mussels and potting for lobster, crab and whelks. Hobby fishing is increasing in popularity, covering both traditional shore side angling and from dedicated vessels.
147. Cockle fisheries in the North Western IFC District can yield very high values, although stocks have been low in recent years. The IFCA manages cockle and mussel fishing under its Byelaw 3 permit scheme. Byelaw 3 has reduced the

numbers of fishers eligible for a permit from approximately 2000 in 2005 to fewer than 100 in 2015 and makes safety courses mandatory for fishers working in intertidal areas. Fishers must provide evidence of their identity, right to work and registration with HMRC to obtain a permit. They maintain their permit eligibility by renewing each year at a cost of £500 per annum.

148. North Western IFCA works closely with other regulators of the marine environment. All fishing activities are subject to environment assessment which must be agreed with Natural England before fisheries are permitted. Information on fishing is supplied to the Gangmaster Licensing Authority (GLA) to ensure the workforce is protected from exploitation. The IFCA helps the Environmental Health Service check that shellfish registration documents have been completed correctly and financial information about shellfish harvesting is supplied to both HMRC and the Department for Work and Pensions.

### **Comments received during the report making process**

149. Nine respondents submitted comments to the call for evidence about the North Western IFCA. Defra officials attended and made a presentation to the quarterly IFCA Committee meeting on 13 June 2014 at Morecambe Town Hall and interviewed the IFCA Committee Chair, the Chief Officer and members of staff at the IFCA's Carnforth office, on 13 August.
150. Respondents noted that Authority business becomes protracted at Committee meetings, owing to the large number of members and the passion with which some of them hold and share their views. The Committee is perceived to be imbalanced, including a disproportionately high number of general members. There is a perceived weakness in securing geographic knowledge of the southern part of the District. It was suggested that the IFCA Committee general members with fisheries interests saw little value in the contribution made by the elected members representing levy paying local authorities, especially if the nominated representative changes frequently. The cultural transition to becoming a regulator with a wider remit than predecessor Sea Fisheries Committees is perceived to be slow. Respondents suggested that Committee members, particularly from the fishing sector, need to embrace the conservation remit. Members of the Committee understand that they are not appointed to represent constituencies and they recognise there should be no conflict between conservation and fisheries interests. Some respondents stated they still believe the commercial sector is favoured. Respondents suggested the Committee has yet fully to appreciate the importance of scientific work so that the IFCA can deliver evidence based management and that its approach to maintaining conservation features is not always proactive. There was recognition that implementing the revised approach to managing commercial fisheries in EMS had drawn heavily on IFCA resources and that the planned review and consolidation of the IFCA's byelaws and management measures had slipped behind.
151. Members of IFCA staff were commended for being hard working, open to meetings with stakeholders, responsive and described as an asset to the Authority. The level of resources available for science, evidence and data

gathering work is, in the view of some respondents, insufficient. Respondents noted the IFCA could make greater efforts to engage with stakeholders, particularly anglers. Greater visibility of senior management was recommended.

## Isles of Scilly IFCA

152. The Isles of Scilly IFCA Committee has 8 members. It is a Committee of the Isles of Scilly Council. Committee members comply with the *Code of Conduct for Members and Co-opted Members of the Council of the Isles of Scilly*. Three members are nominated from the Council. Three general members are appointed by the MMO. NE and the MMO nominate one member each. Unlike the other nine IFCA Committees, there is no EA member. The EA has no remit on the Scilly Isles.
153. Creation of the Scilly IFCA modernised the fisheries and marine management approach, putting it on a professional basis and on a par with inshore areas elsewhere around the coast. Historically, the Isles of Scilly appointed a Sea Fisheries Committee Honorary Patrol Officer drawn from the local fishermen. Sea Fisheries Committee administration was provided by Scilly Council's Maritime Officer. Defra ensured that funds were made available to provide the Authority with its own patrol vessel. A Rigid Inflatable Boat, the *Matt Lethbridge*, was acquired. Before that, enforcement at-sea depended on the Honorary Patrol Officer using his own vessel, or chartering the Duchy of Cornwall's harbour launch.
154. The IFCA has a budget of £130,426 over 2014 - 2015. Defra paid £109,726 New Burdens funding to the Isles of Scilly Council in each financial year covered by this report, defraying the cost of operating the new Authority. Over the first two years of operation the IFCA was funded entirely by the New Burdens money. In 2013, an annual levy of £23,000 (the amount paid to the Scilly Sea Fisheries Committee) was reinstated but subject to a 10% cut in 2014, reducing it to £20,700. The budget includes a £15,958 contribution to reserves. The IFCA Committee has taken a decision to build-up a capital reserve to cover repairs, maintenance and eventual replacement of the patrol vessel. Defra has funded a hull mounted side-scan system for the RIB, which will be used for monitoring reefs within the EMS and MCZs. The Council provides legal, finance and information technology support on a contracted basis. Specialist legal advice and the IFCA's template internet presence are purchased from external suppliers. The Isles of Scilly Council provides audit services. The IFCA follows the Audit Commission Small Bodies Return procedure.
155. Scilly IFCA has a cross-warranting arrangement with Cornwall IFCA, governed by a Service Level Agreement. The arrangement developed out of the historic relationship between Cornwall and Scilly Sea Fisheries Committee. The IFCA employs two substantive members of staff: the Chief Fisheries Officer (known locally as the Maritime Officer) and a Fisheries Officer who is also the *Matt Lethbridge* coxswain. Members of staff comply with a Code of Conduct for Inspections. The IFCA can draw on a casual officer and additional crew member for work at sea. Staff development is supported. The Chief Fisheries Officer draws on earlier career experience of commercial fishing. The Fisheries Officer holds a degree in Marine Biology and has undertaken training on using the side-scan sonar and underwater camera. NE has provided training on Habitats Regulation Assessments. Local emphasis is given to effective communications

and maintaining good working relationships between officers, IFCA Committee members and stakeholders to achieve compliance with UK and European fisheries legislation. The Chief Fisheries Officer attends meetings of the Scilly Fishermen's Association and publishes a newsletter for commercial fishermen several times a year. He is a member of the Cornwall and Isles of Scilly Fisheries Local Action Group (FLAG).

156. The IFCA inherited three byelaws covering fishing methods, dredges and minimum sizes for lobsters. Following review, two byelaws covering fishing methods were revoked and a new consolidated regulation made. There are currently only two byelaws covering fishing gear permits and minimum lobster size. A voluntary code to limit pot numbers and mark gear has had limited success. The IFCA is considering additional regulatory measures.
157. The Isles of Scilly are a designated EMS Special Area of Conservation (SAC), of 210km<sup>2</sup>. Eleven spatially separate sites around the Scilly Islands were designated as a single MCZ, covering 30km<sup>2</sup>. It includes eighteen broad scale habitats, five habitat features of conservation importance (FOCI) and twelve species FOCI, representing the zone's rich biodiversity. It includes the only southwest recordings of tide-swept communities and the largest recorded concentration of stalked jellyfish. The site demonstrates exceptionally high quality examples of a range of systems including rock habitat communities, which are characterised by high diversity and support commercial fisheries species such as crab and lobster. Subtidal sediment contains rich algal habitats such as kelp and seagrass beds which provide high rates of productivity, ecological niches and important nursery grounds for fish species, some of which support seabirds such as puffin, razorbills and guillemots. As the MCZ sites lie within the existing Isles of Scilly SAC, they provide scientific value and have already been subject to considerable research on the marine environment. The Scilly MCZ proposals were supported by stakeholders across the islands.
158. There are 23 licensed and actively fishing vessels in the Isles of Scilly. Most use static gear but there is one small trawler. Vessels over 11 metres and 10 gross tonnes are prohibited from fishing within the Scilly IFC District. Local vessels mainly pot for crustaceans, although they carry nets for bait and rods or hand-lines for pollack or mackerel. About 3,500 to 5,000 pots are estimated to be in use during the season. Scilly fishermen have recently agreed to a closed season of three months; a recording scheme within the proposed MCZ; a ban on commercial sand-eel fishing; voluntary V-notching of berried lobster hens; and have suggested a pot limitation byelaw. There is a strong link with the National Lobster Hatchery at Padstow. In 2011, around 3,000 juvenile lobsters were released in Scilly waters.

## **Comments received during the report making process**

159. Four respondents to the call for evidence offered comments that were specific to the Isles of Scilly IFCA. A Defra official interviewed the Chief Fisheries Officer and attended the IFCA annual general meeting on 12 June. Committee members elected a new Chairman at that meeting.

160. Organisational respondents noted the size of Scilly IFCA and the scope of activity that could be undertaken with limited resources. A crab and lobster stock assessment is required. Management measures in place appear to be clear and appropriate. Island respondents had limited evidence of the IFCA's presence on the water and were unconvinced that financial support for the IFCA was an appropriate use of public money.

## Southern IFCA

161. Southern IFCA has 21 Committee members. It is a Joint Committee of Hampshire and Dorset Counties, Isle of Wight, Poole Borough, Bournemouth Borough, Southampton City and Portsmouth City Councils. It meets quarterly. Nine IFCA Members are elected councillors, nine are MMO appointees and NE, the MMO and the EA each nominate a representative. The full Authority is supported by Technical Advisory, Appeals & Scrutiny and Executive sub-Committees. The Committee Chairman and Chief Officer meet at least weekly. An additional panel carries out licensing work. The District extends from the county boundary between Devon and Dorset in the west to the boundary between Hampshire and Sussex in the east. It includes the Isle of Wight.
162. Southern IFCA has an annual budget (2014 - 2015) of £844,522. Licence fees, rent and bank interest (£36,882) supplement the levy (£729,292) charged to the sponsoring authorities. The IFCA employs 13 full time members of staff, including a qualified accountant retained on contract whose internal audit is reported to the Appeals & Scrutiny sub-Committee before documentation is prepared for external audit, to meet Audit Commission requirements. Most of the officers have multiple roles and the Authority deploys a relatively flat structure. A staff Code of Conduct applies. Members of staff hold qualifications up to postgraduate level and draw on career experience that includes the Royal Navy, Royal Marines and police. The Chief Officer holds Masters Degrees in Science and Business Administration. He is supported by a Deputy Chief Officer and plans have been made to appoint a second Deputy, building resilience into the organisation and avoiding a rigid pyramidal structure for decision-making. The Authority has a Training & Development Plan in place for its staff.
163. The Authority owns four patrol vessels, which are used in joint operations with the MMO, Dorset and Hampshire police forces, EA and Cefas. The *Southern Trident* is the large Category 2 offshore sea going vessel, expected to remain in service until the end of the decade but potentially due for replacement at a cost in excess of £1m. *Tenacity*, *Endeavour* and *Protector* are Category 3 vessels, operating closer to the coast. The estimated working life remaining for each vessel is from 3 to 15 years. The *Protector* is a new vessel and began service in September 2013.
164. More than 420 commercially licensed vessels are active in the District, 80% of them believed to be owned by full time fishermen. An additional 150 vessels operate in the recreational sector, offering angling and diving charters. Shellfish collection in Poole Harbour is managed under the Poole Fishery Order (1985) and supporting byelaws. It is a hybrid Several and Regulating Order which allows for the development and promotion of aquaculture and the regulation of wild shellfish harvesting for clams. The area covered by the Order within the Harbour is leased by the Southern IFCA from the Crown Estate. It is the largest oyster aquaculture fishery in the UK. At the time of collecting evidence for this report the IFCA was in the process of developing a renewal for the Order (which expires in 2015) to develop the potential of this fishery within the environmental limits of a European Marine Site.

165. Two MCZs lie within the Southern IFC District. They were designated on 21 November 2013: Chesil Beach and Stennis Ledges (37km<sup>2</sup>) and Poole Rocks (4km<sup>2</sup>). Designations were made to conserve habitats associated with coarse and mixed sediment; moderate energy and intertidal rock. The MCZ sites host native oyster; pink sea-fan and Couch's goby. The Government launched a consultation on second tranche MCZs in January 2015. In the Southern IFC District, this includes The Needles.
166. Designated EMSs lie in the District. Solent Maritime Special Area of Conservation (SAC) and Special Protection Area (SPA) provide mudflat and estuarial habitat. Portsmouth, Chichester and Langstone Harbours SPA, Isle of Portland to Studland Cliffs SPA, Chesil Beach and the Fleet SPA and Poole Harbour SPA all support over wintering or breeding birds. South Wight Maritime SAC is a submerged environment of sea caves and reefs. Solent and Isle of Wight Lagoons SAC demonstrates habitat associated with tidal rivers and estuaries, flats and salt marsh. The IFCA adopted a risk-based approach to managing fishing activity in the EMS through 2013, recognising that towed gear and hand gathering presented Red risks to seagrass and reef features. Byelaws to prohibit gathering in seagrass beds and use of bottom towed fishing gear in defined limits were developed. The byelaws cover 25% of the coastal waters in the District and extend protection for fish and shellfish nursery areas, to the benefit of fishermen.
167. The area in and around Chichester harbour falls within Southern and the adjoining Sussex Inshore Fisheries and Conservation Districts. Both Authorities recognise the necessity for holistic management of fisheries in Chichester. They have made an agreement, under section 167 of the Act, authorising Sussex IFCA to deliver local management on Southern IFCA's behalf including joint compliance work. The ten year Agreement includes a provision for review by the Authorities after four years.
168. Southern IFCA has developed a communication plan and measures performance against targets. A contacts database, extending to every registered fishing vessel in the area, allows quarterly distribution of a newsletter. A social media presence is being cultivated through Twitter and Facebook. The Authority hosts the South Coast Fishermen's Council, which meets six times a year and has developed a public presence at port open days and the Weymouth Sea Food Festival. It engages with the Dorset Coast Forum and the Solent Forum. Feedback from stakeholders is invited and consultation invitations (e.g. on byelaws or renewal of the Poole Fishery Order) are issued to relevant interests.

## **Comments received during the report making process**

169. Ten respondents to the call for evidence provided comments that were specific to Southern IFCA. Defra officials attended the annual general meeting on 5 June 2014 at the RNLI Lifeboat College in Poole and interviewed the Chief Officer on 22 August at the IFCA office in Parkstone.
170. Respondents commented that IFCA staff are pragmatic, professional and make good efforts to engage with stakeholders. There is a perception from



angling interests that engagement and communication favours the commercial sector and that recreational interests need greater, focussed, attention. The IFCA's approach to managing fishing activities in EMS was commended and the byelaws to protect features from Red risk activities attracted comment including, from an environmental charity, that it was one of the best written documents of its type. Respondents noted the limited resources available to the IFCA and that it had prioritised its work. There was a perception that the IFCA had prioritised shellfish and crustacea management over finfish management, with a suggestion that bass stocks should receive greater attention. Some private fishermen were unconvinced of the benefit of the IFCA.

171. An earlier version of the website was criticised for being cumbersome and not user friendly, but the IFCA updated its web presence at the end of the period covered by this report. Respondents were unlikely to have seen the improvement. In response to concerns raised by anglers the IFCA has subsequently developed a sea angling strategy, guided by a strategic sea angling group whose members are drawn from angling representative groups.

## Sussex IFCA

172. Sussex IFCA Committee has 21 members. It is a Joint Committee of Brighton and Hove City, East Sussex and West Sussex County Councils. Seven Committee members are councillors. There is a nominated member from each of the MMO, NE and the EA. The Committee includes 11 general members and meets quarterly. It is supported by Technical, Compliance and Finance sub-Committees. All Committee members comply with a Code of Conduct.
173. The Authority has a budget of £725,917 during 2014 – 2015, which includes £13,000 project and fee income over and above the levy charged to the sponsoring authorities. Levy has remained flat over the first years of operation, achieved through significant efficiency savings including vessel operating costs and further supplemented by income from projects supporting research activities. Budget and levy approval is delegated to and agreed by the Finance sub-Committee, which comprises members drawn from the levy-paying councils plus a general member and the Authority Chair or Vice-Chair. The Authority follows the Audit Commission Small Bodies Return procedure. Audit services are provided by external accountants. Their report is presented to the IFCA Committee and the finance officers from the levy paying councils. A Certificate is returned to the Audit Commission.
174. The IFC District extends from Dungeness Point to Hayling Island. The area in and around Chichester harbour falls within Sussex and the adjoining Southern IFC Districts. Both Authorities recognise the necessity for holistic management of fisheries in Chichester. They have made an agreement, under section 167 of the Act, enabling Sussex IFCA to deliver coherent and consistent byelaw management throughout Chichester harbour including the lesser proportion which lies in the Southern IFC District. Compliance activities are shared for best coverage from both an east and west approach. The ten year Agreement includes a provision for review by the Authorities after four years.
175. The IFCA employs 10 full time and 2 part time members of staff and draws on a number of student placements and volunteers. Employees hold a range of qualifications, skills and career experience including commercial fishing, environmental consultancy, police and enforcement professions. A number, including the Chief Fisheries and Conservation Officer, have post-graduate qualifications. The most recent recruitment campaign for Inshore Fisheries and Conservation Officers attracted more than 100 applicants; however the Authority has experienced difficulty attracting candidates for senior officer positions who are expected to hold developed skills sets and established experience. Among the officers that crew the IFCA vessels the skipper and several officers hold a range of RYA commercially endorsed qualifications that meet Maritime and Coastguard Agency (MCA) workboat operational requirements. The present organisational structure and staff grading system was reviewed comprehensively over 2010 and 2011, then implemented in April 2011 when IFCAs vested. Grades and scale points are linked to local government National Joint Council (NJC) evaluation processes for skills, experience and qualifications for role.

176. All of Sussex IFCA's Annual Plans and Reports have been submitted in accordance with statutory provisions and guidance. Significant effort has been made to produce them in a way that will engage and interest the public in both the IFCA's work and that of wider marine management by government.
177. Sussex IFCA has a body of completed research that it uses to underpin its management decisions. This work is described in its published four year and annual research planning process, which reflects the scope of evidence required to support inshore fisheries management work and protection of MCZs. Research includes small fish surveys to monitor juvenile commercial species and support the Water Framework Directive; habitat mapping; oyster stock monitoring and re-laying work on oyster broodstock. This work has been carried out in collaboration with other Defra bodies, NGOs, local universities and has involved many local volunteers.
178. Sussex IFCA operates two fisheries patrol vessels. *Merlin* is the latest acquisition, delivered in 2013. It is an 8m Rigid Inflatable Boat funded through a partnership agreement with the EA. It is used as a patrol platform by both organisations. With a low emission 300hp engine the boat can attain a speed greater than 30 knots and has an operational range of 200 nautical miles. It is equipped with an integrated navigation package including a plotter, radar and sounder and is propelled by water jet drive, making it ideal for EA salmonid stock management and the IFCA's shallow water work in tidal estuaries and harbours. Nevertheless, *Merlin* has a gross weight of 2500kg and is designed for heavy commercial use including inspection work, fishing vessel boarding operations at sea and suitable research operations.
179. Fisheries patrol vessel *Watchful* was commissioned in 2003. It is an 18m, four-berth Category 2 vessel, moored at Shoreham Harbour and capable of 24 knots. It carries a 5.5m RIB and is equipped with deck winch, davit and gantry. With funding from NE, the *Watchful* has been fitted with a wide angle multi-beam sonar system (WASSP) that uses acoustic data to map the seafloor and produce 2D and 3D images. An on-board Vessel Monitoring System (VMS) receives tracking information on fishing vessels fitted with transponders (currently all vessels over 15m). Notable vessel research includes regular sampling and beam trawl surveys to Cefas specification. In 2014 the vessel was used to conduct a comprehensive side scan survey of the entire Kingmere MCZ. The project was managed and project funding secured by the IFCA.
180. Bass, lobster, sole, plaice, cuttlefish, scallops, shrimps, prawns and whelks offer valuable landings in the District. There is a native oyster fishery in Chichester harbour. Sussex IFCA initiated and offers leadership to the Chichester Harbour Oyster Partnership Initiative, in partnership with Southern IFCA, fishermen, Chichester Harbour Conservancy, Natural England, Cefas and Southampton National Oceanography Centre. There are a variety of seabed types, ranging from fine mud in low-energy areas such as Rye Bay, to bedrock exposures of sandstone, limestone, chalk and mudstone. In general, the near shore seabed is an assortment of mixed sediments (especially gravel and shells) with sand and, in sheltered locations, mud.

181. Three MCZs within the Sussex IFC District were designated in November 2013: Beachy Head West (24km<sup>2</sup>); Kingmere (47km<sup>2</sup>) and Pagham Harbour (3km<sup>2</sup>). A high level of stakeholder interest and significant stakeholder activity in Kingmere MCZ has added to the IFCA's management challenge. The Pagham Harbour MCZ is designated for its seagrass beds, which provide habitat for Defolin's lagoon snail and lagoon sand shrimp. In January 2015, the Government launched a consultation on the second tranche of MCZs, including Utopia in the Sussex IFC District.
182. A proportion of Chichester Harbour is within the Solent Maritime EMS. Seagrass beds were identified as Red risk features, sensitive to damage from fishing activities. The Chichester Harbour EMS (Specified Areas) Prohibition of Fishing Method byelaw was confirmed in November 2013 and became the first Red risk byelaw to be made in the country. Pagham Harbour and the Dungeness to Pett level have Special Protection Area designations because of their tidal mud flats, providing habitat for breeding and over-wintering birds.
183. The cultural change from Sea Fisheries Committee to IFCA is evident among staff. Development of management measures for EMS has catalysed the transition to a body that has a broader remit. Effort is committed to stakeholder engagement and local communication. The Authority commenced a review of management measures in 2012. In 2013 to 2014 a 'Community Voice' engagement project, based around film and interview techniques, has been developed with the Marine Conservation Society and academics. It has been used at stakeholder workshops to support consultation and development of management measures on the first tranche of MCZs. A black bream tagging project with the fishing community, especially recreational sea anglers, has led to increased interest in the IFCA's work.

## **Comments received during the report making process**

184. Eleven respondents to the call for evidence provided comments that were specific to Sussex IFCA. Defra officials attended the Committee annual general meeting on 24 April 2014, held at the IFCA offices in Shoreham by Sea. The meeting was conducted under the guidance of the Chief Fisheries and Conservation Officer until the Committee Chair and Vice Chair had been elected to office. Defra officials returned to Shoreham and interviewed the Committee Chair and Chief Officer on 31 July.
185. Respondents noted the professionalism of staff, but were concerned about a high turnover rate and that resource limitations expose the IFCA to risk. Communication and engagement with stakeholders was perceived to be an initial weakness but effort has been committed and noticed over the establishment period. Anglers were least satisfied with the level of engagement from the IFCA, but acknowledged the service was improving and commended joint working on the black bream tagging project and engagement on the Kingmere MCZ management measures. Development of the Community Voice engagement method was noticed and received positive comment. Use of the IFCA website was perceived positively. Respondents commented that patrol vessels could be used more effectively to enhance visibility, management and enforcement

activity. There was a recommendation that the IFCA use tackle shops as an additional means of communicating or promoting information that can be accessed by recreational sea users.

186. Positive comments outweighed negative responses by two to one. There were few responses from individual fishermen. One respondent criticised the knowledge and professionalism of IFCA staff, but other respondents commented positively on this aspect. The IFCA was perceived, by one respondent, to commit a disproportionate effort to sea angling and environmental concerns and not offer enough support to the commercial fishing sector, yet another respondent took the opposite view.

187. Some general members of the Committee were attracted to the role because of their interest in fisheries management, but have become disillusioned in the procedural business of local government. The Committee might benefit if future recruitment campaigns attracted applicants for whom conservation, training and ongoing personal development were normal considerations in their career.

## Part Three: Themes emerging from the call for evidence and report-making process for further consideration

### Committees

188. With the exception of the Isles of Scilly IFCA, which has 8 members, six IFCA Committees have 21 members whereas the North Western IFCA, North Eastern IFCA and Devon & Severn IFCA each have 30 Committee members. The mix between elected councillors, nominated representatives from NE, EA and MMO and general members appointed for the knowledge, expertise and connection to local communities secures a diverse and informed body that can discuss and debate fisheries and marine management issues. However, it is evident that the structure and format of local government meetings was not anticipated by some of the general members. In some cases, their enthusiasm for IFCA business is dampened without a specific role on the Committee, or because the opportunities for them to bring their expertise to an agenda item are diluted due to the number of people who want to speak.
- 189. Government will give further consideration to whether experience demonstrates an optimal maximum size for IFCA Committees.**
190. Geographic knowledge on three IFCA Committees was perceived to be imbalanced. Cornwall IFCA Committee is perceived to lack expertise of the county's north coast. North Western IFCA Committee is perceived to lack coastal expertise from the southern part of the District and Eastern IFCA is perceived to lack operational fisheries experience from communities on the Norfolk and Suffolk coasts.
- 191. When general member appointments are next made to the Cornwall, North Western and Eastern IFCAs, geographic knowledge will be borne in mind.**
192. All IFCAs have some form of training, learning and development plans in place for staff. Induction and training is made available to members of some IFCA Committees. The cultural transition from Sea Fisheries Committees to IFCAs is dependent on professional officers delivering a service successfully. Officers recognise that IFCA Committee members' support for the service is essential. Training in local government procedure for Committee members, especially those who have no prior experience but put themselves forward through enthusiasm and a willingness to contribute to local fisheries management, would enhance professionalisation of the service. Training would ensure that members are clear on their roles, responsibilities and standards that apply.

**193. IFCAs and member local authorities should ensure that induction and training be made available to all members of IFCA Committees, as should training in local government procedure for those needing it.**

194. General members of IFCA Committees, appointed by the MMO, are issued with terms and conditions of appointment. A term of appointment lasts for no longer than four years. An individual member can be eligible for reappointment and serve up to a maximum of ten years. Although appointment decisions are made following advertisement of a vacancy and selection of a candidate on Nolan principles through open competition, eligibility criteria for reappointment decisions could be made clearer. Government will consider developing a simple appraisal system that measures a general member's attendance, contribution to the work of the Committee and compliance with adopted codes of behaviour as the basis of any subsequent reappointment decision.

**195. The Government's *Guidance to MMO on making appointments of Committee members to Inshore Fisheries and Conservation Authorities*<sup>26</sup>, first published in April 2010, will be reviewed.**

## **IFCA performance criteria**

196. *Government guidance to IFCAs on monitoring, evaluation and measuring performance*<sup>27</sup>, published in February 2011, set out success criteria, high level objectives, outcomes and performance indicators that have been used as the basis of annual planning, reporting and Committee scrutiny. Those performance metrics were expected to remain in place to 2015.

**197. Government will work with the IFCAs to review the performance criteria and prepare appropriate, updated guidance.**

## **Other Government guidance to IFCAs**

198. Monitoring, evaluation and measuring performance was one publication in a suite of guidance documents made available to the IFCAs when they were first created. Others in the series<sup>28</sup> included *Guidance on byelaw making powers and the general offence under Part 6, Chapter 1, Sections 155 – 164 of the Act*; *IFCAs' contribution to sustainable development*; *Annual Planning and Reporting*; *Evidence based marine management*; and *Framework for risk-based enforcement*.

**199. Government will now consider progressively reviewing the appropriateness of the guidance. When complete, one possibility is publishing updated versions as an IFCA handbook.**

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<sup>26</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/347493/ifca\\_appointments\\_guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/347493/ifca_appointments_guidance.pdf)

<sup>27</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/182347/2011-ifca-guide-memp.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/182347/2011-ifca-guide-memp.pdf)

<sup>28</sup> <https://www.gov.uk/government/publications/ifca-byelaw-guidance>

## Operational resources

200. IFCAs are local authorities for clearly defined Districts, yet they deliver local, national and international obligations. Joint working with other agencies at local and national level is essential. A strong, functional relationship with central government policy makers would expedite local understanding of policy development and the expectation placed on IFCAs as deliverers.
- 201. All public bodies should make optimal, co-ordinated use of the assets and resources available to them, minimising the overall burden on taxpayers at national and local level. Joint use of resources between IFCAs and other agencies particularly the use of patrol vessels, is an established, albeit local, practice. Cross-warranting exists between some IFCAs and other agencies and might usefully be rolled-out elsewhere. The IFCAs own Category 2 and Category 3 seagoing vessels capable of ranges out to sea up to 60 nautical miles. IFCAs already co-operate with neighbouring Authorities, EA, MMO, HM Revenue & Customs, Police, Environmental Health and Border Force personnel. Further opportunities should be explored and developed.**
- 202. Some IFCAs occupy leasehold premises. When terms come to an end, with forward estate planning, opportunities for shore-side co-location with other marine agencies might offer financial savings on premises costs or back-office functions; could deliver a more integrated customer experience and might lead to stronger inter-agency relationships, co-operation and closer working.**

## Funding

203. There are 49 local authority members of IFCAs. Defra made £3m available to 39 of those local authorities to defray the additional costs of IFCA membership compared to the situation that existed under the Sea Fisheries Committee regime. This is known as the 'New Burdens' scheme or, sometimes, the Defra Inshore Fisheries & Conservation Support Grant. The formula for calculating New Burdens funding was subject to an options and consultation exercise in 2010. This financial support has been paid to local authorities through the Department for Communities and Local Government's Local Services Support scheme each year since IFCAs vested and will be paid again in the 2015 – 2016 financial year. In 2015 – 2016 the grant will be supplemented by an additional £300,000.



## Annex A: Defra Inshore Fisheries & Conservation Support Grant payments to local authorities and levy payments made to IFCAs

IFCA	Levy-paying member local authorities	Defra Inshore Fisheries & Conservation Support Grant paid each year to local authorities that are members of IFCAs	Total levy paid by local authority to IFCA budget 11/12	Total levy paid by local authority to IFCA budget 12/13	Total levy paid by local authority to IFCA budget 13/14	Total levy paid by local authority to IFCA budget 14/15	Total levy available to IFCA* 14/15
		£	£	£	£	£	£
Cornwall	Cornwall Council	324,838	1,008,838	1,020,000	1,026,000	1,068,700	<b>1,068,700</b>
Devon & Severn	Bristol City Council	50,851	41,612	43,013	41,584	39,640	<b>701,600</b>
	Devon County Council	21,382	346,817	358,497	346,581	330,384	
	Gloucestershire County Council	122,428	106,572	110,160	106,499	101,522	
	North Somerset Council	42,574	34,100	35,248	34,077	32,484	
	Plymouth City Council	0	34,616	35,781	34,593	32,975	
	Somerset County Council	133,952	117,030	120,971	116,950	111,484	
	South Gloucestershire Council	38,110	30,049	31,061	30,029	28,625	
Eastern	Torbay Council	0	25,704	26,569	25,687	24,486	<b>1,391,070</b>
	Lincolnshire County Council	127,726	512,102	465,808	452,724	452,724	
	Norfolk County Council	151,999	604,783	551,267	535,815	535,815	
Kent & Essex	Suffolk County Council	114,420	453,980	414,130	402,531	402,531	<b>889,600</b>
	Essex County Council	178,395	386,441	380,400	374,300	383,600	
	Kent County Council	137,941	386,441	380,400	374,300	383,600	
	Medway Council	32,495	67,663	66,700	65,500	67,200	

	Southend on Sea Council	0	21,688	21,400	21,000	21,500	
	Thurrock Council	14,943	33,965	33,400	32,900	33,700	
North Eastern	Durham County Council	13,781	63,357	63,357	63,357	63,357	<b>1,139,521</b>
	East Riding of Yorkshire	54,898	253,202	253,202	253,202	253,202	
	Hartlepool Borough Council	6,777	31,565	31,565	31,565	31,565	
	Kingston upon Hull City Council	27,449	126,601	126,601	126,601	126,601	
	North East Lincolnshire Council	27,449	126,601	126,601	126,601	126,601	
	North Lincolnshire Council	13,781	63,357	63,357	63,357	63,357	
	North Yorkshire County Council	54,898	253,202	253,202	253,202	253,202	
	Redcar and Cleveland Council	6,777	31,565	31,565	31,565	31,565	
	South Tyneside Council	13,781	63,357	63,357	63,357	63,357	
	Stockton on Tees Council	68,357	63,357	63,357	63,357	63,357	
	Sunderland City Council	13,781	63,357	63,357	63,357	63,357	
Northumberland	North Tyneside Borough Council	66,733	128,597	128,597	128,597	128,597	<b>773,284</b>
	Northumberland County Council	87,907	644,687	644,687	644,687	644,687	
North Western	Blackpool Borough Council	0	19,206	19,206	19,206	19,590	<b>1,187,287</b>
	Cheshire West & Chester Council	89,131	84,972	84,972	84,972	86,671	
	Cumbria County Council	0	476,544	476,544	476,544	486,075	
	Halton Borough Council	30,585	25,840	25,840	25,840	26,357	
	Lancashire County Council	201,857	385,752	385,752	385,752	393,467	
	Liverpool City Council	54,096	49,587	49,587	49,587	50,579	
	Sefton Council	13,859	59,248	59,248	59,248	60,433	
Wirral Borough Council	17,259	62,856	62,856	62,856	64,113		

Isles of Scilly	Isles of Scilly Council	109,726	109,726	109,726	132,726	130,426	<b>130,426</b>
Southern	Bournemouth Council	0	26,546	26,546	26,546	26,546	<b>729,292</b>
	Dorset County Council	112,118	203,108	203,108	203,108	203,108	
	Hampshire County Council	203,644	294,634	294,634	294,634	294,634	
	Isle of Wight Council	13,663	104,693	104,693	104,653	104,653	
	Poole Borough Council	0	32,381	32,381	32,381	32,381	
	Portsmouth City Council	0	36,610	36,610	36,610	36,610	
	Southampton City Council	0	31,360	31,360	31,360	31,360	
Sussex	Brighton & Hove Council	0	78,991	78,991	78,991	78,991	<b>712,917</b>
	East Sussex Council	57,510	300,566	300,566	300,566	300,566	
	West Sussex Council	148,127	333,360	333,360	333,360	333,360	

\*levy only, excludes additional income received, e.g. shellfish sampling, permit fees, rents, interest, recovered court costs etc.

## Annex B: Organisations that responded to the call for evidence

- Angling School CIC
- Angling Trust
- Association of Inshore Fisheries and Conservation Authorities
- Association of Local Government Archaeological Officers UK: Maritime Committee
- Bass Anglers Sportfishing Society
- Bembridge Angling Club
- Brighton and Newhaven Fish Sales Ltd
- Bristol City Council
- Cheshire West and Chester Council
- Client Earth
- Cole catamarans
- Cornish Federation of Sea Anglers
- Cornwall Wildlife Trust
- Devon County Council
- Devon Wildlife Trust
- Dong Energy
- Dorset County Council
- Duchy of Cornwall Oyster Farms Ltd
- Durham County Council
- East Riding of Yorkshire Council
- East Sussex Fire & Rescue Service
- English Heritage
- Environment Agency
- Freshfromtheboat
- Gloucestershire County Council
- Hampshire and Isle of Wight Wildlife Trust
- Holderness Coast FLAG
- Kent Wildlife Trust
- Kings Lynn Fishing Industry Co-operative Ltd
- Kings Lynn Vessel Owners and Skippers Association
- Leach Fishing Enterprises
- Leigh and Southend Fishermen's Association
- Local Independent Sea Anglers (LISA)
- Marine Conservation Society
- Marine Management Organisation
- National Federation of Fishermen's Organisations (NFFO)
- Natural England
- New Economics Foundation
- Norfolk County Council
- North Devon AONB
- North Devon Fishermen's Association
- North Lincolnshire Council
- North Norfolk Fishermen's Society
- North Sea Wildlife Trusts
- North Somerset Council
- North West Wildlife Trust
- Northumberland County Council
- Orford & District Inshore Fishermen's Association
- Poole Borough Council
- Poole & District Fishermen's Association
- RSPB
- Scillonian Dairies Ltd
- Somerset County Council
- South Devon and Channel Shellfishermen Ltd
- Southern Shellfish Ltd
- South Gloucestershire Council
- Suffolk County Council
- The Wildlife Trusts
- TÜV SÜD PMSS
- University of Brighton
- West Sussex County Council
- WWF
- Vattenfall
- Viviers UK Ltd

\*Individual respondents have not been listed

