



Annual Plan 2013-2014

Contents

1	Background	page	1
2	Introduction		2
3	SWOT Analysis		5
4	Delivery Plan		6
5	Performance Indicators		17
6	Risk Assessment of Business Plan		19
7	Staff Training Plan		20
8	Service Description, Objectives, Standards & Targets		22

Appendices

1	Duties	26
1A	Briefing Paper	30
2	High Level Objectives	33
3	Risk Assessment	40
4	Staff Structure	49
5	Committee Membership	51
6	IFCA Relationship Diagram	52
7	Budget Summary	53
8	Individual Authorities Levy Contributions	54
9	Defra Letter	55

Glossary	57
----------	----

Definitions	58
-------------	----

1 Background

The Marine and Coastal Access Act 2009 (MACAA) introduced a new framework for managing the marine environment and providing greater access to it. The Devon and Severn Inshore Fisheries and Conservation Authority (D&SIFCA) were established by The Devon & Severn IFCA Order 2010. The powers and duties of the D&SIFCA are provided by MACAA. The Act aimed to put in place better systems for delivering the sustainable management of the marine and coastal environment by creating a coherent network of marine protected areas (MPA) through the introduction and management of coastal European Marine Sites (EMS) and Marine Conservation Zones (MCZ). The IFCAs have been provided with the ability to undertake the management of MPAs within their districts through modernised powers and greater duties to undertake an important role in marine conservation.

The IFCA approach is to ensure delivery of our statutory duties and to be guided by the governments Marine Policy Statement and adherence to the High Level Marine Objectives which can be summarised as:

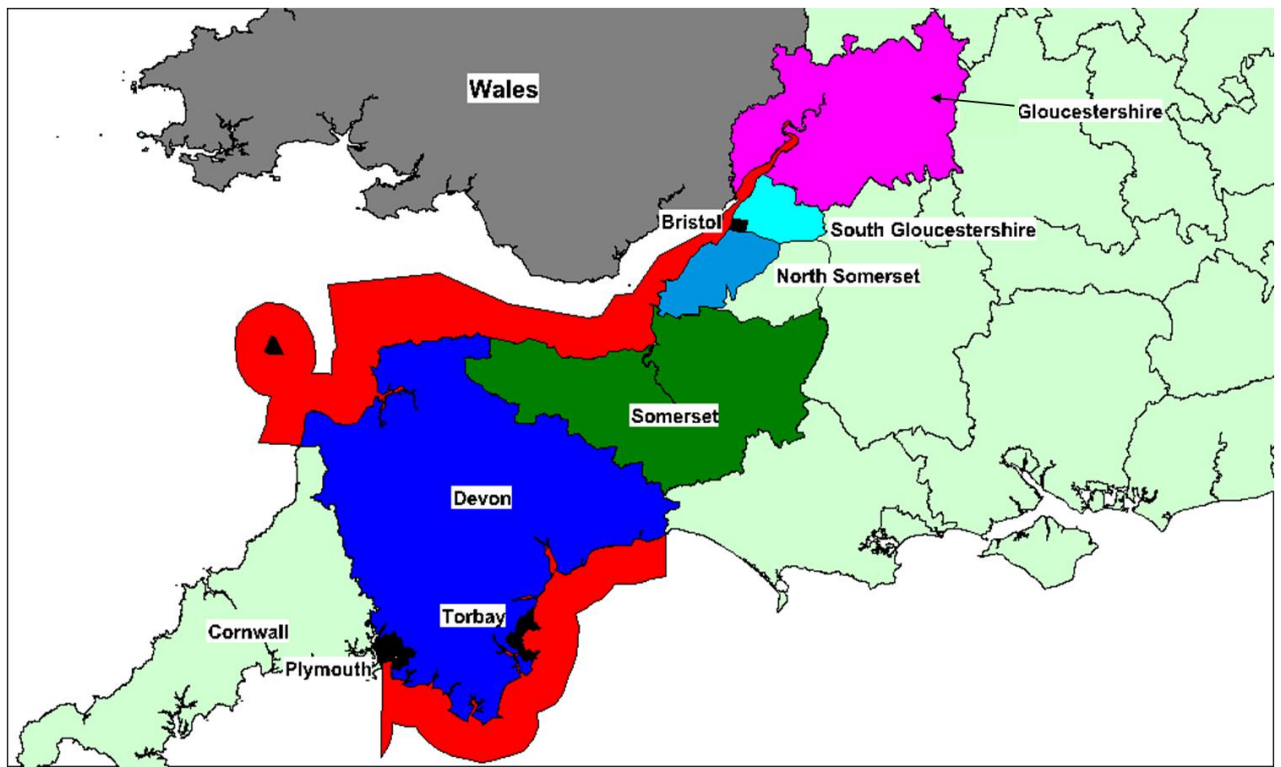
- Achieving a sustainable marine economy
- Ensuring a strong, healthy and just society
- Living within environmental limits
- Promoting good governance
- Using sound science responsibility

IFCA Vision

“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.”

2 Introduction

2.1 Overview of District



- The D&S IFCA has two sea boundaries. The southern boundary with the English Channel stretches from Lyme Regis to the border between Devon and Cornwall. The northern boundary with the Severn Estuary stretches from Countisbury Cove as far as Maisemore Weir to Chepstow and includes Lundy Island. It also includes the River Avon through Bristol and all other rivers entering the sea within the district. The district extends to sea from baselines to 6 nautical miles or the boundary with Welsh Territorial Waters in the north of the area.
- The D&S IFCA has three neighbouring enforcement bodies the Cornwall & Southern IFCAs as well as an extended border with Welsh Government.

District Area

3,306 km² of sea
1,314 km of coastline
9,141 km² of land
1,754 km² of Marine Protected Areas

2.2 Duties

This section summarises the key sections of the Marine and Coastal Access Act 2009 that created the Inshore Fisheries and Conservation Authority

Section 149 Establishment of inshore fisheries and conservation districts

This section delivers the powers to set up the IFCA and requires the enactment of the Devon & Severn IFCA Order 2010 to establish the individual IFCAs. The Order establishes the boundaries of the IFCA, the relevant councils who fund the D&SIFCA as well as the numbers of councillors who represent the funding authorities. The Order also sets up the Authority and gives the conditions for the chairing of the Authority and the Delegation of the Authority's functions.

Section 153 Management of inshore fisheries

The authority for an IFC district must manage the exploitation of sea fisheries resources in that district e.g. all marine animals and plants excluding those regulated by the EA. MACAA 2009 also lays down the need to protect the marine environment from, or promote its recovery from, the effects of such exploitation.

The impacts of this for D&SIFCA

- Requirement to provide information to show that fisheries resources are being exploited sustainably. Much more data collection and analysis
- Wider mandate/requirement to manage recreational fishing
- Remit including exploited marine animals and plants
- Bait digging now directly included in remit
- Intertidal shore based shellfish harvesting is now directly included within IFCA's remit
- IFCA's must have regard to any guidance issued by Secretary of State in performing their duty under s.153(1).

Section 154 Protection of Marine Conservation Zones (MCZs)

The authority for an IFC district must seek to ensure that the conservation objectives of any MCZ in the district are furthered.

The impacts of this on D&SIFCA

- The introduction of new byelaws to help further key management objectives
- Large areas of D&SIFCA district will be protected by MCZ legislation
- More enforcement and management connected with changes.

Section 155-162 Byelaw making powers

The impacts of this on D&SIFCA

- Ability to make wider ranging byelaws to cover all aspects of inshore coastal management which affects or is affected by fisheries.
- Additional evidence will be required before these new byelaws can be made
- Introduction of new emergency byelaw powers.

Sections 163-164 Offences and Powers of court following conviction

The impacts of this for the D&SIFCA

- Larger possible fines for offences e.g. up to £50,000 fine, as well as the ability to suspend permits or for individuals to be disqualified from IFCA run schemes.
- The ability to use Fixed Administrative Penalties for some offences.

Section 165-166 Powers of IFC officers

The impacts of this for the D&SIFCA

- Greater powers to inspect vessels and fishing gear at sea (e.g. not just fishing vessels)
- More powers to inspect premises and vehicles on land
- Powers to detain vessels and to seize gear and fish
- Powers to enforce MCZ legislation.

Section 172 Development, etc of fisheries

The impacts of this for the D&SIFCA

- Power to stock or restock a public fishery for any sea fisheries resources.

Section 175 Information

The impacts of this for the D&SIFCA

- Every IFC authority must collect such statistics relating to the exploitation of sea fisheries resources within its district.

Sections 177 - 178 Annual plan and Annual report

Section 183 Report by Secretary of State

The impacts of this for the D&SIFCA

- Annual plans and reports are now legally required to be submitted as well as a 4 yearly report to be submitted to the Secretary of State.

Other legislative duties that the IFCA is responsible for are listed in Annex 1

A briefing paper is included that lays out Authority's liabilities under EU and National Law where infraction proceedings could result as well as the responsibilities of funding Authorities under the Localism Act in Annex 1A.

2.3 Summary of DEFRA High Level Objectives

Set out at Appendix 2 the High Level Objects (HLO) stipulated by DEFRA for IFCA's. Which are expected to be achieved by 2015. The change of approach to EMS management by Defra has led to an evaluation of some of the HLOs and their delivery dates.

In order to meet these overarching objectives IFCA's will have to develop working level objectives to manage the work more easily. It is these working level objectives that form the basis of IFCA annual plans and inform the work of individual IFCA staff. IFCA Officers' own work objectives should have a clear link back to these high-level objectives, as is shown in Fig.1.



Fig 1. A representation of how the different levels of IFCA strategy interact

3 SWOT Analysis

The following SWOT analysis was initially developed by the funding authorities of the IFCA. It outlines both the challenges and opportunities facing the new IFCA in delivering its annual plan. The analysis will be useful when reflecting on the success of the annual plan in the annual monitoring report.

STRENGTHS:	WEAKNESSES:
<ol style="list-style-type: none"> 1. Locally delivered fisheries & environmental management 2. IFCA committee oversight of the process 3. Experienced & Trained staff 4. Modern approach to fisheries and conservation 5. Strong central govt support 6. Modernised powers 7. Partnership approach 8. Close working with NGO sector 9. Strong Research Ability 10. Organisational Integrity 11. Skills of the Authority members 	<ol style="list-style-type: none"> 1. Size of the area in relation to resources 2. Lack of understanding of new duties amongst IFC Authority 3. Managing a large and complex committee structure 4. Incomplete information in Severn area 5. Not in full control of district fishery legislation 6. Failure to get consensus as part of original consultation process 7. Full integration not yet achieved 8. Still learning the process 9. Scope for potential overlap with other relevant authorities
OPPORTUNITIES:	THREATS:
<ol style="list-style-type: none"> 1. Partnership with universities 2. Community level engagement 3. Delivering sustainable development 4. Develop better marine protection 5. Social, Economic and environmental gains 6. MOU's and co-delivery 7. To do more than statutory 8. Underpinning IFCA planning through sound, enhanced scientific information for the whole IFCA area 9. Maximise opportunities to deliver statutory duties 10. Develop improved inshore management through byelaw review. 11. Make longterm improvements to the inshore environment. 12. Develop the model of a small well managed IFCA being able to deliver the required work within a relatively small budget. 	<ol style="list-style-type: none"> 1. Limitations of funding available 2. Lack of understanding 3. Lack of support from Severn authorities 4. Failure to comply with legislation 5. Failure to meet DEFRA new approach to EMS management 6. Increased regulation as a result of new MCZ 7. Failure of support from local people 8. Tight timescales and DEFRA's expectations 9. Unrealistic expectations from third parties 10. Fear from fishermen may limit engagement 11. Lack of cohesion 12. IFCA perceived as low priority by councils 13. Poor perception as a result of unpopular decisions 14. Unrealistic expectations from outside bodies 15. Removal of New Burdens Funding

4 Delivery Plan 2012/13

Outline of Challenges for 2013 – 2014

This annual plan lays out the main activities and actions to be undertaken in 2013-14.

There are three targeted areas where the D&SIFCA will be able to lead and develop best management practice to provide a benefit to those who live and work within the IFCA district. These will be protection of the Marine Protected Areas network within the district, potting and shellfishery management and recreational sea angling development.

MPA Management

With the revised approach by the Government notified to the D&SIFCA in October 2012 and the letter received in February 14th 2013, Appendix 9, the main focus of the work this year will be in the delivery of the management of the fishing activities identified as likely to cause damage to features of the European Marine Sites (EMS) within the district. These activities have been identified by a working group, called together by Defra, with the advice being co-ordinated by Natural England as the Statutory Nature Conservation Body. A matrix has been developed in order to help this process. Each individual site with the D&SIFCA district has to be assessed for the listed fishing activities followed by management measures being enacted to protect the sites from the most damaging activities by December 2013. Fishing activity that has been identified within the amber section of the matrix will be expected to be managed by the end of 2016. These areas of work with obviously have to take priority for the IFCA during this annual plan timetable. The failure of the IFCA to deliver this work could lead to an emergency byelaw being put in place by the Marine Management Organisation and the loss of control over the local fisheries management by the IFCA or to possible infraction proceedings being enacted by the EU with the IFCA as the possible target for this action.

The D&SIFCA has six European Marine Sites (EMS) within the district all of which have fishing activities which are considered to be red risk within the national matrix. Four of the EMS have shared boundaries with another IFCA or in the case of the Severn EMS a boundary with the Welsh Government. One site has two IFCAs and the MMO as the managers for the fishing activity. The drawing up of management measures to protect the sites from fishing activities by the end of 2013 will require a great deal of joint working to produce coherent protection for the sites. In total there are 1,754km² of EMS within the D&SIFCA district or part of joint management sites for the IFCA.

Four Marine Conservation Zones (MCZ) are also being consulted on at present as part of the first tranche. These will be notified to the IFCA towards the end of the summer and as with the EMS require management plans and protection of the features of the site from fishing activities likely to damage them.

There are two areas of work which will be required to be prioritised in order to deliver the management of the EMS within the timeframe required by Defra.

The byelaw review process, already underway, will help the IFCA to address some of these issues with improved capability through a more flexible approach to fisheries management. The use of a permit scheme for all fishery activities within the district will help to provide an adaptive approach. All byelaws that are proposed by the IFCA will require an Impact Assessment (IA). This will give a level of detail required for all

new legislation and will be used as part of the consultation process prior to the signing of any new byelaws. The two byelaws that will be progressed as a priority will be the potting and shellfish byelaw along with the mobile gear byelaw. These will provide the main framework for the IFCA's management and protection of the EMS as well as providing flexible management for the entire district.

The potential use of modern and innovative technology will allow for the tracking of fishing activity within the district and it is hoped to build upon trials work that has been undertaken, to allow greater use of inshore vessel monitoring systems (IVMS) to provide confidence as part of greater flexible management.

The second area of work required for the management of the EMS is accurate mapping of the features of the EMS that require protection. Some mapping has been undertaken by NE and this will need to be built upon in order for the IFCA permitting byelaw approach to work correctly. The provision of buffer zones in order to give full protection to the features will also be required and this can only be based in accurate initial mapping of the site. The second part of the research work will require data to be collected on the interaction of fishing activities labelled as amber within the matrix to assess the possible management measures required to provide protection to the features of the EMS by 2016. Some studies have already commenced but other fishing interactions will need research this year and then to be built upon in subsequent years. There will be a requirement for local as well as national research to be conducted in this area. As the management looks towards the amber fisheries there will be a requirement for the IFCA to undertake Test Likely Significant Effect and Appropriate Assessments on the fisheries that will be permitted by the new byelaws.

Additional issues that will need to be studied and addressed as part of this new management approach will be the displacement of fishing effort to other parts of the district, to other species/fisheries and the possible detrimental effects on other IFCA districts as a result of management plans within the Devon & Severn district.

One of the difficulties in the IFCA planning process and budgeting is predicting the amount of work that D&SIFCA will face in delivering and implementing its duties and powers connected to the byelaw review process with impact assessments required and with the management of the EMS. It is also hard to predict exactly the levels of management and enforcement that will be connected with the EMS and MCZ process within D&SIFCA district. Once the amount of time and resources D&SIFCA will apportion to these key tasks has been established, long term planning of D&SIFCA resources should become more straightforward.

Shellfish Management

The second area of focus for this year will be to address the long term sustainability and management of the shellfisheries within the district. Fin fish stocks are for the main controlled through national management measures but shellfish stocks are within the management control of the IFCA. The Potting and Shellfish Permit byelaw is currently out for pre-consultation with a view to getting the new permitting byelaw in place by the end of October 2013. This new byelaw will provide the same protection as the previous byelaws, which will be revoked once the new permitting byelaw is in place. Once the new permitting scheme is in place the D&SIFCA will be able to consult with the fishing industry and others on future measures to enable the IFCA to fully manage the district shellfish stocks. The effective management of the fishery will require proportionate byelaw enforcement if the benefits of any new byelaw protection are to be realised. There are important fisheries that at present have little or no protection which will need to be studied and measures may be

required to provide a sustainable future. Estuaries provide important shellfisheries and nursery areas which require protection, the use of flexible management plans will allow for the development of controlled access to these important fisheries. The problems resulting from unlicensed and unregulated fishing activity is recognised nationally as an issue affecting local fisheries. The IFCA will take an active role in addressing this issue during the period of this delivery plan.

RSA Development

The third area of development work for the IFCA this year is greater focus on recreational sea angling (RSA) within the district. Work undertaken during previous years has identified important areas to the RSA sector and the need for protection of some of the sites as well as addressing concerns over illegal fishing and fish minimum landing sizes. Greater engagement with the RSA sector will be promoted during the year. A full audit will be undertaken to allow the IFCA to make decisions over possible future development for the angling sector in this important area nationally to the RSA building on the national Angling 2012 programme.

General Work Areas

The continuing development of strategies to allow for the flexible management approach will be required not only to guide the Authority in their deliberations but also to be published on the website to help inform those outside the Authority of the standards that can be expected when dealing with the IFCA.

Risk based enforcement frameworks are key to the new work of the IFCA. Implementing this framework is a key component of meeting many of the high level objectives set for the IFCA. A key part of developing and delivering this framework will be compiling a risk register for the district and then using this table to evaluate and rank risk. These tools can then be used to inform enforcement policy and to allocate enforcement resources.

To continue the IFCA's work of building strong relationships with partner organisations and stakeholders by developing new and more efficient ways of working. The MoUs signed during year one will be reviewed and amended as necessary. Through the development of memoranda of understanding (MOUs) with key partner organisations, agreement has been reached regarding shared use of resources and data, wherever possible, including sharing training facilities. The locally agreed annexes to the main MoUs will be developed further to increase the collaboration between the organisations.

The enforcement plan and research plan for 2013/14 will be published in separate documents but should be linked to the Annual Plan for context. The Risk Assessment carried out in the Annual Plan covers both these areas of work.

The Defra High Level Objectives set out certain deliverables expected by Government within a specified timeframe. It is now expected following the revised approach to EMS management that this will take priority for the IFCA over the next few years. In many respects once the IFCA has delivered the management of the EMS then many of the HLO will have been met during the process.

Work Plan 2013/2014

Success Criterion 1: IFCA's have sound governance and staff are motivated and respected

Action	Intention	Performance indicator	Q1	Q2	Q3	Q4
Gather evidence/information to feed into next years' annual plan, ensuring it reflects Member, staff and stakeholder input.	Annual plan (2014/15) published by end of April 2014.	Plan is published by 30 April 2014.			←————→	
Workstream started toward developing management plans which have to be in place by April 2015.	Long term approach to sustainable marine management can be demonstrated.	Work is started to identify issues impacting on sea fisheries resources in the District.	←————→			
Identify any gaps in capability of IFCA.	Develop a people capability strategy.	Staff resources and capability assessed against IFCA objectives and duties.	←————→			
Staff management system implemented	Staff management system continued and improved	Training and development plans are developed during year through completion of staff appraisals.	←→		←→	
Develop system to allow staff and Members to contribute to, and comment on IFCA policies and business.	System is in place to allow staff and Members to contribute to all IFCA policies and business.	Work will have started to develop suitable system to allow staff and Members to contribute to all IFCA policies and business.	←————→			
To set up succession planning with regard to senior staff and Authority members	To deliver a report to the authority that identifies how the Authority will manage loss a key members	Report to be produced for the Authority AGM in June 2014				←→
For all staff and equipment of the Authority to comply with relevant Health and Safety legislation	To report quarterly to the Authority on any issues regarding H&S that has occurred during the past quarter	Staff members remain safe whilst working for the Authority and stakeholders are not endangered by the activity of IFCA staff	←→	←→	←→	←→

Success Criterion 2: Evidence based, appropriate and timely byelaws are used to manage the sustainable exploitation of sea fisheries resources within the District.

Action	Intention	Performance indicator	Q1	Q2	Q3	Q4
Assessment work on the byelaws being consulted on during 2013 to allow the byelaws to be in place by the end of December.	Undertake full impact assessment for the two byelaws and draft the completed byelaws for consideration by Defra	That both proposed byelaws are in place by the end of December 2013	←————→			
Work within Defra guidance for making byelaws and followed by relevant officers and all Members.	Ensure that all newly made byelaws follow national guidance	All byelaws will meet Defra Guidance.	←————→			
Work with partner organisations to help identify necessary data required, and best formats for storage/use.	To develop a process for dealing with agreed interventions quickly, efficiently and effectively, particularly for emergency byelaws.	All new work is initiated to ensure necessary records and database systems are in place to inform decision making.	←————→			
Data to be provided to enable the byelaws to be enacted using the best available information.	That research work be undertaken to provide best available information to byelaw process.	Byelaws are accepted and signed off by Defra.	←————→			
D&SIFCA to develop plans to sustainably manage the shellfisheries within the district.	Work toward developing management plans for all shellfisheries as part of the byelaw review	Production of management measures that are proportionate and accepted as part of the new byelaw	←————→			
Use new and novel technology to improve monitoring of fishing activity within the district.	Continue participation within Inshore Vessel Monitoring System trials and further development to enable successful deployment	System specification to be presented to the Authority for type approval and inclusion within byelaw making powers by June 2013	←————→			
Carry out Appropriate Assessments on all fishing activity to be permitted by new byelaws within EMS	As part of the byelaw process Appropriate Assessments will be carried out	Inclusion of AA within each byelaw application and permit alteration.	←————→			

Success Criterion 3: A fair, effective and proportionate enforcement regime is in place

Action	Intention	Performance indicator	Q1	Q2	Q3	Q4
Continue to develop a risk based enforcement plan. Review quarterly and at end of year.	Risk based enforcement plan produced and in operation. Stakeholders are aware of the contents.	Risk based enforcement plan is published on D&SIFCA website by April 2013	→	↔	↔	↔
Continue the development of a code of conduct for inspections, aligning D&SIFCAs activity and procedures with national standards.	IFCOs conduct professional inspections consistent with those of other enforcing authorities.	Code of conduct will have been revised by 30 October 2013. It will be available from the website and the office.		↔		
Work with partner organisations to develop a SLA regarding provision of standardised enforcement training.	Standardised enforcement training is available nationally and between enforcement authorities (IFCAs, MMO and EA).	SLA will be reviewed during 2013 in conjunction with partner organisations.			↔	
Nationally determined standards are developed for officers' enforcement knowledge and performance.	Suitable standards are produced for assessing officers' enforcement knowledge and performance. For any officer not reaching the standard, a personal development plan will be agreed.	Nationally determined standards will be regularly reviewed.			↔	
All enforcement officers to undertake national biennial or triennial enforcement training.	All IFCOs are trained to national standards	Officers attend enforcement training on a rolling basis.				↔
Consider the impact associated with displacement of effort following changes to byelaws	Assess the impacts on other fisheries, stocks and adjacent districts during development of byelaws	All new byelaws will include a consideration of effort displacement as part of the IA		↔		

Success Criterion 4: IFCA's work in partnership and are engaged with their stakeholders

Action	Intention	Performance indicator	Q1	Q2	Q3	Q4
Work with partner organisations to agree national MOUs, outlining ways of working and sharing of information.	Production of practical and workable national MOUs with partner agencies.	MOUs to be reviewed and amended annually.				↔
Discuss with partner organisations if specific and additional SLAs are required.	Determine if additional SLAs are necessary, if they are, suitable documents are developed. They will be reviewed annually.	The need for additional SLAs will have been assessed, and, if required, documents will have been developed and agreed by June 2013.	↔			
Develop a database from the current list of stakeholders. Review every six months.	Develop a strategy of engagement with the wider public.	A database of stakeholders will be setup by April 2011 and updated every six months.	→		↔	
Forms and other documents to be made electronically available via the D&SIFCA website.	To assist stakeholders, all regular forms (statistics and application forms etc) will be available from the D&SIFCA website, in addition to paper copies.	D&SIFCA website will give access to current information and all regular forms and documents may be downloaded by stakeholders.	↔		↔	

Success Criterion 5: IFCA's make the best use of evidence to deliver their objectives

Action	Intention	Performance indicator	Q1	Q2	Q3	Q4
Develop strategic research plan, consult and incorporate relevant comments, Committee considers and approves following any necessary amendments.	A strategic research plan is produced following full consultation with Members, partner organisations and other stakeholders.	Committee signs off review of strategic research plan (2012 – 2015) by 30 th June 2013.	←————→			
Develop an action plan of how key, mutually-beneficial information is to be shared between IFCA's and other key delivery partners.	An action plan developed regarding sharing of relevant information.	Annexes setting out this work will be produced for each individual MOU and reviewed every six months	←→		←→	
Representative research/scientific officer(s) to attend annual science conference	Annual scientific conference is attended to help develop best practice and common understanding of approaches, methodologies and protocols across all IFCA's.	D&SIFCA officers will attend annual IFCA scientific conference. Report made to the Authority at next quarterly meeting.			←→	
Representative D&SIFCA officer(s) to be proactively involved in TAG and other relevant national networks to share best practice.	D&SIFCA will have information to hand to make decisions, obtained from methods, protocols that follow best practice and have been developed nationally.	D&SIFCA officer will be proactively involved in relevant evidence networks to share best practice e.g. TAG.	←————→			
Ensure annual plan demonstrates the use of evidence, resources and capability as per the strategic research plan.	All annual plans will use the best possible sources of information including the strategic research plan.	2013/14 Annual plan and report will demonstrate use of evidence, resources and capability as per the strategic research plan.				←→
Additional research within the whole district to be linked to funding authority area in final report.	Identify areas where research is required to fill gaps to allow IFCA to make management informed decisions.	Research projects reported on annually	←————→			

Success Criterion 6: IFCAs support and promote the sustainable management of the marine environment

Action	Intention	Performance indicator	Q1	Q2	Q3	Q4
Work with partner organisations to develop shared objectives for the sustainable management of the District's marine environment.	To help D&SIFCA meet its own objectives, shared objectives for the management of the marine environment are identified.	Regular review of shared objectives in managing the marine environment will have been organised with partner organisations.	←————→			
Plans for educating and communication with coastal communities will be developed and followed.	Work toward a planned to produce plans for informing general public/stakeholders about D&SIFCA's work on sustainable management of the environment.	Plans and processes for raising awareness of D&SIFCA's work will be worked on annually	←————→			
Survey of relevant stakeholders is planned and undertaken. Responses to be fed into next years communication plans.	Feedback about effectiveness of engagement by D&SIFCA from relevant stakeholders is sought and acted upon.	First stakeholder survey completed by 31 March 2012.	←————→			
Work which identifies and prioritises fishery related issues impacting in the District.	D&SIFCA is able to demonstrate adoption of principles of best practice in sustainable management of marine environment (possibly through SEA or similar) by April 2015	Work will have continued on identifying and prioritising any issues impacting on the sea fisheries resources in the District	←————→			
D&SIFCA to lead on MPA Fishery Management plans for sites within the district.	Through the use of byelaws and management plans the revised approach by Defra will be delivered.	The matrix approach is followed and byelaws are in place to protect the first sites by December 2013, the rest by December 2016	←————→			
D&SIFCA to develop a sustainable RSA strategy	To develop a long term policy with regard to exploitation of sea fish resources by the RSA sector	Regular meetings with the RSA sector and the setting up of working groups to discuss the issues.	←————→			

Success Criterion 7: IFCA's are recognised and heard

Action	Intention	Performance indicator	Q1	Q2	Q3	Q4
Effectively engage with local and central government and partner organisations.	AlFCA is well run, to represent the interests on a collective and national basis.	D&SIFCA will be actively involved with the good governance and direction of the Association of IFCA's	←————→			
Arrange/attend regular liaison meetings and <i>ad hoc</i> joint or collaborative activities.	Efficient and effective partnership working is embedded into the D&SIFCA (and partner organisations).	Regular liaison meetings will be held every six months. Joint and collaborative activities will be attended.		↔		↔
A communication strategy is worked on for completion by April 2015.	Promotional/communication plans are developed as part of a listening and learning policy.	Strategy for promotion of D&SIFCA's work will be initiated during 3 rd and 4 th quarters.			←————→	
A "compliments, comments and complaints" data collection system to be developed.	Feedback forms will be sent to interested groups for comment on the work of the IFCA.	Annual feedback responses will be published in the annual report.	←————→			
D&SIFCA website updated monthly.	Website is up to date with relevant information and all forms are available for stakeholders to access.	Records kept showing D&SIFCA website is reviewed and updated monthly.	↔	↔	↔	↔
All D&SIFCA officers will be provided with, and will wear new IFCA uniforms.	Officers are recognised and respected as IFCOs.	All D&SIFCA staff are badged and are recognisable as IFCA officers	←————→			
Develop staff appraisal system suitable for D&SIFCA staff.	Staff appraisal system introduced to measure standard of behaviour toward and interaction with stakeholders and officers/staff of partner organisations.	Staff appraisals will be undertaken yearly with a six monthly review process.	↔			↔
Produce an annual report on the work of the D&SIFCA	By July 2013 to have produced a report detailing the work of the IFCA in the previous year.	Annual report delivered to the SOS and published on the IFCA website.		↔		

5 Performance Indicators

5.1 D&SIFCA partnership working

D&SIFCA developed Memoranda of Understanding (MoUs) with its key public authority stakeholders. The MoUs lay out in broad terms how the D&SIFCA will work constructively with the following agencies:

- Marine Management Organisation
- Environment Agency
- Natural England
- CEFAS
- Estuary Partnerships

As well as the detailed MoUs (which are available on the D&SIFCA website) the fact that the Marine Management Organisation, Environment Agency, Natural England are represented on the D&SIFCA will enable greater cooperation and coordination between agencies. D&SIFCA are looking to build on this relationship to establish protocols of how information will flow between organisations using this mechanism.

Work has also been undertaken locally to develop the annexes to the MoU with all partner organisations which will give details of how the organisations will operate together in the local context.

D&SIFCA will also continue to support and try and work through the IFCA National Technical Advisory Group (TAG), where ever possible to help it achieve its stated aims:

To improve the quality and extent of fisheries management information through better coordination and dissemination of fisheries related scientific research.

Define and apply best practice relating to the scientific & technical functions and responsibilities of IFCAs.

5.2 Stakeholder engagement, communication and consultation.

D&SIFCA has developed a stakeholder engagement and communication strategy which will continue to develop throughout the next year. D&SIFCA will look to work as closely as possible with partners and specifically with ASERA, Cornwall IFCA, Southern IFCA and Welsh Government Fisheries Department to try and deliver and implement these strategies.

Involving our stakeholders

We will seek to understand what our stakeholders need and develop our services around our stakeholders' expectations.

We will:

- regularly ask stakeholders for their opinions about our services.
- ensure that our stakeholders help shape the services we deliver.
- be honest about what we can do and what we can't.

Our people

We recognise that we rely on our staff to work with our stakeholders in delivering D&SIFCAs objectives. We will:

- ensure our staff are trained and competent to deliver our services.
- ensure our staff treat every user of D&SIFCA services as we would wish to be treated ourselves with respect, courtesy and understanding.
- ensure every member of staff undertakes continuous appraisal in how to work constructively with stakeholders.

Reaching us

We will provide different ways to help people contact us and access the services they need. We will:

- make information about D&SIFCA and its services easily available.
- publish opening hours and describe how to access services.
- maintain a D&SIFCA website.
- provide a welcoming, friendly environment, easily accessible to all.

How we communicate

We want to make every contact a positive experience for our stakeholders. We will:

- always listen carefully to what stakeholders and colleagues say.
- be polite and honest.
- give a contact name and details.
- let people know what will happen next.
- point people in the right direction if we can't help.
- provide a suitable environment for meetings and ensure confidentiality.
- write letters, emails and publications that are easy to read and understand.
- respond to letters and emails promptly and when that is not possible, we will send an acknowledgement with details of who is dealing with the matter.
- let people know if there will be a delay in responding.
- ensure answer-phone messages are clear and tell people when to expect a reply and offer an alternative contact.

Measuring how we perform

We want to make sure that our commitment to working closely with our stakeholders is making a difference, and we will assess our success by measuring what our stakeholders value. We will:

- seek regular feedback on stakeholder satisfaction.
- publish details of how stakeholders can tell us about complaints, pay compliments and give us feedback.
- investigate all complaints thoroughly, as quickly as possible, and learn from mistakes.
- set specific 'working with stakeholders' standards and publish the results.

5.3 Key Actions

- Training all staff in core standards of behaviour and how to interact with stakeholders.
- Continue our commitment to make our services (where appropriate) available electronically.
- Respond to all public enquiries within 10 working days

6 Risk Assessment of Annual Plan

The management of risk is considered in all activities conducted by the Devon & Severn IFCA. All employees are familiar with the management of risk and through developing risk assessments covering safe working practices through to scrutinizing invoices and purchase orders to identify financial risks. Risk assessments are reviewed on an annual basis at a minimum. The risk matrix below is reviewed on a regular basis by the senior management team and the Finance & General Purposes Committee of the Authority. The matrix in Appendix 3 highlights the risks identified for the financial years 2012 / 2013.

D&SIFCA Management and Governance risks

- Failure to meet new Devon & Severn IFCA objectives (CO)
- Injury to staff due to unsafe working practices (CO)
- Failure to maintain effective financial management and control. (CO & OM)
- Failure to secure data. (CO & OM)
- Failure of vessel assets (CO & DCO)
- High turnover of staff (CO IFCA)

D&SIFCA Operational risks – Failure to implement IFCA duties

- Failure to effectively monitor and enforce legislation (CO)
- Enforcement activities conducted in an unprofessional and uncoordinated manner. (CO)
- Failure to maintain survey / sampling programme. (CO)
- Degradation of environmentally sensitive / designated areas due to fishing activity. (CO & DCO)
- Shellfish stock collapse. (CO)
- Fisheries in the District impacted by the activities of developers / industry. Insufficient time to fully consider environmental impact assessments for inshore developments. (CO)
- Failure to fully engage with stakeholders. (CO)

7 Staff Training Plan

The D&SIFCA is committed to the training and development of staff and Members. The guidance and training needs of the Authority and its officers have to be regularly reviewed in the light of exterior and interior developments or pressures. This annual document will provide a mechanism for that procedure. A well designed training and development plan assists in achieving the Authority's objectives. Strategic issues arising from them can be converted into an individual's personal working objectives over a given time period.

Training can be obtained and delivered through a variety of routes or methods, including:-

- Teaching through formal 'classroom' facilities
- E-learning - via CDs, DVDs and web based programmes
- Being mentored by an experienced person
- Role play - for certain situations, particularly where procedure is important
- Experience 'on the job' - this is often forgotten as a training aid
- Blended activities which draw from some, or all, of the above options

The Service has used all of the above options at some point in recent years to train new and existing staff members. The flexibility of the options allows a cost-effective process to be used to train people to the minimum standards, and beyond.

Members

As the Members' future areas of work develop from the new duties arising from the MaCAA, various options for training will be brought to the Authority. Members are encouraged to suggest training sessions that they think will be useful

Enforcement Officers

The enforcement officers are required to undertake statutory safety courses (firefighting, first aid and survival at sea) and fisheries enforcement training on a regular basis to ensure they are completely up to date with emerging and existing fisheries legislation. All officers are required to have qualifications that enable them to handle the patrol vessel and the rigid inflatable boats. The skipper and deputy skipper have additional qualifications that require regular updating. MaCAA has introduced a whole raft of new powers for officers, and they will be trained formally through the Enforcement course and informally by in-house training sessions throughout the year.

Environment Officers

The environment officers are required to undertake statutory safety courses as well as rigid boat handling qualifications. Officers are also required to attend regular enforcement courses on a regular basis. In addition specialist training on survey techniques and analysis are undertaken at regular intervals.

Administrative Staff

Administrative staff are able to access a number of specialist courses as required. They are also encouraged to undertake the first aid course (every three years) when the enforcement and environment officers complete theirs to ensure there is sufficient first aid cover in the office. Other beneficial (personal development) training can be provided as part of the planning process for all members of staff as required. The individual staff training requirements will be agreed with every member of staff during annual appraisals, culminating in a personal development plan.

The statutory and specialised training already identified has helped to populate the table below. As the year progresses, other courses will be identified for attendance and regular update reports will be taken to D&SIFCA meetings as required.

As the building blocks of a staff management system are developed and put in place during the forthcoming year, the annual plan for 2013/14 will have a great deal more information on the training plan for staff, and also possibly for Members.

Staff training required in 2013

	Enforcement	Fire	Sea Survival	First Aid	RIB Training	Crane Operators	Other specialist training courses
Chief Officer		✓	✓	✓			
Deputy Chief Officer	✓	✓	✓	✓			✓
Principal Env Officer		✓	✓	✓			✓
Senior Env Officer		✓	✓	✓	✓		✓
Senior Officer					✓		✓
Fishery Officer		✓	✓	✓		✓	✓
Environment Officer		✓	✓	✓	✓		✓
Office Manager			✓	✓			✓

Succession Planning

Succession planning may be broadly defined as a process for identifying and developing potential future leaders or senior managers, as well as individuals to fill other business-critical positions, either in the short- or the long-term. In addition to training and development activities, succession planning programmes typically include the provision of practical, tailored work experience that will be relevant for future senior or key roles.

As part of the Authority's training for members of staff and Authority members recognition will be made for the need to plan for the loss of any member of staff to the Authority. A risk assessment and plan to deal with such an outcome will be included in future annual plans. The training and mentoring of key members of staff and Authority members will reflect this approach in future.

Service Description, Objectives, Standards and Targets

Like many businesses or organisations, the D&SIFCA Service unit needs to have clearly identified objectives, work standards and targets to attain. It also requires good delivery mechanisms if it is to improve on a yearly basis. The increasing pressures on budgets and a desire for the organisation to be open and transparent to stakeholders and revenue providers, requires us to formally set and record the processes to provide the necessary scrutiny.

Service Description

The Authority is an employer under section 165 of MaCAA 2009, having an establishment comprising 9 full time staff and 1 part time office manager. Most of the officers have dual roles.

Chief Officer

– responsible for :-

Management of Service and resource
Budget control
Health and Safety Training
Data Protection and FOI

Deputy Chief Officer

– responsible for:-

Managing enforcement officers' activities
Enforcement regime
Programming patrols
Byelaw monitoring
Statutory Consultation responses
Website

Principal Officer (Research)

– responsible for:-

Research programmes
Marine environment issues
Statutory consultation
Upkeep of Authority research equipment

Senior Officer (Enforcement)

– responsible for:-

Command of patrol vessel
Safety of patrol vessel and crew
Upkeep of safety equipment for all vessels
Official ship's paperwork for all vessels

Senior Officer (Environment)

- responsible for:-

Managing research programmes
Guidance on environmental issues
Reporting to Authority
Upkeep of Authority equipment

Enforcement Officer

– responsible for:-

Enforcement Officer duties
Upkeep of RIBs
Upkeep of Authority vehicles
Work with research officer
Website

Environment Officer

- responsible for –

Undertaking research programmes
Reporting
Identifying research requirements
Upkeep of survey equipment

Office manager

– responsible for:-

Managing office systems
Ordering and purchasing
Administration of Data Protection
Office budget

The majority of D&SIFCA officers are mobile and carry out a variety of job specific tasks within the entire IFCA district. Officers regularly visit harbours, landing places, premises and estuaries around the district by road. The administrative officer is office based. The chief officer and deputy chief officer spend large amounts of time in the office but still have a requirement to be mobile when required, spending time at sea and on the road. A wide range of meetings are also attended throughout the year.

The main work streams for the Service are:-

- i. The protection of the MPA network within the district.
- li Enforcement of fisheries legislation at sea and ashore;
- iii Collecting data through research and survey (practical and desk based);
- iv. Management and maintenance of physical resources;
- v. Administration, including finance, data protection and record keeping;
- vi Providing advice (official consultations, general fisheries and environmental enquiries and *ad hoc* stakeholder enquiries); and
- vii Acting as intermediary and facilitator.

The objectives of the Service are as follows:-

- i. To provide a professional, effective, efficient and equitable enforcement regime in the inshore waters around the Devon and Severn coast;
- ii. Ensure the best possible fishery management practices and research techniques are utilised as an ongoing process;
- iii. Continue to improve our standards and monitor our performance;

- iv. Provide stakeholders and the general public with information and/or data, and improve access to that information/data by electronic means;
- v. Work in partnership with other organisations (e.g. CEFAS, MMO, EA, research bodies, NGOs) to help ensure a better service is delivered through shared sources of information; and
- vi. Proactive Involvement with stakeholders and interested parties by means of public meetings and structured presentations, and obtain feedback.

Service Delivery Priorities

Delivery of the Service will be through the following mechanisms:-

- Technical and research documentation for the benefit of the Authority and wider scientific community, based on practical experiences and survey work.
- A proactive enforcement regime both on shore and at sea. A high level of land based enforcement will back up and complement the sea patrolling operations.
- Reports to the D&SIFCA on a quarterly and annual basis setting out activities of the Service, measured against the performance indicators and other criteria.
- Information, down-loadable forms and byelaws available on the website for stakeholders to access.
- A proactive role in identifying and undertaking research, monitoring and other initiatives for the benefit of inshore waters.
- A reactive role in responding to consultation or similar documents.
- Involvement in additional activities (including a gap analysis) that have, or could have, an impact on the marine environment.
- Undertake a fisheries audit for the entire district and maintain it as a useable database.
- A professional and effective enforcement regime operated largely on a risk based approach to known, suspected, and the more probable areas of regulation infringement(s).
- A programme of consultation meetings with stakeholders in the fishing industry (including recreational interests) to ensure that any substantive issues raised are drawn to the attention of the Authority.
- Regular engagement with all partner agencies.
- Endeavouring to write reports and correspondence in “Plain English” wherever possible (any necessary training will be undertaken).
- Actively seek external funding support for any relevant projects.

Service Standards

As part of D&SIFCA's commitment to customer care, the following standards have been set so that customers know what to expect when dealing with the Authority and its staff.

Employees will:-

- Identify themselves when dealing with anyone.
- Answer letters or send a holding letter within 10 working days of receipt.
- Deal with complaints in accordance with the D&SIFCA's procedures.
- Be courteous and endeavour to be helpful at all times.
- Provide information on our services and facilities.
- Consult on important issues and ask for people's views about our services.
- Greet someone within 1 minute, when they attend our office.
- Provide confidential interview facilities if needed.
- Notify any suspected offenders, where an offence is to be prosecuted in Court, within 6 months of detection of the offence.

Appendix

Appendix 1 Statutory Duties

The Marine and Coastal Access Act 2009 lay down the procedure for the establishment of Inshore Fisheries and Conservation Authorities (IFCA). The Devon and Severn IFCA was constituted on 1st April 2011

The Authority has obligations under the Act with regard the management of Marine Protected Areas of which lie partly or in whole within the boundaries of the IFCA district. At present there are 18,000km² of Special Areas of Conservation (SAC) and Special Protection Areas (SPA) within the IFCA district. By 2015 a network of Marine Conservation Zones (MCZ) will be added to the work of the IFCA. The IFCA has responsibility for the management of fisheries and fishing activities likely to have an impact on these sites through a raft of legislation which includes –

Wildlife & Countryside Act 1981

Sea Fisheries (Wildlife Conservation) Act 1992

Conservation (Natural Habitats & c) Regulations 1994

Environment Act 1995

Countryside & Rights of Way Act 2000

Natural Environment & Rural Communities Act 2006

Marine & Coastal Access Act 2009

Much of this legislation is derived from EU Directives and as such failure to comply and adhere to the legislation can lead to action and possible infraction by third parties on the UK Government. With the publication of the Localism Bill this could lead to fines levied on the UK Government being passed down to local Authorities or the IFCA.

The Marine and Coastal Access Act also sets out the main duties to be undertaken by the new authorities. The Secretary of State (SoS) may give guidance to the authority for an IFCA district with respect to performance. The SoS must give guidance as to how to perform the management of the exploitation of sea fisheries resources and an IFCA must have regard for the guidance.

The Authority for an IFC district must manage the exploitation of sea fisheries resources in that district.

In performing its duty the Authority for an IFC district must seek to ensure that the exploitation of sea fisheries resources is carried out in a sustainable way.

This is a wide ranging statement - inshore fisheries encompass many different forms of exploitation ranging from trawling (beam, otter, mid-water), potting, angling, bait digging, shellfish gathering, shellfish farming, to long lining, netting (drift, gill, seining, fixed, stake). The control exercised over these different methods is currently exercised by the byelaws. Currently there are 39 byelaws applicable to Devon & Severn IFCA. As part of the work the IFCA is reviewing all current byelaws which must be undertaken by 2015 to assess whether they are fit for purpose and meet the needs of the current situation within the district. Through Hampton Principles the IFCA will where possible limit the use of legislation to control issues and should in the

first instance seek a voluntary agreement but this still requires a presence by the IFCA to monitor adherence to the solution and in some cases arbitrate conflicts. If this process fails to solve the issues then there may be a need for additional byelaws to help protect the nature conservation interests from fishery impacts. The byelaw renewals have a requirement to undertake Strategic Environmental Assessments prior to establishing byelaws this included in the Act which will impose an additional workload on the IFCA.

In order to ensure that byelaws are being adhered to enforcement is required. The majority of byelaws concern operations at sea or within estuaries. It is therefore essential that a means of independent transportation on water is available to enforcement officers.

There are complications in this respect with regard to the operation of commercial vessels. Managers are required to adhere to rules and regulations concerning operational qualifications of the crew, safety at sea, manning levels etc. All current IFCA staff have dual roles insofar as they are trained mariners in addition to being qualified Fisheries Officers.

Through the application of Fixed Administrative Penalties fines can be levied against infringements of national and byelaws and will be considered prior to instigating court proceedings.

Fines for byelaw infringements have been increased to a maximum fine of £50,000 under MACAA. Following a guilty verdict the court may order the forfeiture of any fishing gear used in the commission of the offence and any sea fisheries resources in respect of which the offence was committed. This demonstrates the determination of Government to control illegal activities in coastal waters.

The burden of proof required in a magistrates court is such that enforcement officers when policing illegal activities at sea need to catch offenders in the act. Therefore the task of enforcing byelaws can be labour intensive. Current staffing levels within the IFCA reflect this fact with 9 officers employed to enforce the current byelaws throughout the whole of district.

Seek to balance the social and economic benefits of exploiting the sea fisheries resources of the district with the need to protect the marine environment from, or promote its recovery from, the effects of such exploitation.

This highlights the need for the officers of the IFCA to establish a good working relationship with all users of the marine environment which in turn requires officers on the ground to gather data but also to disseminate the work of the IFCA to the wider community. If controls on an activity are to be introduced then a part of the Strategic Environmental Assessment will include any effect such a byelaw would have on the community.

Take any other steps which in the Authority's opinion are necessary or expedient for the purpose of making a contribution to the achievement of sustainable development.

Seek to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district.

The differing methods employed in the capture of fish can lead to altercations between fishermen. On the one hand one section of the community may wish to shoot fixed gear in a certain area and towed gear fishermen may want to fish in the same area. Gill net fishermen and anglers often clash with both sections wanting to fish the same marks. IFCA officers are able to speak to both sides and more often than not act to broker agreement between the two factions. If in the event the problem becomes insurmountable and not able to be solved by mutual agreement then a byelaw may be framed to address the problem.

Note:- IFCA's will not be masters in their own districts, other organisations such as the MMO, NE and EA will also have a presence and in order to 'seek to ensure' that exploitation of sea fisheries resources are carried out in a sustainable way close co-operation with these organisations will be required. In this respect MOUs are being exchanged between MMO, NE and EA.

This statement means that there is an obligation on the IFCA to undertake such duties as may be required by these other authorities.

A new duty is the Protection of Marine Conservation Zones (MCZ). Under the Act "The Authority for an IFC district must seek to ensure that the conservation objectives of any MCZ in the district are furthered"

In real terms this means that all byelaws which are established in a MCZ or SAC by either of the aforementioned authorities as well as any IFCA byelaw must be enhanced and enforced by the IFCA.

An example of enhancement would be if the MMO established a byelaw to the effect that it is an offence to damage pink sea fans within an MCZ then it is for the IFCA to establish a byelaw banning any damaging fisheries activity. An IFCA officer may also enforce MMO byelaws in an MCZ adjacent but outside of the IFCA district under a site specific warrant.

Section 129 of the Act "Byelaws for the Protection of MCZs in England" makes provision for :-

- a) prohibiting or restricting entry into, or any movement or other activity within, the MCZ by persons or animals;
- b) prohibiting or restricting entry into, or any movement or other activity within, the MCZ by vessels or (where appropriate) vehicles;
- c) restricting the speed at which any vessel may move within the MCZ or in any specified area outside the MCZ where the movement may hinder the conservation objectives stated for the MCZ;
- d) prohibiting or restricting the anchoring of any vessel within the MCZ;
- e) prohibiting or restricting the killing, taking, destruction, molestation or disturbance of animals or plants of any description in the MCZ;
- f) prohibiting or restricting the doing of anything in the MCZ which would interfere with the sea bed or damage or disturb any object in the MCZ.

Another area of responsibility will be the management of European Marine Sites (EMS) which include Special Areas of Conservation (SACs) and Special Protection Areas (SPA) created under Natura 2000 and subject to EU conformity. Currently within the district the following areas protected are -

- Bristol Channel
- Lundy Island
- Plymouth Estuaries
- Start Point, Plymouth and the Eddystone
- Lyme Bay & Torbay
- River Exe

In addition to EMS, Marine Conservation Zones are being designed for areas throughout the UK. The aim is to set up a network of protected areas around the coast. The MCZ will have various designations from protected status to highly protected. Management methods will have to be drawn up following consultation and byelaws may be needed to enhance the protection of the features. In the south west the process is being promoted through the Finding Sanctuary project. This has now been finalised for the first tranche of sites and these will be designated by July 2013. There are four MCZ sites in the D&SIFCA district.

An IFCA officer is required to be a trained specialist because apart from enforcing the nature conservation regulations all of the officers are also given 'Common Enforcement Powers'.

The powers include:-

- a) Power to board and inspect vessels and marine installations
- b) Power to inspect and enter premises
- c) Power to enter and inspect vehicles
- d) Powers of search, examination etc.
- e) Power to require the production of documents
- f) Powers of seizure

As the wording implies these powers allow the officers to enforce legislation on shore as well as afloat. Black market and undersize fish is transported, sold and stored and these powers are welcome tools to fishery officers. It gives the officers the opportunity to investigate possible infringements throughout the whole of their district.

The provisions that may be made by an IFCA byelaw include, prohibition or restriction of exploitation of sea fisheries resources, permits, vessels, methods and gear, protection of fisheries for shellfish, monitoring and exploitation of resources etc.

There is also a provision requiring vessels to be fitted with specified equipment if required and for vessels to carry on board specified persons, or persons of a specified description, for the purpose of observing activities carried out on those vessels. This list is not exhaustive - for a more comprehensive explanation reference should be made to the Act.

Introduction

The Department for Communities and Local Government published a policy statement of Part 2 of the Localism Act 2011 (“the Act”) in July 2012, relating to the liability of public authorities to pay financial sanctions consequent upon any under infraction proceedings taken against the United Kingdom for breaches (including failures to implement) EU law.

An IFCA is a public authority, as, clearly, is a Local Authority constituent of an IFCA. In order to understand the implications of the Part 2 of the Act on IFCAs, this paper sets out some background to the processes and potentialities thrown up by the relationships between EU law and public authority obligations.

IFCA Membership obligations

There is a transparent Parliamentary intention setting out the role and function of coastal Local Authorities as key IFCA members. The basis is local accountability for fisheries and conservation management as noted in the Hansard record of the debates at the time (emphasis added)

“They will have more money and strengthened powers, but will keep local involvement in decision making. In terms of membership, there will be statutory seats on each IFCA for the Environment Agency, Natural England and the MMO. Around a third of seats will be allocated to single and upper-tier local authority members...

... I have discussed funding arrangements, which will be strengthened by ensuring that all single and upper-tier local authorities with a coastline contribute to the funding of their local IFCA” (Huw Irranca Davies Hansard, Columns 156-158 Session 2008-09 General Committee Debates Marine and Coastal Access Bill [Lords])

Parliamentary accountability is also required though the statutory reporting requirement, and it is in this way that a tighter regulatory overview is placed upon the IFCAs. During the passage of the MACAA through its Bill stages it was clear that there would be no exceptions to the guiding principles of geographical (coastal) contribution

“Previously, some—for example, Liverpool—chose to opt out of contributing, but all local authorities will now be required to pay a proportionate share towards the funding.” Hansard, Columns 159 Session 2008-09 General Committee Debates Marine and Coastal Access Bill [Lords])

Relationships to other duties

IFCAs exercise a public authority function. They have, and will further, become authorities responsible (competent authorities) for the delivery and enforcement of a raft of EU secondary legislation. Current obligations in drivers exist under Directive 92/43/EC (the Habitats Directive²); Directive 2000/60/EC (the Water Framework Directive); and the Directive 2008/56/EC (Marine Strategy Framework Directive). The obligations, particularly with regard to the Habitats Directive are complex and a stated priority area for enforcement by the Commission.

¹ A fully worked-up and referenced paper is available on request.

² Which has a synergistic relationship with Directive 2009/147/EC (The Birds Directive)

Potential for IFCA liabilities

Where IFCA's are unable to or do not fulfil their obligations, the risk of EU infringement action against the UK thus presents itself. The impact of such action would lead, were the UK to be found in breach to a financial penalty, which would in turn be passed down the line to the perceived cause.

Legal Basis for EU infringement (infraction) proceedings

Article 258 of the Treaty on the Functioning of the European Union ("TFEU") permits the Commission to bring proceedings before the Court of Justice against a Member State for a breach of EU law. This results in a process which directs that the breach to be remedied following a negative finding by the Court. If it is not, a financial penalty could be applied at a further hearing pursuant to art. 260(2): examples of such penalties are boxed below. The TFEU has speeded this process up considerably by removing one stage of the pre-litigation process (potentially equating to 18 months in real time, which a state would have had to put right the faulty implementation). All that is required is a letter of formal notice, which if it is not answered satisfactorily may then at the discretion of the Commission lead to a reference to the Court.

Additionally art 260(3) permits a lump sum or penalty payment to be imposed in the same judgment which finds that a Member State has failed to fulfil its obligations. The Commission's stated purpose of this development is to give a stronger incentive to Member States to transpose directives within the deadlines laid down by the legislator and hence to ensure that Union legislation is genuinely effective.

Example Box

Financial penalties are in the form of lump sums and/or penalty payments

C-387/97 *Commission v Greece* [2000] (waste)

€ 20,000 per day penalty payments (total € 5,000,000)

C-278/01 *Commission v Spain* [2003] (bathing water)

€ 624,150 per annum for each 1% of bathing waters not in conformity

C-304/02 *Commission v France* [2005] (fisheries)

€ 57,000,000 per 6 months penalty payment AND a lump sum of €20,000,000

C-374/11 *Commission v Ireland* [2011] (waste)**

€ 12,000 per day penalty payment; and €2,000,000 lump sum

** It should be noted that in this case, and Case C-279/11 *Commission v Ireland* (EIA) heard on the same day and with an additional €1.5 million lump sum, Ireland's liability was significantly reduced by the Court after its arguments in relation to the impact of the Eurozone financial crisis were accepted as a mitigating factor in relation to the penalty – but not the infraction.

Guidance on financial penalties

The most recent Commission guidance (C(2012) 6106) notes that there is a standard 'entry level' payment for either lump sums or penalty payments applied per day of the infringement persisting. This is multiplied against a co-efficient (the 'n' factor: UK = 17.54) which is different for each EU state, principally based on GDP.

Example Box

The minimum lump sum applicable to the UK would be € 9,299,000

Guidance on the use of the EU infringement process

The Commission's own guidance notes that it enjoys a wide discretion in its determination of when it will deploy the new measure. It states that it will do so "when it deems appropriate". A conservative interpretation would imagine this discretion to be exercised in a similar way that the decision as to whether to bring proceedings at all is in question.

Application in an Environmental/Conservation context

A 2008 Commission Communication ³ very clearly identified shortcomings in 'deadlines and completeness during the adoption of national legislation' that EU laws relating to nature required more effort to manage sites in line with conservation objectives. Greater and more immediate use of the infringement processes were the stated response and this policy is now beginning to show itself through more actions taken against member states.

Localism Act

Part 2 of the Act, in force since May 2012 empowers central government to pass the cost of infraction proceedings (defined in s48 as applying to art. 260(2) proceedings). Government policy is to 'devolve' the responsibility to pay, or at least contribute, to public authorities (defined in s51) where they have '*demonstrably caused or contributed to the infraction in relation to which the financial sanction was imposed*' (s55). The concept is thus to incentivise public authorities to fulfil their EU law obligations, and reflect greater financial and legal accountability.

Section 55 does however require that regard must also be had to the authority's finances and whether they have the means to pay the fine.

Conclusions

The UK has not, as yet, been the subject of EU infraction proceedings. The changed basis of the procedure increases the chances rather than diminishes them. The EU's stated intention to get greater impact from environmental and conservation law programmes prompted the use of the process, and it has continued to be deployed. The most recent amendments to the Treaty means it is quicker and easier for the Commission to use it for transposition failures. Currently, the definition of infraction proceedings in the Act seems to exclude art. 260(3) proceedings from the potential for reclaiming costs. It would appear that this is because it essentially depends upon central government responses. It is unclear as to how this might develop given the devolution of responsibility from central government to secure the transposition realities of EU secondary legislation.

In this situation it is imperative that a public authority charged with an EU law compliance function is able to fulfil its obligations.

³ On implementing European Community Environmental law COM(2008) 773/4

Appendix 2 DEFRA High Level Objectives

Success Criterion 1: IFCA's have sound governance and staff are motivated and respected		
High level objective	Outcomes	Performance Indicators
1a	By April each year, publish an annual plan that meets the minimum standards as set out in Defra's guidance, setting out the Authority's main objectives and priorities for the year.	The IFCA has an annual plan that clearly sets out, in a way that is easy to understand, what the Authority does and its main objectives and priorities for the coming year.
1b	Demonstrate a long term, strategic approach to sustainable marine management, in line with duties in MaCAA (First formal review in 2015).	The Annual plan will be prepared and published by 30 th April each year.
1c	Report reviewing marine sustainability issues and fisheries management in the District and proposing new management measures to address concerns.	By 31 March 2012, officers will have started to identify, prioritise any issues impacting on sea fisheries resources within the District, leading towards the introduction of suitable management plans to be in place by April 2015.
1d	Develop and deliver a people capability strategy, which ensures that staff can deliver the organisational objectives as set out in annual plans.	Gaps in the capability of the IFCA to meet its duties and objectives are assessed; proposals for addressing problems are in place.
1e	Staff management systems are in place that include: <ul style="list-style-type: none"> An annual staff performance monitoring system A performance improvement procedure 	A staff management system will be in place to meet the requirements of the objective.
		A staff management system, including training and development plans, will be developed and tested during 2011. The system will be implemented during 2012 following approval by the Committee and staff.
1e	By September 2012, demonstrate that staff are engaged with the objectives of the organisation, can influence the direction and development of the organisation and are free to constructively challenge decisions without reproach.	Motivated and committed staff and members
		Work will start during 2011/12 on developing and implementing systems that enable all staff and members to contribute to, and comment on all IFCA policies and business. This work will be completed by September 2012. The systems will follow best practice/principles in investing in people.

Success Criterion 2: Evidence based, appropriate and timely byelaws are used to manage the sustainable exploitation of sea fisheries resources within the District.

High level objective	Outcomes	Performance Indicators	
2a	<p>By April 2015 demonstrate that:</p> <ul style="list-style-type: none"> key issues likely to impact on the sustainable management of the marine environment in the IFC district are identified and evaluated using the best available evidence and a range of management options is considered; the impacts that different courses of action might have in managing those key issues are thoroughly evaluated; proportionate regulation (for example introducing a legal mechanism such as a byelaw) is used as a last resort; the effectiveness of interventions to improve the delivery of beneficial outcomes is continuously monitored; and there is a clear IFCA Committee process for dealing with agreed interventions quickly, efficiently and effectively, particularly for emergency byelaws. 	<p>Agreed policies and processes in place to review and amend byelaws and make new ones as required.</p> <p>Process to decide on the most appropriate management measure to apply to address fisheries and wider sustainability concerns as they arise, including the making of emergency byelaws.</p> <p>Process to assess the effectiveness of management measures in the District</p>	<p>From April 2011, assessment of issues impacting sea fisheries resources within the IFC District will have begun to identify, prioritise and, where appropriate, develop suitable management plans to be in place by April 2015; management plans and progress against them will be reflected in annual plans and reports</p> <p>All byelaws made after April 2011 will meet the requirements of Defra guidance</p> <p>From April 2011, work will be progressively initiated to ensure necessary records and database systems are in place to inform decision making.</p>
2b	<p>By April 2015, all legacy byelaws have been reviewed and evaluated against current evidence base; redundant and duplicate byelaws have been removed and gaps covered.</p>	<p>By April 2015, all legacy byelaws will have been reviewed and evaluated against current evidence base; redundant and duplicate byelaws have been removed and gaps covered</p> <p>All Byelaws meet the management and enforcement goals of IFCA at all times</p>	<p>The byelaw review will be started during first quarter of 2011/12 and every effort will be made to complete the process by April 2013.</p> <p>All byelaws made after April 2011 meet the requirements of Defra guidance</p>

Success Criterion 3: A fair, effective and proportionate enforcement regime is in place

High level objective		Outcomes	Performance Indicators
3a	Demonstrate the use of a transparent, risk-based enforcement framework that meets the minimum standard set out in government guidance and is continuously reviewed and improved	Develop and review annually an enforcement framework that is compliant with government best practice	An annual enforcement risk register will be published on the IFCA's website and available for viewing at the IFCA's office by 30 April 2011.
3b	Develop a code of conduct for inspections that aligns IFCA activity and procedures with national standards.	IFCA officers conduct professional inspections in a manner consistent with inspections conducted by other enforcing authorities throughout England.	A code of conduct for inspections, both ashore and at sea will be created by 30 October 2011. This will be reviewed annually. The code of conduct will be published on the website and available from the IFCA office.
			A SLA will be developed between IFCAs, MMO, NE and the EA during 2011 regarding the provision of standardised enforcement training and secondment process, for completion by 30 April 2012.
			Each enforcement officer's (IFCO's) enforcement knowledge and performance is assessed to nationally determined standards (developed by 30 April 2012) on a biennial or triennial attendance of the national enforcement training course.

Success Criterion 4: IFCA's work in partnership and are engaged with their stakeholders

High level objective	Outcomes	Performance Indicators	
4a	<p>By April 2011, develop Memoranda of Understanding (MoUs) or Service Level Agreements with key partners, including Cefas, MMO, Natural England and the Environment Agency, that outline agreed ways of working and sharing information and, by April 2012, demonstrate that they are being utilised.</p>	<p>IFCA's and key partners have a clear understanding of their roles and joint responsibilities</p> <p>The production of a comprehensive package of national and local Memoranda of Understanding (MoUs) and/or service level agreements (SLAs).</p> <p>Efficient and effective partnership working between all relevant parties and each IFCA.</p>	<p>Initial MoUs will be agreed and adopted by end of April 2011.</p> <p>Discussions will have been held with partner organisations with regard to SLAs; SLAs (if required) are agreed and adopted by 31 March 2012.</p> <p>Each MoU and SLA will be reviewed annually to ensure effective delivery of objectives as defined in the annual plan; progress against MoU action plans will be reflected in annual reports</p>
4b	<p>By April 2012, develop a stakeholder engagement and communication strategy with corresponding plans that:</p> <ul style="list-style-type: none"> • demonstrate transparency and a balanced approach to dealing with key stakeholders; and • enable consideration of stakeholder views when making decisions. 	<p>Develop a strategy for engagement with the wider public. Work with other agencies.</p> <p>Develop website to allow proper engagement with identified and agreed stakeholder groups.</p> <p>Develop database of identified and agreed stakeholder groups that would find it difficult to engage via the website.</p>	<p>A database of stakeholders from the current list will be setup by April 2011. The list will be updated continually, but as a minimum every 6 months. The contacts list will be reviewed annually.</p> <p>By December 2011 a website will have been developed to give access to current information and all regular forms and documents will be provided for downloading electronically by 30 March 2012. The website will be reviewed and updated monthly.</p> <p>Interpretation and information boards will be mounted around fishing stations and harbours to allow greater interaction with stakeholders by 31 March 2012.</p>

Success Criterion 5: IFCA's make the best use of evidence to deliver their objectives

High level objective	Outcomes	Performance Indicators
5a	By April 2012, put procedures, plans and appropriate records systems in place that demonstrate that the best available, quality-assured evidence, whether acquired in-house or externally, is used appropriately in decision-making at all levels. These procedures, plans and records systems must meet minimum standards as set out in government guidance and EU legislation.	The IFCA is provided with accurate and timely evidence-based information upon which to base its management decisions and the reasons for decisions are clear, transparent and communicated effectively.
		By 31 March 2012, committee to signs off the strategic research plan, which has under gone consultation, covering the period until April 2015.
		The research plan will be published each year Future IFCA annual reports will demonstrate how evidence has been used in decision making processes
5b	By April 2012, have an agreed action plan of how key, mutually-beneficial information will be shared between IFCA's and with key delivery partners to improve efficiency and the delivery of beneficial outcomes.	IFCA's provide relevant information to, and have access to relevant information from key delivery partners.
		By 31 March 2012 develop and agree MoUs with delivery partners and review annually.
		IFCA representative will take part in annual IFCA scientific conference IFCA representative will be proactively involved in relevant evidence networks to share best practice, e.g. Technical Advisory Group.
5c	By April 2013, demonstrate that there is the in-house capability to collect, analyse and interpret evidence to inform management policy decisions and meet the minimum requirements laid out in government guidance on evaluation and monitoring.	IFCA's have the technical capability to collect, analyse, interpret and manage evidence.
		IFCA's have personnel within the organisation with appropriate skills to ensure that management decisions make the best use of available evidence
		The IFCA annual plan and report will demonstrate use of evidence, resources and capability as per strategic research plan. Research reports will be peer reviewed where appropriate prior to publication.

Success Criterion 6: IFCA's support and promote the sustainable management of the marine environment

High level objective		Outcomes	Performance Indicators
6a	By April 2012, with partner organisations develop shared objectives for the sustainable management of the District's marine environment and ensure that they are reflected in annual plans	Shared objectives for management of the marine environment have been identified with partner organisations and IFCA's meet their own objectives in conjunction with others, where possible	By 31 March 2012 shared objectives in managing the marine environment will have been identified with partner organisations. In the same time frame, the likely impact on the IFCA's objectives will have been identified.
			Shared objectives will be set out in future annual plans
			Progress of shared objectives will be reported on in annual reports
6b	By April 2013, develop and implement action plans for communicating and educating coastal communities about sustainable management of the marine environment	Raised awareness of IFCA's work allows marine and coastal users to be better able to engage with the sustainable management of the marine environment	Work will be initiated in 2011 to start to develop plans and processes for raising awareness of IFCA's work. This work is not targeted to be completed until 31 March 2013
			Examples of engagement will set out in annual reports
			Feedback from relevant stakeholders regarding the effectiveness of engagement will routinely be sought. First survey will completed by 31 March 2012.
6c	By April 2015, demonstrate adoption of the principles of best practice in sustainable management of marine environment for the District, as exemplified using tools such as Strategic Environmental Assessments.	IFCA's are aware of and adopt the principles of best practice in sustainable management of the marine environment for the District IFCA's are adopting the principles of the UK's Marine Policy Statement and marine plans	By 31 March 2012, officers will have started to identify and prioritise any issues impacting on sea fisheries resources within the District, leading towards the introduction, where appropriate of suitable management plans to be put in place by April 2015.
6d	By April 2015 at the latest, but showing progress from April 2011, demonstrate adoption of minimum standards (for example in line with government guidance on sustainable development) and a precautionary approach for the management and protection of sites of special scientific interest, national nature reserves, Ramsar sites, European marine sites, and/or Marine Conservation Zones within the IFCA district.	IFCA's are working in partnership with key delivery bodies to enable marine protected areas within their Districts to be managed sustainably IFCA's are delivering the principles of sustainable development, as set out in Government guidance	Assessment of the condition of marine protected areas by statutory bodies, where available, will have been taken into account when developing suitable management plans, by 31 March 2012.
			The IFCA will be able to demonstrate effective representation on relevant management boards/steering groups for marine protected areas, where appropriate, by 31 March 2012.
			IFCA's can demonstrate delivery of the principles outlined in Government guidance on sustainable development (Ongoing commitment from April 2011)

Success Criterion 7: IFCA's are recognised and heard

High level objective		Outcomes	Performance Indicators
7a	By April 2012, demonstrate ability to effectively engage with local and central Government and key partner organisations at a national level, to the benefit of IFCA's as a whole.	The IFCA's create an Association to represent their interests on a national and collective basis.	By 31 March 2012, the IFCA will be actively involved, through membership, in the direction, good governance and running of the Association.
		The production of a comprehensive package of national and local Memoranda of Understanding (MOUs) and/or service level agreements (SLAs).	Initial MOUs will be agreed and adopted by end of April 2011; SLAs (if required) will be agreed and adopted by 31 March 2012. Each MOU and SLA to be reviewed annually to ensure effective delivery of objectives as defined in the annual plan.
		Efficient and effective partnership working between all relevant parties and each IFCA.	By 31 March 2012, partnership working will be embedded in the IFCA (and partner organisation), evidenced on an annual basis by regular liaison meetings and joint, or collaborative activities as defined in the annual plan.
7b	By April 2013, develop a strategy and corresponding action plan for promotion of the work of IFCA's and the benefits that they offer to the local community, and demonstrate implementation of the action plan by April 2015.	A strategy and corresponding action plan for the work of IFCA's is delivered by 2013	Work will be initiated during 2011 toward developing a strategy for the promotion of IFCA's work, including the development of promotional / communication plans. This work is to have been completed by 31 March 2013. Promotional/communication plans will be reviewed annually.
		Promotional/Communications plans developed by each IFCA as a part of a "listening and learning policy".	By 31 March 2012 a 'compliments, comments and complaints' data collection system will be developed, to analyse data received from stakeholders and general public. Information on the collected data will be included in future annual reports.
		Each IFCA annual report contains evidence and information on progress of the IFCA in delivering the promotions strategy.	By 30 April 2011 all IFCA staff will be badged so as to be recognisable as IFCA officers, who following internal training, will be able to speak with authority on the IFCA 's aims and objectives.
		IFCA staff fully trained to promote the aims and objectives of the authority.	By 31 March 2012 annual staff appraisals will be undertaken to measure the standard of behaviour toward, and interaction with, stakeholders, general public and officers/staff of partner organisations.

Appendix 3

Risk Assessment Matrix

Description	Risk High 4 - 3 - 2 - 1 Low				Mitigation	Residual Risk
	Impact	Likelihood	Financial	Reputation		
Degradation of environmentally sensitive/ designated areas due to fishing activity	4	2	3	4	<ul style="list-style-type: none"> • Effective enforcement • Undertake an adaptive co-management approach to fishing • Work closely with Management groups for MPAs • Undertake Strategic Environmental Assessment for district. • Introduction of proactive public education and outreach programme • Continue present data gathering • Undertake audit of environmental features likely to be affected by fishing activity • Use of new technology to monitor fishing activity within the district. 	2
	Loss of important habitat and species	Environmental welfare a statutory material consideration in IFCA management decision making process	<p>Fisheries responsible closed.</p> <p>Increased pressure from conservation groups to stop fishing activities</p> <p>Possible Judicial Review & possible breach of UK statutory duties & possible EU Infraction with financial liability for local taxpayers</p>	IFCA not meeting statutory duties under EU & UK conservation legislation.		Fishing activity can damage protected habitat and species.

Description	Risk High 4 - 3 - 2 - 1 Low				Mitigation	Residual Risk
	Impact	Likelihood	Financial	Reputation		
Enforcement activities conducted in an unprofessional and uncoordinated manner.	4	2	3	4	<ul style="list-style-type: none"> • Regular staff meetings • Regular staff training • Staff appraisals • All IFCOs receive regular PACE training • All seconded officers receive regular training. • Code of Conduct for inspections at sea and ashore developed • Standard boarding forms developed • Standard legislation notes provided to all IFCOs • Legislation notes regularly updated • IFCO trained alongside MMO boarding officers • Adequate budget identified for training of IFCOs • Compliance & Enforcement Strategy published on website 	2
	<p>Inconsistent approach to fisheries enforcement.</p> <p>Enforcement problems and non compliance with legislation.</p> <p>Poor morale amongst IFCA staff.</p>	<p>Misinformation may be given by officers or information may be misinterpreted by fishermen.</p>	<p>Wrong interpretation of legislation may lead to loss of earnings of fishermen.</p> <p>Possible financial liability incurred for local taxpayers</p> <p>Uncoordinated enforcement may lead to over regulation by enforcement bodies.</p> <p>Failure of court cases with a loss of 'cost recovery'</p>	<p>Failure to carry enforcement efficiently and effectively reflects poorly on the IFCA</p>		<p>Considerable resources are directed towards officer training but frequent changes to legislation and human error can lead to mistakes being made.</p>

Description	Risk High 4 - 3 - 2 - 1 Low				Mitigation	Residual Risk
	Impact	Likelihood	Financial	Reputation		
Failure to maintain survey/ sampling programme.	4	2	4	4	<ul style="list-style-type: none"> • Work plans developed for research staff • Research staff well qualified and experienced with local fisheries • Good communication with relevant organisations and local fisheries • Contingency plans developed • Work in partnership with relevant research groups • Partnership working with fishing industry and environmental partners • Use of seconded staff with additional expertise. • Use of outside agencies to undertake specialist work areas. 	2
	<p>Lack of accurate data leading to poor management of fisheries.</p> <p>Collapse of stocks.</p> <p>Decline in bio-diversity</p> <p>Loss of public amenity</p> <p>Degradation of the wider environment.</p>	<p>Well trained and qualified staff.</p> <p>Regular survey programme</p>	<p>Closure of a fishery due to over exploitation of stock.</p> <p>Fisheries not opened due to insufficient information available to gain consent through an Appropriate Assessment.</p> <p>Potential breach of UK statutory duty and EU infringement</p> <p>Possible Judicial Review with financial liability incurred by local taxpayers</p>	<p>High expectation that fisheries and environment are well managed by IFCA</p>		<p>Planned surveys lost due to poor weather or lack of survey vessel.</p> <p>Change of conditions for an Appropriate Assessment.</p>

Description	Risk High 4 - 3 - 2 - 1 Low				Mitigation	Residual Risk
	Impact	Likelihood	Financial	Reputation		
Failure to fully engage with stakeholders	4	3	4	4	<ul style="list-style-type: none"> • Regular contact with nature conservation bodies • Establish effective dialogue with relevant stakeholders • Introduction of proactive public education and outreach programme • Regular contact and dialogue with fishing industry, both commercial and recreational. • Dissemination of all survey data and management proposals • Respond to all relevant consultations • Improved website design • Regular/structured liaison with other enforcement agencies • Develop communication strategy • Publish quarterly reports on IFCA website • Develop a database of stakeholders and regularly update 	3
	<p>Conflict between different stakeholders.</p> <p>Non compliance with fisheries and environmental legislation.</p>	Difficult to identify and consult with relevant stakeholders	<p>Stakeholder requirements are not considered in management of the IFCA district fisheries.</p> <p>Possible breach of UK statutory duties & administrative law.</p> <p>Possible EU infringement.</p> <p>Possible financial liability for local taxpayers</p>	<p>Lack of trust in the IFCAs management processes.</p> <p>Misunderstanding of the IFCAs role</p>		Further improvement to contact with NGOs and other stakeholders needs to be targeted.

Description	Risk High 4 - 3 - 2 - 1 Low				Mitigation	Residual Risk
	Impact	Likelihood	Financial	Reputation		
Failure of vessel assets	3	2	3	2	<ul style="list-style-type: none"> • Highly maintained vessel • Extensive annual refits • Establish preventative maintenance programme • Maintenance schedule for all vessels adhered to • Annual Workboat Code survey • Qualified mechanic • Service contracts with main equipment suppliers • All FOs mechanically trained 	2
	Limits enforcement and research capabilities	Patrol vessel is well maintained	<p>Hiring of a replacement vessel</p> <p>Significant mechanical failures are expensive and time consuming</p>	Significant local taxpayer money invested in the service with a high expectation that the vessel provides value for money		<p>Patrol vessel and main machinery now over 20 years old</p> <p>Unforeseen events may lead to disruption of activities</p>

Description	Risk High 4 - 3 - 2 - 1 Low				Mitigation	Residual Risk
	Impact	Likelihood	Financial	Reputation		
Injury to staff due to unsafe working practices	4	2	4	3	<ul style="list-style-type: none"> • Safety training register maintained • Adequate budget to cover all training requirements • Well trained staff • Risk assessments available and regularly reviewed • High quality PPE issued to all staff • Scheduled safety drills conducted on vessel • Lone Working Policy adhered to. • Conflict Resolution Policy developed • Boarding Policy developed • Indemnity insurance obtained & maintained 	3
	Death or injury to staff	Well trained staff Provision of high quality safety equipment Well maintained IFCA assets	Injury claims, tribunals HSE/MCA investigations Possible criminal & civil proceedings with potential financial liability to local taxpayers	Poor morale of staff leading to problems with recruitment & retention Increased surveillance by regulatory authorities of IFCA's procedures and practices, with attendant costs		Regularly working in hazardous environments Difficult to mitigate for accidents Difficult to mitigate for the actions of third parties

Description	Risk High 4 - 3 - 2 - 1 Low				Mitigation	Residual Risk
	Impact	Likelihood	Financial	Reputation		
Failure to maintain effective financial management and control	4	2	4	4	<ul style="list-style-type: none"> • External audit of accounts • DCC audit of accounts • Finance sub-committee in place to review budgetary spend • Policy developed with regard to the Bribery Act 2010. • Restricted use of company credit card • D&SIFCA Financial Regulations • Restricted authority to sign cheques • Annual Plan • Production of detailed accounts • Maintenance of contingency funds • Indemnity insurance obtained for marine peril • Budget monitoring report presented at IFCA ¼ meetings • Asset register kept up to date and audited. 	1
	<p>Fraudulent activity leading to misuse and/or misappropriation of funds</p> <p>Unforeseen expenditure, major mechanical failure or total loss of patrol vessel</p>	<p>Limited staff access to financial information and authority to spend money</p> <p>Vessel contingency funds maintained</p>	<p>Lack of financial resources to carry out statutory obligations</p>	<p>IFCA funded through local taxpayer money, expectation to provide best value for money service</p>		<p>Very limited potential for large scale fraud or corruption</p> <p>Small scale misuse of consumable items is still possible</p> <p>Patrol vessel operating in hazardous conditions</p>

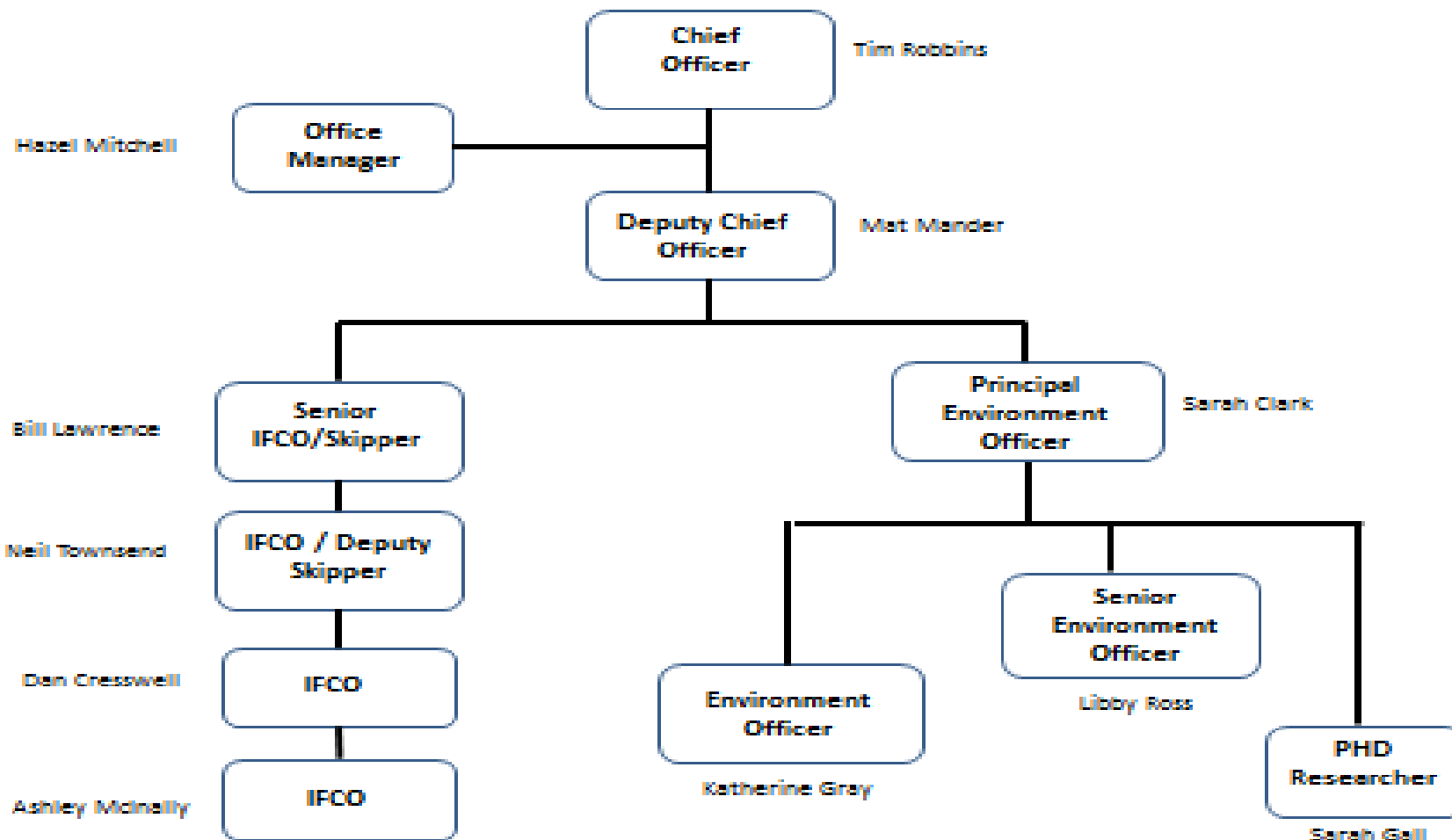
Description	Risk High 4 - 3 - 2 - 1 Low				Mitigation	Residual Risk
	Impact	Likelihood	Financial	Reputation		
<p>Fisheries in the district impacted by the activities of developers /industry</p> <p>Insufficient time to fully consider environmental impact assessments for offshore developments</p>	3	3	3	3	<ul style="list-style-type: none"> • Consultations responded to • Liaison with consenting agencies • Developer meetings attended by IFCA representatives • Database created holding information on current historical fishing activities within the district • Development of a Strategic Environmental Policy • Development scrutinized by DEFRA, NE & English Heritage • Consents required for developments • Development of baseline data sets 	3
	<p>Fisheries closed due to contamination.</p> <p>Significant fish / shellfish mortality</p> <p>Temporary or permanent loss of, or damage to, fish stocks, fishery habitats or fishing grounds</p> <p>Loss of public amenity</p> <p>Risk to public health</p>	<p>Lack of fishing activity data.</p> <p>Lack of baseline data</p> <p>Limited understanding of impacts of developments on the marine environment</p>	<p>Reduced catches and income from the fishery</p> <p>Displaced fishing activity</p> <p>Potential Judicial Review</p> <p>Breach of UK statutory duty and EU infringement</p> <p>Potential financial liability for local taxpayers</p>	<p>High expectation that the IFCA will represent the fishing and environmental interests, even when an activity may be occurring outside of the district</p>		<p>Increased wind farm development, dredging and number of MPAs</p> <p>High reliance on modelling to determine impacts of developments</p> <p>Lack of baseline data</p>

An Illustrated Risk Grid.

		Impact			
		Low (1)	Medium (2)	High (3)	Very High (4)
Likelihood	Very High (4)				
	High (3)			1	1
	Medium (2)			1	5
	Low (1)				

- 1 - 2 Acceptable
- 3 - 6 Additional effort should be considered
- 8 -12 Additional effort must be implemented

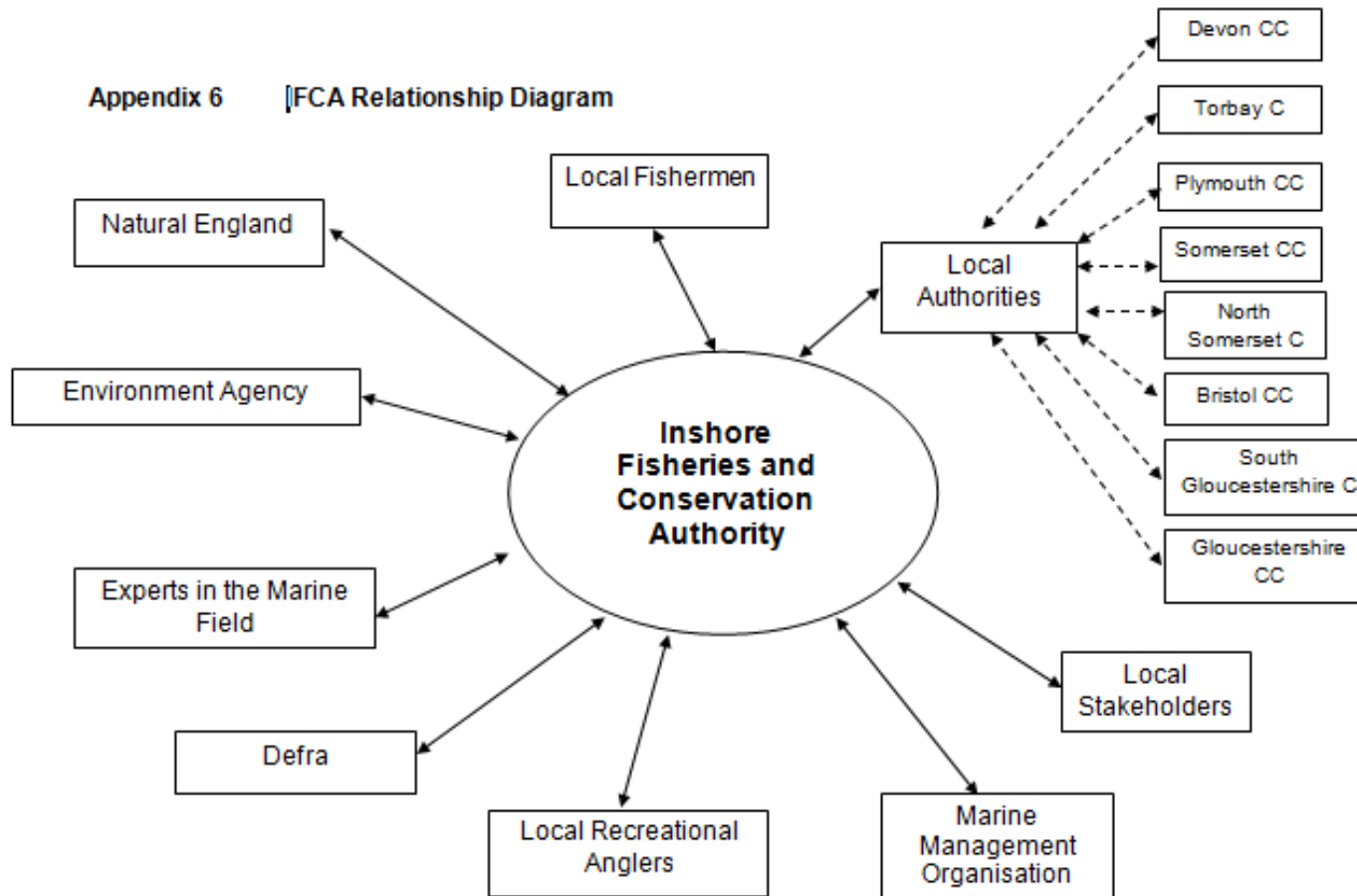
Appendix 4 Staff Structure April 2013



Appendix 5 Members of the Devon & Severn IFCA

Cllr Sir Simon Day	Devon CC
Cllr Eileen Wragg	Devon CC
Cllr Sam Robinson	Devon CC
Cllr Alison Boyle	Devon CC
Cllr Stuart Hughes	Devon CC
Cllr Vic Ellery	Torbay C
Cllr Michael Fox	Plymouth CC
Cllr Terry Napper	Somerset CC
Cllr Peter Bryant	N. Somerset C
Cllr Guy Poultney	Bristol CC
Cllr Heather Goddard	S. Gloucestershire C
Cllr Chas Fellows	Gloucestershire CC
Mrs Natasha Barker Bradshaw	MMO Appointee
Mr John Butterwith	MMO Appointee
Mr Derek Clifton	MMO Appointee
Mr Dave Cuthbert	MMO Appointee
Mr Stephen Gledhill	MMO Appointee
Ms Elaine Hayes	MMO Appointee
Mr John May	MMO Appointee
Mr David Morgan	MMO Appointee
Mr David Murphy	MMO Appointee
Mr Simon Pollentine	MMO Appointee
Mr Jim Portus	MMO Appointee
Dr Linda Rodwell	MMO Appointee
Mr David Rowe	MMO Appointee
Mr Mike Williams	MMO Appointee
Mr Richard White	MMO Appointee
Mr Nick Wright	MMO
Mr Jonathan Bailey	EA
Mr Andrew Knights	NE

Appendix 6 | FCA Relationship Diagram



Appendix 7 D&SIFCA Budget Summary

	2012/13 Base Budget £	Base Budget Adjust-ments £	Inflation £	2013/14 Budget £
Employees	470,300	(19,200)	3,900	455,000
Premises	34,800	1,700	1,100	37,600
Transport	34,600	(5,200)	500	29,900
Supplies & Services	125,100	(9,400)	900	116,600
Boat Costs	104,100	(6,900)	2,300	99,500
Support	15,900	(2,000)	0	13,900
Fees & Charges	(20,300)	4,100	(300)	(16,500)
Total	764,500	(36,900)	8,400	736,000

Appendix 8 Individual Authority Levy Contributions

CONSTITUENT AUTHORITIES	2013/14	2013/14	2013/14
	D&S IFCA Levy Funding Share %	D&S IFCA DEFRA Budget £	D&S IFCA New Burdens Funding £
Bristol City Council	5.65%	41,584	50,851
Devon County Council	47.09%	346,581	21,383
Gloucestershire County Council	14.47%	106,499	122,428
North Somerset Council	4.63%	34,077	42,574
Plymouth City Council	4.70%	34,593	0
Somerset County Council	15.89%	116,950	133,952
South Gloucestershire Council	4.08%	30,029	38,110
Torbay Council	3.49%	25,687	0
TOTAL	100.00%	736,000	409,298

Appendix 9 – Letter from Defra with regards to EMS Management



Department
for Environment
Food & Rural Affairs

Nigel Gooding
Deputy Director – Marine
Biodiversity
Area 2C, Nobel House
17 Smith Square, London
SW1P 3JR
T: 020 7238 6827
E-mail:
[nigel.a.gooding@defra.gsi.
gov.uk](mailto:nigel.a.gooding@defra.gsi.gov.uk)
www.defra.gov.uk

Tim Robbins
(by e-mail only)

14 February 2013

Dear Mr Robbins,

Implementing the revised approach for the management of commercial fisheries in European Marine Sites.

The purpose of this letter is to set out Defra's expectations of IFCAs in relation to taking forward the above work. A similar letter is being sent to the Marine Management Organisation.

As you are aware, Defra has taken the decision to revise the approach to the management of commercial fisheries in European Marine Sites in English waters. I would like to re-iterate our thanks to all IFCAs for their continued positive support, advice and involvement in this important area of work.

We have been working hard to develop an implementation process around the revised approach, which ensures that its delivery will be both effective and proportionate. The IFCAs have played an important role in the development of this approach and will be critical to its successful implementation.

Following a meeting of the Project Board for this work area on the 25th of January 2013 (at which IFCAs are represented by Dr Stephen Bolt), I am writing to highlight the key project milestones and to ensure that all IFCAs are clear on the Government's expectations of them in relation to this work. This is set out in the following paragraphs:

- 1) working with the Project 'Implementation Group' Defra has agreed an evidence based Matrix in which fishing activities will be classed as Red, Amber, Green or Blue according the sensitivity of the site features to different gear types;
- 2) for activities identified as Red, the Department's expectation is that management measures will be in place by end 2013. If, due to exceptional circumstances, a regulator becomes convinced that, despite its best efforts, it will be unable to fulfil this undertaking, then it should inform Defra immediately this becomes clear.

- 3) consideration must be given to the use of emergency byelaw powers or other appropriate measures where it is clear there is an existing or imminent threat to any Red feature, and/or cases where a delay in implementation beyond the end of 2013 is expected;
- 4) Defra expects that appropriate management measures will need to be statutory in nature to ensure adequate protection is achieved. Management decisions should be based on the best available evidence, but using a precautionary approach;
- 5) for activities identified as Amber⁴ a site level assessment will be required to assess whether management of an activity is required to conserve site features. Fishing activity or activities should only be allowed where it can be ascertained that they will not have an adverse affect on the integrity of a site. In all other cases appropriate management measures should be put in place to remove the risk of an adverse effect. The Department expects such measures to have been identified and put in place by 2016;
- 6) regulators should note that there may be features rated at an Amber level in the generic matrix, that at a site level are under a high degree of risk. Natural England will provide advice on such features and regulators may need to consider prioritising work on these features in a similar manner to those rated as Red.

We are preparing a policy note to support the implementation of the revised approach and an explanatory note on site integrity, which will be circulated in due course.

Officers from Defra are attending IFCA meetings to brief Committees and Officers, and to answer questions on the revised approach. Defra is preparing a communication plan for this work and will be inviting contributions from the IFCAs, as well as others in the Defra Marine Network. We are encouraging all IFCAs and the MMO to engage with your stakeholders at the earliest opportunity. Please find attached three key messages and additional supporting information from Defra which we hope you will use to communicate this work more widely.

We look forward to continued and positive work with all ICFAs, and once again thank you for all your support and hard work on this issue.

Yours sincerely



Nigel Gooding

cc. Dr Stephen Bolt, Chief Executive Officer, the Association of IFCAs;

⁴ Activities identified as green should be considered in a similar manner if there is an “in combination” effect on the site.

Glossary

CO	Chief Officer
CIFCA	Cornwall Inshore Fisheries and Conservation Authority
DCO	Deputy Chief Officer
DEFRA	Department of Environment, Fisheries & Rural Affairs
EA	Environment Agency
EMS	European Marine Site
HLO	High Level Objective
IA	Impact Assessment
IFCA	Inshore Fisheries and Conservation Authority
IFCO	Inshore Fisheries and Conservation Officer
MCZ	Marine Conservation Zone
MMO	Marine Management Organisation
MoU	Memorandum of Understanding
MPA	Marine Protected Area
NE	Natural England
OM	Office Manager
PO	Principal Officer
SAC	Special Area of Conservation
SIFCA	Southern Inshore Fisheries and Conservation Authority
SoS	Secretary of State
SPA	Special Protection Area
WG	Welsh Government
Wrt	with relation to

Definitions

This section gives a definition of general terms used in this document.

Severn Estuary – the area of tidal water above the M48 road bridge.

Bristol Channel – the area of the district below the M48 road bridge

Precautionary Principle – the D&SIFCA will follow the direction laid out by the UK Government - <http://www.hse.gov.uk/aboutus/meetings/committees/ilgra/pppa.htm>

Sustainability - Brundtland (1987): This is the most commonly quoted definition and it aims to be more comprehensive than most:

Sustainable development is development that meets the needs of the present without compromising the needs of future generations to meet their own needs.

It contains within it two key concepts:

The concepts of needs, in particular the essential needs of the worlds poor, to which overriding priority should be given, and:

The idea of limitations imposed by the state of technology and social organization on the environments ability to meet present and future needs.