Inshore Fisheries and Conservation Authorities
Regulation and Compliance Strategy

Introduction

The ten Inshore Fisheries and Conservation Authorities (IFCAs) covering the English coastline and the Isles of Scilly have a shared Vision:

> *To 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.*

The IFCAs also have a shared remit to manage inshore fisheries resources and to protect Marine Protected Areas (Marine Conservation Zones and European Marine Sites) within their district. Because the issues relating to fisheries and MPAs vary from district to district, each IFCA is empowered to provide management measures which are in keeping with local conditions.

IFCA byelaw making powers are provided by the Marine and Coastal Access Act 2009[1] and the process for making byelaws remains aligned to guidance[2] published by Defra in 2011.

Objective

Management measures required for inshore fisheries resources and to protect MPAs will vary between IFCA districts as a consequence of a varied fishing industry and a dynamic marine environment. It is, therefore, important that the approach applied to management is well understood, consistent and fair. Whilst decisions may differ from one IFCA district to another, the principles underpinning them will remain consistent.

This strategy provides the framework within which all IFCAs will fulfil their regulatory and compliance remit, and it should be read in conjunction with the IFCAs Enforcement Policy and individual IFCA's Compliance Risk Register.

Principles

Fisheries management can only succeed with an integrated approach encompassing communication, research and enforcement. The following principles, which incorporate the requirements of the Legislative and Regulatory Reform Act 2006 and the Regulators' Code[3], underpin the IFCAs approach to regulation and compliance to ensure that it is transparent, accountable, necessary, proportionate and consistent[4]:

[1] Sections 155 to 164 Marine and Coastal Access Act 2009
[2] ifca-byelaw-guidance.pdf
[3] Regulators' Code - GOV.UK
[4] The statutory principles of good regulation can be viewed in Part 2 (21) on page 12: http://www.legislation.gov.uk/ukpga/2006/51/pdfs/ukpga_20060051_en.pdf.

- **Bottom-up approach** –It is recognised that a regulate-first approach may lead to other, possibly more appropriate measures not being considered. The IFCAs will always consider whether less burdensome non-regulatory measures may be appropriate prior to proposing regulation. This may include working with the fishing industry, recreational fishers and the wider public to develop a code of practice as an alternative to regulation, setting out measures that significantly reduce the risk of harm to fisheries or the marine environment. Codes of practice will be published on the IFCA's website.
- **Education, empowerment and consultation** – Compliance with sustainable fishing practices is most successfully obtained through a co-management approach. To achieve this fishers accept that management measures will be required to achieve sustainable, environmentally compatible exploitation of fisheries and take an active part in consultation in order to assist with the development of coherent management measures. The IFCAs will ensure appropriate engagement with relevant stakeholders when developing or reviewing management measures.
- **Collaboration and commonality** – Local issues require local solutions, however managing inshore fisheries resources in isolation of partner organisations will lead to complicated regulatory frameworks which will be difficult to understand and to comply with. The IFCAs will seek appropriate engagement with partners when developing management measures and undertaking compliance activity. This will include working with partners in seeking to minimise requirements for the provision of information following the principle of '*collect once, use many times*', sharing information with other regulators and working collaboratively on compliance.
- **Evidence based management** – Management measures will be based upon the best available evidence and will be periodically reviewed to ensure that they remain relevant. In the absence of comprehensive evidence a precautionary approach will be taken where it is judged necessary and appropriate.
- **Balance and sustainability** – Achieving the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry is explicit in the IFCAs vision. Without sustainable fisheries there cannot be a viable industry and as such the IFCAs will, within the parameters of their statutory duties[5], seek to develop and maintain management measures that ensure the sustainability of inshore fisheries. Understanding and endeavouring to minimise negative economic impacts and the cost of compliance will be important considerations in developing regulation, as will seeking to enable both compliance and growth within industry.

[5] Sections 153 and 154 of the Marine and Coastal Access Act 2009 set out the duties of all IFCAs and the priority that must be applied to protecting the environment from the impact of fishing activity.

- **Appeal, objection and complaint** –Consultations on proposed regulation will provide the opportunity to disagree with or to object to proposed regulation and objections that are not resolved will be notified to Defra for consideration in the Byelaw making process. Objections not resolved when making or revising permit conditions or polices under an existing byelaw will be a consideration for the IFCA committee. A clear complaints process will be accessible on IFCA websites and will include the option to refer a matter to the Local Government and Social Care Ombudsman[6] if a complainant considers that the matter has not be satisfactorily addressed under the complaints process. Where enforcement action leads to prosecution and conviction at court an appeals process is provided by the criminal justice system.
- **Endorsing compliance** – Clarity on regulation together with guidance and advice are essential to ensure compliance. The IFCAs approach is to make information on regulations easily accessible and to encourage compliance, with but sanctions are also available to deter, penalise and remove any benefit from non-compliance in line with the Enforcement Policy.
- **Risk-based enforcement** – The IFCAs will adopt a targeted approach to enforcement to make best use of its limited resources. Enforcement resources will be targeted at the highest areas of risk and in accordance with the Enforcement Policy

Tactical Approach

This strategy is underpinned by the following elements, which together will ensure a cohesive approach to regulation and compliance.

Strategic Assessment

As part of the business planning cycle a comprehensive risk assessment of all fisheries and Marine Protected Areas within the district will be undertaken and refreshed annually. It will combine fisheries data and other evidence to identify fisheries and MPAs that require management measures or changes in management measures and will list them for action in order of priority to inform the IFCAs Annual Plan.

Compliance Risk Register

A comprehensive risk assessment of all fisheries and regulated Marine Protected Areas within the district will be undertaken annually. It will assess the risks of non-compliance with UK and local fisheries and environmental legislation (byelaws) in order to inform enforcement activity.

Tasking and Co-ordination Group (TCG)

The purpose of the TCG is to ensure appropriate tasking of enforcement resources. It achieves this through consideration of risks identified in the Compliance Risk Register, emerging issues and new intelligence. The frequency of TCG meetings will be determined by individual IFCAs.

[6] Home - Local Government and Social Care Ombudsman

Partnership Working

The IFCAs work collaboratively with partner organisations such as Environment Agency and the Marine Management Organisation with joint TCG arrangements, joint patrols and de-confliction of compliance activity were appropriate to avoid undue burden on those that are the subject of regulation.

IFCA Enforcement Policy

This policy sets out the IFCAs approach to compliance and enforcement. It provides that an adaptive co-management approach will be taken, where compliance is achieved through engagement, advice and understanding. It also provides the range of sanctions open to the IFCAs where compliance is not achieved through this approach.