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Mr John Robbs
Director Marine Programme and
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Defra

Our reference: A456

19 June 2013

Dear John,

Adjournment Debate of 20 May 2013 secured by Alison Seabeck MP (Plymouth, Labour)

Further to the above, I thought you would find it helpful if I outlined the main areas raised during the debate and how these are being addressed by the Marine Management Organisation (MMO). For your convenience I have also enclosed a link to the debate transcript below. Following the debate, we have published further information on our website to ensure a wide range of information relevant to the debate is publicly available.

<http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm130520/debtext/130520-0004.htm#1305216000002>

The location of the MMO in the North East

As I am sure you are aware we have offices in Newcastle, London and in 14 locations on the English coast. The decision to locate our main office in Tyneside was part of ongoing efforts to relocate civil service jobs out of London and the South East to make savings of £78 million. As part of this programme, around 20,000 jobs were relocated out of the South East, with fewer than 1,000 of these jobs moving to the North East.

Building expertise lost through the transition of Marine Fisheries Agency (MFA) to the MMO

During this relocation programme Defra and the MMO worked hard to ensure expertise was not lost and business continuity was maintained when transitioning from the MFA to the MMO. This included a substantial programme of action to relocate MFA staff who chose to move to the MMO, and training and development of new incoming staff recruited to deliver the new functions of the new organisation. Please note that the majority of MFA staff based in coastal offices around the country transferred to the MMO on vesting providing continuity and stability. However the relocation of the organisation did create an excellent opportunity to build a culture focused on transparency, performance and delivery of the new duties in an enabling and efficient way.



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The current staffing position of the MMO

Although the retention of MFA coastal staff skills and expertise provided continuity, clearly the remit of the MMO is much wider than that of the MFA, and staff numbers reflect this. We continue to be a lean organisation with 321 members of staff delivering across our marine responsibilities. The MMO remit incorporated functions transferred to it from Defra, DfT and DECC and it included significant expansion of conservation activities and marine planning. It should also be noted that we deliver our remit within a reducing function envelope and with a budget expected to be under £24 million in 2014/15 compared to £32 million on vesting.

Transparency of the MMO

All of our functional areas are dedicated to openness and transparency and we continue to enhance ways that we can publish information about our work. In 2012/13 we started the publication of evidence and data behind major decisions as well as performance data behind published targets. In addition, we opened social media accounts on Facebook and Twitter, increasing the ways people can engage with us and tweeting news and updates on our work on a daily basis.

We recognise the value in proactively providing information and embrace it through a variety of means including a publication scheme that details information about:

- who we are and what we do
- what we spend and how we spend it
- what are our priorities and how we are doing
- how we make decisions
- policies and procedures
- lists and registers
- the services we offer.

We also maintain a marine licensing public register that provides information on marine licence applications and decisions, Marine Environmental Data and Information Network (MEDIN) compliant Master Data Register of all spatial data products used to support our business, a Marine Planning Portal with a wide range of data layers, and we publish detailed evidence reports as part of our commitment to make all commissioned research widely available to increase common understanding and the use of best available evidence.

In addition to our work to ensure transparency we are also accountable to the public we serve. We make every effort to provide our customers and stakeholders with the information they need in a straightforward and convenient manner. We publish a customer charter which specifies turnaround times on many of our work areas and this is supported by a four-stage complaint process should a customer be dissatisfied. We also publish our performance against our customer charter and the volume of complaints we receive on our website, and we publish the results of our Customer Satisfaction Survey together with information about changes we have made as a result of the Customer Satisfaction Survey.

Western Waters

The bulk of the adjournment debate centred around the management of the Western Waters effort regime. As you will be aware, this has been in place since 1995 and was formally passed to MMO on our vesting in 2010. It moved from a 'passive' regime to an 'active' regime in 2012 (with effort control measures being used for the first time).

Over recent years the effort regime in Western Waters has attracted a great deal of interest and scrutiny, and more recently I met with representatives from industries closely associated with the Western Waters regime to hear their concerns first hand. As a result, I initiated a series of thorough internal and external reviews of the way the Western Waters effort regime was managed, with detailed scrutiny by the MMO Audit and Risk Assurance Committee (ARAC). It is my intention to publish my findings once all strands of the review are finalised. The interim findings give the ARAC and I assurance that the mechanisms of the regime are being managed appropriately and proportionately by the MMO, although improvements can be made. In addition, the retrospective licence variation issued by the MMO in relation to the Western Waters effort regime in January 2013 represents, in my view, poor customer service and is not something I wish to see a repeat of.

However, one of the specific concerns raised by those I met with was the mismatch between the UK effort figures MMO reported on behalf of the UK to the Commission at year end and the figures published in our annual statistics report later in the year. Consequently, we approached the Commission and disclosed our methodology in order to seek assurances that we were operating our regime in accordance with their expectations. In my view there remains a risk that the Commission could conclude that the UK has under reported its Western Waters effort uptake given the difference between these two figures. As this methodology was inherited by the MMO and has been in place for a number of years, any issues of retrospectivity may be significant. I look forward to exploring this issue with you further.

ICO decisions in respect of the MMO

If a customer is dissatisfied with the response they receive from the MMO in relation to an information access request, they can ask the MMO to carry out an internal review; if they remain dissatisfied with the outcome of that review, they can refer the matter to the ICO. The ICO may then issue a decision notice regarding our handling of the request.

To date, the ICO has issued nine decision notices in respect of matters handled by the MMO following a complaint to them from the customer. This means that in no more than 1.8% of cases, the customer exhausted the MMO's internal review procedure and decided that investigation by the ICO was an appropriate means of recourse. In addition, this means that in the 26 instances of a request for an internal review, 65% of customers were happy with the response provided.

In the nine instances of the ICO issuing a decision notice, the ICO chose not to uphold a complaint in 19.1% of cases following consideration of all elements of the complaint. I fully acknowledge that (as referenced in the debate) there has been difficulty with compliance with one decision notice (reference FER0463989) in which we failed to meet the requirement to comply by the 18 February 2013. In this case, delivery of the information as dictated by the decision notice required intensive manual collation of data to reflect information we held as at 18 September 2012; however, following clarification from the

ICO, we complied fully with the decision notice within three working days. Presented at Annex One are details of the nine ICO decision notices issued in respect of the MMO.

The MMO's compliance with Information Rights Legislation

Our engagement with the ICO is not the only work we have undertaken to ensure compliance with information rights legislation. In September 2012, we tested and validated our procedures, controls and mechanisms and commissioned the Northumbria Centre for Information Rights Law and Practice (a school within Northumbria University) to conduct an independent review that focused on our compliance with the requirements of information rights legislation.

Following this review, we were commended for our commitment to a culture of openness and positive approach to information rights. The review also found evidence that we take our responsibilities under the Freedom of Information Act 2000 (FOI) and Environmental Information Regulations 2004 (EIR) seriously and that our culture is one of openness and transparency. In addition the review identified further areas of good practice and we were commended for our provision of staff training, case management, advising and assisting requesters and compliance with statutory deadlines.

In addition, the review highlighted areas of concern, although none of which were considered sufficient to prevent us achieving compliance with information rights legislation. Areas of concern set out within the report suggested expanding the publication scheme; refined out of office messages; increased detail of information recorded in case management; increased resourcing; refined template correspondence and more detailed information on the MMO website in respect of internal reviews.

An action plan to address these areas was instigated and is now nearing completion. For example, customers will soon be able to check our previous releases under FOI and EIR on our website to see if we have already answered any questions they may have. Customers will also shortly be able to see our performance data for the handling of FOI and EIR requests.

We treat all requests for information fairly and without prejudice, taking into account the public interest in making information available wherever possible. In doing so, we will always give a clear explanation of our decision if information cannot be published or released in response to a request for information. We also inform requesters of the complaints process should they disagree with the outcome of any decision reached.

Clarification on reporting in our current Annual Report

Turning to the matter of our Annual Report Alison Seabeck MP stated that there is no evidence that all of the targets stated in our Annual Report for 2011/12 were met and although the Minister clarified this point I wanted to explain the position in respect of reporting for 2011/12. Of all the measures developed and set out within our [2011/15 Corporate Plan](#), a total of 80 key targets were expected to be achieved by 31 March 2012, comprising 46 key steps and 34 key performance measures.

A full description of all these key steps and key performance measures was made available within an annex to our [2011/12 Annual Report and Accounts](#). The purpose of this annex was to present an end of year status report on whether the target was met or not met, providing an end of year status on all key steps and key performance measures due

in the reporting year. However, the annex was not intended to provide detail as to those targets that were met but where an original target was missed. As such, I fully accept that there is potential for misinterpretation of the information presented within this annex. In recognition of this issue, I have arranged to provide additional clarity in the Annual report for 2012/13 in respect of key step two within Strategic Outcome four: “publish quota management rules by December each year”.

At the time when the 2011/12 Annual Report and Accounts was published, it was correct to state that we had delivered this target within the reporting year and it was therefore appropriate to state that the end of year status was met. However, we had not published quota management rules by December 2011 and it is this point that may give rise to misinterpretation. As such, in addition to the clarification note in our 2012/13 Annual Report and Accounts to limit the risk of misinterpretation, I will arrange for a clarification notice to be added to our previous Annual Report for 2011/12.

The MMO staff conference

Finally I wanted to cover the matter of our Staff conference. As you know we are a small organisation, we have staff in 18 locations throughout England who deliver our vast remit across the entire marine area. I therefore believe that it is important to discuss collectively matters of importance to both our customers and stakeholders and to ensure a co-ordinated and strategic approach to our activities in the year ahead. We used the staff conference as a vehicle for training and development to ensure our staff had the right tools and information to provide the highest level of customer service and engagement in their work. I can assure you that we go to great lengths in arranging the conference to ensure that costs are minimised and that the event represents excellent value.

The total cost of the 2012 conference was £73,714.53 including all travel and accommodation. This spend has been audited by the National Audit Office and we have published this expenditure in line with the requirements to publish online all spend over £25,000. The information is available on www.data.gov.uk and the entry for the 2012 staff conference stands at £63,527.33 which is the full cost paid to the Queens Hotel in Leeds. In terms of hospitality costs (meaning that which does not include travel, accommodation or meals included in the conference delegate rate), we paid total charges of £1,044.20 for one bottle of red wine, one bottle of white wine, one bottle of still water and one bottle of fizzy water on each of the 23 tables (each sitting 10 people) for the evening meal.

I hope this letter is reassuring. I appreciate it is quite long but I wanted to comprehensively cover the issues raised during the debate. As ever, I am happy to discuss any questions or concerns arising should you wish.

Yours sincerely,



James Cross
Chief Executive

Enc: **Annex one** - Details of ICO decision notices in respect of the MMO

Annex One - Details of ICO decision notices in respect of the MMO:

| ICO decision notice | Date of decision notice | Summary of outcome |
|---------------------|-------------------------|---|
| FER0379965 | 23 April 2012 | The ICO required the disclosure of the names of MMO officials and that the MMO conduct an internal review. The MMO complied with this decision notice. |
| FER0459192 | 4 December 2012 | The decision of the ICO was that the MMO had disclosed all information falling within scope but not in compliance with statutory timescales. |
| FER0459195 | 4 December 2012 | The decision of the ICO was that the MMO had disclosed all information falling within scope but not in compliance with statutory timescales. |
| FER0463989 | 14 January 2013 | The ICO's decision was that the MMO did hold the information requested as it held the necessary data to be able to provide the information in the form requested by the complainant. The MMO complied with this decision notice outside of the required timescales due to the need for the intensive manual collation of data. Following discussion and clarification with the ICO, the MMO complied fully within three working days. |
| FER0459196 | 4 February 2013 | The decision of the ICO was that the MMO did not hold the requested information and no further action was required. |
| FER0448813 | 13 February 2013 | The ICO's decision was that MMO had correctly withheld some of the information falling within scope of a request and that it requires the disclosure of some information identified as not exempt from disclosure. |
| FS50469459 | 12 March 2013 | The ICO found against the MMO's reliance upon an exemption within the FOIA. The ICO therefore required the MMO to disclose the information to which the exemption had been applied. The MMO has complied with this decision notice. |
| FS50490448 | 17 April 2013 | The decision of the ICO was that the MMO should have informed the complainant that it did not hold any information falling within the scope of the request. The decision notice did not require the MMO to take any further steps to ensure compliance with the legislation as it had written to the complainant to confirm that it did not hold any relevant information. |
| FS50490444 | 4 June 2013 | The ICO's decision was that we should have informed the complainant that we did not hold any information falling within the scope of the final part of her request. The decision notice requires us to write to the complainant to confirm this. |