



Marine
Management
Organisation

Risk-based enforcement process: Risk monitoring of non-compliant behaviours

This paper is part of a suite of documents that explain how the Marine Management Organisation (MMO) undertakes its compliance and enforcement responsibilities. The MMO is charged with enforcing a wide range of regulations concerning the licensing and management of fishing activity and vessels, marine conservation and controlling marine development.

The MMO undertakes enforcement taking into account best practice in intelligence and enforcement procedures as adopted by a number of regulatory bodies across government in accordance with the National Intelligence Model.

Timely, appropriate and Hampton-compliant enforcement has become a structured process based on a strategic approach. Effective enforcement is enabled through a common format for the collection, exchange and analysis of intelligence being fed to enforcement team.

It is important to note that the definition of 'enforcement' is outlined in the Regulatory Enforcement and Sanctions Act 2008 – that is any action relating to securing **compliance** with any restriction, requirement of condition in the event of a breach, any action taken in connection with the imposition of any sanction (criminal or otherwise), any action taken in connection with the pursuit of any remedy conferred by an enactment.

Threats (that is non-compliant activities undertaken in the regulatory area) are ranked against a common matrix, in order to use limited resources effectively action plans have been adopted for highest ranked threats identified, with other risks addressed on a more reactive basis. Resources are then targeted to meet these threats across the MMO's enforcement responsibilities to ensure effective action is taken to meet the threat.

The MMO works to a Compliance and Enforcement Strategy
www.marinemanagement.org.uk/about/documents/compliance_enforcement.pdf

We also comply with Better Regulation principles and our approach to this is set out in this document
www.marinemanagement.org.uk/about/documents/better_regulation.pdf

Operational delivery of intelligence-led risk-based enforcement (ILRBE)

ILRBE creates an operating model to look at threats to compliance within the regulatory framework in which the MMO operates and ensures that decisions are based on intelligence, knowledge and experience. It provides a mechanism by which enforcement capacity can be effectively deployed to meet strategic objectives and assists management in assessing what can be delivered effectively within resource availability.

In the first instance assessment are conducted of each strategic enforcement threat against common factors, right across the regulatory framework of the organisation. Information from data in the possession of the organisation and that received from external organisations is handled on the basis of 'collect, analyse, act, report'.

New activities developing and coming to the attention of the organisation are fed into the process in the same way as current issues and are strategically and tactically assessed. In that way, fire-fighting is avoided and new work does not unduly disrupt ongoing enforcement activity beyond threat assessment activity until that threat reaches an appropriate level.

Tasking and co-ordination groups

General

The tasking and co-ordination process is an intelligence led activity basing all of its decisions on intelligence and, therefore, 'evidence', in its widest (both legal and non-legal) meaning.

In essence the process consists of formal documented meetings held at 2 levels – the national MMO level known as the Strategic Tasking and Co-ordination Group (STCG), and the other sitting below that at marine area level and known as the Area Tasking and Co-ordination Group (ATCG).

National priorities are addressed locally as appropriate because not all risks will be applicable in each of the four marine areas.

The system ensures that patterns of any non-compliant activity in the form of repeated or organised activity are identified right across the MMO, and ensures that threats of significance are proportionately and appropriately responded to.

Both STCG and ATCG meetings are informed by updated analyses of threats. Current action plans are reviewed and updated. In order to ensure quality and consistency enforcement staff and managers attend ATCG meetings in other areas and the national Marine Compliance Implementation Team also attend ATCG meetings and receive and monitor all area action plans. ATCG meetings may also be attended by other partner enforcement agencies where threats are of mutual concern.

Risk-based intelligence-led enforcement is integrated into a wider approach that

identifies all actions that will promote compliance including guidance, education and deterrence. This approach will be further developed over the next two years.

