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Natural England Enforcement Policy Consultation  
C/O Paul Cantwell  
Enforcement Strategy Project Manager  
Natural England  
Eastbrook  
Cambridge

16<sup>th</sup> October 2008

[enforcementpolicy@naturalengland.org.uk](mailto:enforcementpolicy@naturalengland.org.uk)

Dear Mr Cantwell,

## **Draft Enforcement Policy Consultation**

### **Introduction**

This letter is in response to your consultation above. It is made on behalf of Seafish following discussions with its Marine Environmental Legislation Expert Group. This group consists of cross sector industry representation, as well as country government departments and agencies.

Seafish is a non-departmental public body that provides support to all sectors of the seafood industry. It has no official mandate for involvement in resource or environmental management but has an obvious interest in the outcomes of the management processes. Seafish has a publicly stated commitment to “the sustainable and efficient harvesting of those resources on which the UK seafood industry depends, the protection of marine ecosystems, and the development of marine aquaculture based on sustainable resource utilisation and best environmental practice”.

This response begins with general comment and then moves on to address more specific issues.

### **General Comment**

Natural England should be commended for intending to implement a policy which is based on its stated principles of enforcement. It is of course vital that any enforcement policy is consistent, proportionate, transparent, targeted and accountable, as the policy states, but would it not also be prudent to add fair to

the list?

We are concerned that the whole tone of the draft policy document does not emphasise enough the alternatives to prosecutions, and that this may lead over time to the prosecution option being used more often, whilst other, in many cases more effective, routes are not considered. We would like to see the process of informing and working together with other parties emphasised more.

### **Specific Comments**

The document mentions more than once that enforcement action, or indeed prosecutions should take into account certain factors in order to achieve its aims of consistency etc. We are concerned at the inclusion of some of these statements;

Paragraph 12 – the attitude of the offender – surely this is irrelevant, and too subjective to be of assistance in achieving the stated principles of enforcement?

Paragraph 19 – the offender's past history – is mentioned in relation to conducting an investigation in order to establish the facts of an incident. Is it then suggested that any previous offenders will be assumed to have offended again? Or if not then why is it proposed to take this into account?

These two statements are repeated in the section in paragraph 22 entitled public interest factors, along with another one, the offender's personal circumstances. Again, we would question whether in a fair enforcement policy this was a relevant factor.

I hope that these comments are useful and should you have any questions please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'P. H. MacMullen'.

P. H. MacMullen  
**Head of Environment**