

Best Practice Guidelines for Angling Club Bailiffs

Introduction

These Guidelines have been issued to help keep bailiffs safe, ensuring an understanding of the law and relevant topics.

These Guidelines supersede those issued in 2013.

These Guidelines must be read and used in conjunction with the new Elementary Guide to Fisheries Enforcement, which can be downloaded from <https://www.anglingtrust.net>

The Bailiff

Fishery bailiffs (hereafter referred to as 'bailiffs'), are largely volunteers empowered by angling clubs and fisheries to ensure that rules are complied with, fish and fisheries protected, and that our waters are safe places to enjoy angling.

Bailiffs therefore fulfil an essential function, one that is often taken for-granted but can be potentially dangerous.

In this context a 'bailiff' is either a volunteer or person employed by a club or fishery to enforce its rules.

In law, such a bailiff is known as a 'Water Keeper'.

A 'Water Keeper' should not be confused with the legal term 'Water Bailiff', which can only be appointed by the Environment Agency and have statutory powers.

The angling club or fishery bailiff has no legal powers beyond that of an ordinary citizen, but is empowered to enforce club or fishery rules, reporting to the committee or manager.

Disclosure & Barring Service Checks

This replaced the previous Criminal Records Bureau.

Strict rules apply to DBS checks, which are essentially for people engaged in a '... regulated activity with children and young people'.

Because bailiffs do not fulfil this criterion, they are not eligible for DBS checks.

Further information can be found here: -

<https://www.gov.uk/government/publications/disclosure-application-process-for-volunteers/disclosure-application-process-for-volunteers>

Self-Declaration of Previous Convictions

Although a DBS check is inapplicable, anyone applying to become a bailiff can be requested to self-declare any previous unspent convictions or provide details of any cautions or convictions within the last ten years.

In the event of a bailiff becoming a witness in court, his or her character and background will be scrutinised by both prosecution and defence, so it is important that bailiffs are people of demonstrable good character and integrity. It is therefore helpful for any previous convictions to be made known, in confidence.

Safeguarding

Although DBS checks do not apply to bailiffs, all angling clubs should have clear Safeguarding policies, to protect children and young adults, and vulnerable adults.

The Angling Trust provides templates for such policies here: -

<https://www.anglingtrust.net/page.asp?section=1831§ionTitle=Safeguarding+Policies>

Club and Fishery Rules

- Rules should be reasonable and written with the express intention of protecting fish, the fishery and wider environment, and ensuring appropriate bankside behaviour.
- Rules should be published in club books and fishery permits, and if possible on a board at the venue.
- The Angling Trust Fisheries Enforcement Support Service will always advise regarding appropriate rules.

Training

- No volunteer should be expected to perform any role without appropriate training.
- A pre-requisite should be to provide copies of this and the Elementary Guide to Freshwater Fisheries Enforcement.
- It would also be a good idea for new bailiffs to be supervised by an experienced bailiff.
- It is essential that all angling club bailiffs attend a one-day Fisheries Enforcement Workshop, delivered by the FESS and funded by freshwater licences, at which free training is provided by policing and enforcement professionals.

More information here: -

<https://www.anglingtrust.net/page.asp?section=1467§ionTitle=Fisheries+Enforcement+Workshops>

Identification Cards

- All bailiffs should be provided an identity card confirming their authority and identity.
- Preferably these should include a suitable passport-type photograph.

Notebooks

- Bailiffs should be provided notebooks to detail times, dates and locations of patrol and record information concerning anything suspicious, incidents, and anything which could help identify offenders, such as descriptions and/or vehicle registration numbers.
- Mobile phones can also be used for photography – but never photograph offenders because of the increased risk to the photographer.

Checking Freshwater Fishing Licences (Rod Licence)

Only the police and EA Fisheries Enforcement Officers are empowered by law to demand rod licences.

However, if a club or fishery includes in its rules that all anglers fishing the water(s) must possess a valid rod licence and that this must be produced upon request to an authorised angling club bailiff, the bailiff can request the rod licence of any angler found fishing the water.

If an angler refuses to produce a valid rod licence and is a club member, the bailiff should report this to the committee for possible disciplinary measures to be taken.

If an angler refuses to produce a rod licence and is unable to provide a valid permit, a report should be made to the Police of fishing without permission under Schedule 1, Theft Act, 1968. When investigated, the bailiff can provide evidence that the angler was fishing, and should he or she have no valid rod licence, then that offence can also be dealt with.

If an angler is unable to produce a valid rod licence and admits to not having one, if a club member then this should be reported to both the committee and EA.

Safety First

- Safety must be the primary concern at all times.
- Operating near water can be dangerous, especially in remote areas and in bad weather.
- Always tell someone else where you are going and a likely return time.
- Always carry a mobile phone and consider an emergency charging device.
- Always wear appropriate clothing and footwear.
- Consider wearing a lifejacket.
- Preferably, always patrol in pairs.
- Also see 'Health & Safety' below.

Conflict Resolution

Bailiffs need to recognise signs of potential conflict, enabling a timely exit if necessary.

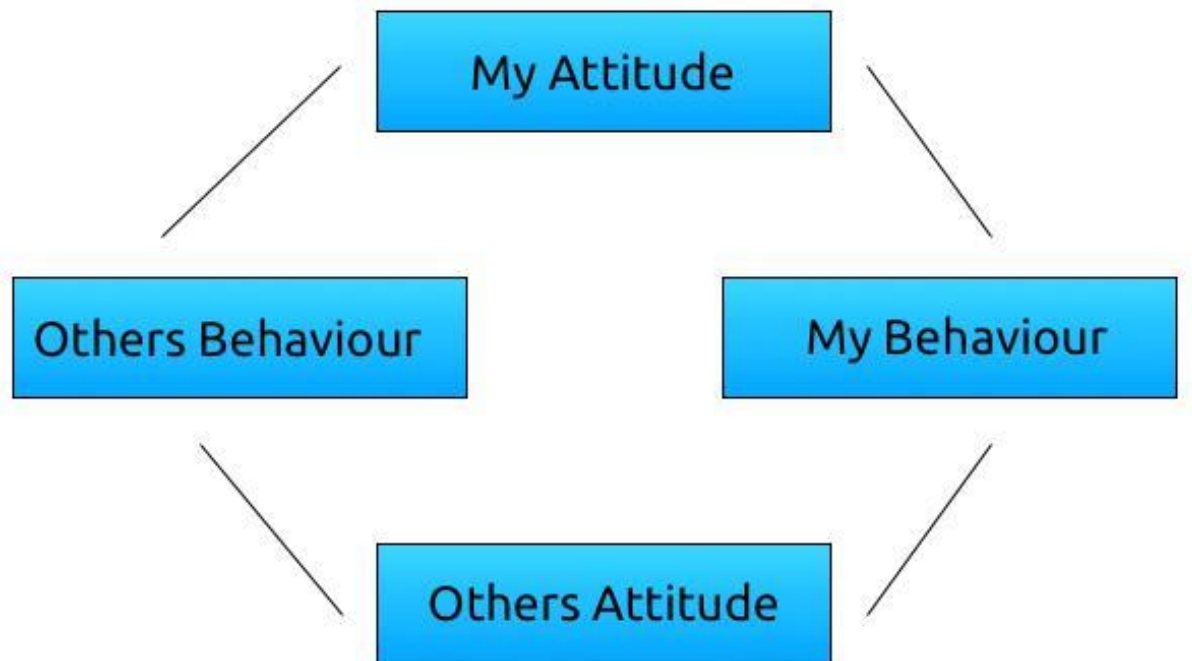
Warning signs can include: -

- Invading your personal space
- Increased, rapid breathing
- Posturing and trying to look bigger
- Pointing and pacing, shoulders thrown back
- Swearing and shouting
- Speech rapid and jumbled
- Tone of voice higher, chin juts out
- Fixed stare
- Deeper face colour

Danger signs can include: -

- Clenched fists raised in 'fighters' stance
- Shoulders drop, may adopt a 'bladed' stance
- Head moves forward and down to protect throat
- Face goes pale
- Breathing slows
- Voice tone lowers
- Talking reduces and may stop altogether
- Eye contact breaks and resumes, may focus on targets for strikes

Always be polite and courteous at all times – which is far more likely to achieve friendly cooperation!



Reasonable Force

Ideally, the bailiff should never be in a position whereby the use of force is a consideration. However, the law allows for 'reasonable force' to be used in the prevention of crime and other specified circumstances. Section 3 of the Criminal Law Act 1967 states that: -

“A person may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large”.

Common Law Powers

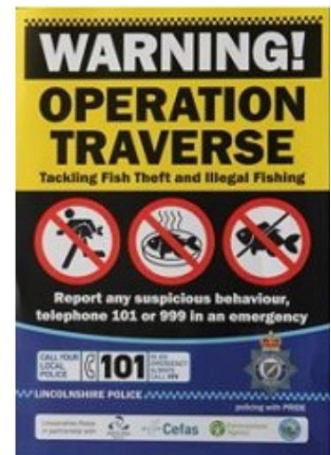
The use of force by one individual on another is unlawful unless it is used to: -

- Save a life
- In defence of self or others
- To prevent a crime being committed
- To effect a lawful arrest
- To prevent or stop a breach of the peace

If force is used in self-defence, or in any of the above circumstances it must be 'reasonable', i.e. the level of force used must not be excessive in the given circumstances. Always remember: you may have to justify your actions in a court of law.

What Help Can I Expect If There Is A Problem?

- The FESS has worked hard for some years now raising awareness within the police service regarding fisheries crime. Most forces in England and Wales are now partners in Operations LEVIATHAN or TRAVERSE, the ongoing, high-profile initiatives targeting poaching and fish theft. This means that the angling community can be more confident of a positive response and action than previously.



- In the event of an appropriate level of service not being delivered by the authorities, please contact your relevant FESS Regional Enforcement Manager, who will take this up on your behalf. FESS contact details can be found here: -
- <https://www.anglingtrust.net/page.asp?section=1475§ionTitle=Meet+the+Fisheries+Enforcement+Support+Services+team>
- If an individual is suspected of fishing without permission or stealing fish, call the Police on 999 if an offence in progress (as advised by the National Police Chiefs' Council) or 101 if an historic report.
- Definitely call on 999 if being abused, threatened or in fear of personal safety.
- If evidence exists confirming that an individual has no fishing (rod) licence and/or is committing fisheries offences, call the EA on 0800 80 70 60.

Health & Safety

Personal safety does not just revolve around the potential for aggressive or violent behaviour. Being close to water can be dangerous in itself, especially if alone, and venues can often be remote; bad weather, floods, stock animals and other factors can all present potential hazards, so all of these things must also be considered in order to stay safe. This is why, therefore, angling clubs should not ignore 'Health & Safety'.

In addition to those items listed above in 'Safety First', things to consider are: -

Noxious plants, including: -

- Giant Hogweed, which can cause severe skin inflammations. If affected, rinse in cold water and cover from sunlight for 48 hours.



- Hemlock Water Dropwort, the most poisonous plant in Britain, although only if swallowed.



Risk of Disease, including: -

- Weils Disease, carried in the urine of certain animals, especially rats, which frequent the waterside. This can cause mild flu-like symptoms or be life-threatening. Fortunately, cases are rare and can be avoided by washing hands thoroughly before eating or drinking, and covering cuts with waterproof plasters.
- Lyme Disease, spread by ticks, infection recognised by a 'bullseye' shaped rash appearing three – thirty days after the bite; flu-like symptoms may also be experienced. If untreated, further symptoms may develop months or even years

after being infected, such as muscle and joint pain, swelling of joints and neurological symptoms including temporary paralysis of the facial muscles.

For more information, please see: -

<https://www.nhs.uk/conditions/lyme-disease/>

Water & Bankside Safety should also be a consideration. Remember that it only takes water six inches deep and travelling at six mph to knock you off your feet.

- Please wear a lifejacket when near water, and preferably ensure that you are a swimmer.
- If you fall in, in addition to drowning, hypothermia is an obvious risk. Even after 20 minutes in water of 12°C, muscle temperature can drop from 37 to 27°C – reducing effectiveness by 30%. In colder water, there may only be a matter of minutes before core temperature drops and hypothermia takes hold.
- Fishing platforms can also become damaged and unstable, especially after floods, so be aware.
- Banks, especially undercut ones, can collapse, again especially after floods – be aware.

Electric pylons are a potentially fatal risk. If pylons cross your fishery, the National Grid should advise an exclusion zone around them. The Energy Network Association recommends thirty metres; further information here: -

<http://www.energynetworks.org/electricity/she/safety/safety-advice/angling.html>

Communication is another factor. Most of us have mobile phones these days but a signal cannot always be guaranteed in remote locations. You should always, therefore, know the location of the nearest public payphone (if any), and nearest landmark, such as a farm's name and access point, in the event that the emergency services have to be guided to the scene.

Risk Assessment

Before taking precautions to keep safe, first the potential risks must be assessed. This simple consideration and evaluation of risk is called a 'Risk Assessment', identifying potential hazards and measures to reduce or negate that risk.

Clubs should have a standard RA template which can be provided to bailiffs patrolling given waters.

There are five steps involved: -

1. Identify the hazards.
2. Decide who might be harmed and how.
3. Evaluate the risks and decide on precautions.
4. Record your findings and implement them.
5. Review your assessment and update if necessary.

Every water bailiff should have a current RA, which should be regularly reviewed and updated to reflect any changes. Remember that: -

- A hazard is anything that may cause harm, such as deep water, cattle, electric pylons, noxious plants etc.
- Risk is the chance, high or low, of harm by the hazards listed, indicating the likely severity of harm.

Some things to consider are: -

- Access (National Grid Reference).
- Parking.
- Potential for slips, trips and falls.
- State of any bankside trees (falling branches).
- State of banks, including steepness.
- Cattle if present.
- Overhead cables.
- Are local people potentially a problem in any way?
- Waste (urban in particular).
- Vegetation.
- Depth of water.
- Overhead cables
- Mobile reception

Further information and guidance, including a RA template, can be found here: -

<https://www.hse.gov.uk>

Citizen's Arrest

Indictable offences, including theft, have a power of citizen's arrest attached. However, guidelines issued in 2006 state that such arrests should only be made in 'serious cases' and when no constable is available; intervention would need justifying, and any force used must be reasonable – if considered unreasonable, that would constitute a criminal assault. The Angling Trust's considered advice, therefore, is *not* to attempt citizen's arrests but to await the arrival of a constable.

Please note that the specific citizen's power of arrest previously attached to Schedule One Theft Act offences has been repealed.

Conclusion

This Guidance is issued to provide a basis for safe bailiffing.

Should any further advice or information be required, please do not hesitate to contact the FESS:

<https://www.anglingtrust.net/page.asp?section=1475§ionTitle=Meet+the+Fisheries+Enforcement+Support+Services+team>

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Angling Trust & Environment Agency Partnership

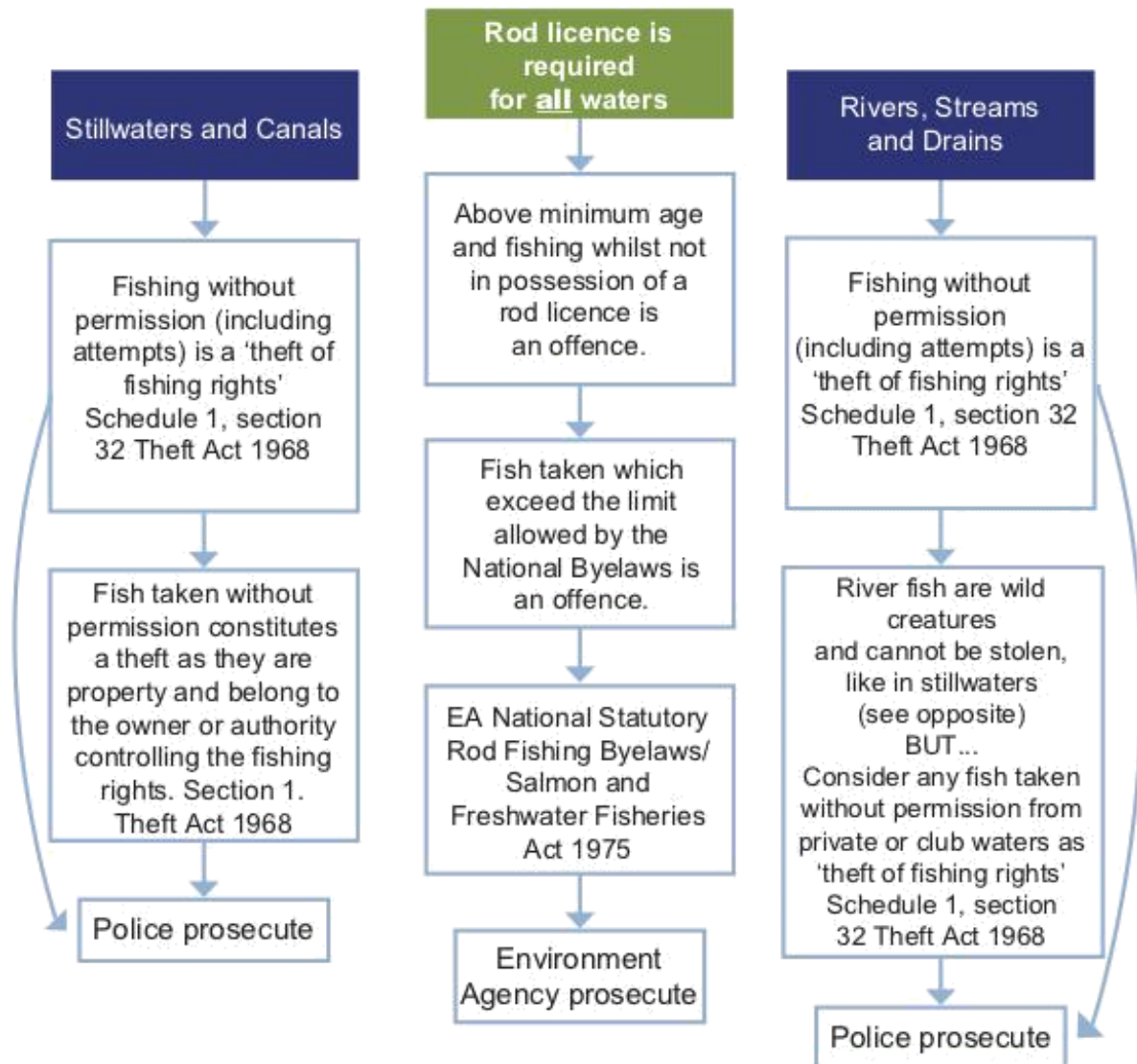
Adrian Saunders
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Environment & Business, Agriculture, Fisheries & Natural Environment
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With thanks for the original work on Health & Safety and Risk Assessment by Paul Coulson of the Institute of Fisheries Management.

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REPORT OF ILLEGAL FISHING



Call the **Environment Agency**
on **0800 80 70 60**
or the **Police** on **101**
for crime in progress call **999**