



ANGLING TRUST

Best Practice Guidelines for Angling Club Bailiffs

Introduction

These Guidelines have been issued in recognition of the difficult and potentially dangerous job voluntary angling club bailiffs do to protect fisheries.

The intention is to cover the key points and areas requiring careful consideration with a view to helping protect the volunteer and ensure an appropriately high standard of delivery.

These Guidelines should be read in conjunction with the Elementary Guide to Angling Law & Fisheries Enforcement, which can be downloaded free of charge here:

<http://www.anglingtrust.net/page.asp?section=930§ionTitle=Voluntary%20Bailiff%20Service>.

The Angling Club Bailiff

In this context, a 'bailiff' is a person either employed by or who volunteers to assist an angling club to ensure compliance of fishery rules and local byelaws. In law, however, the angling club bailiff is known as a 'Water Keeper' and should not be confused with a 'Water Bailiff'. The latter can only be appointed by the Environment Agency (EA) and have statutory powers provided by the Salmon & Freshwater Fisheries Act 1975. Angling club bailiffs, therefore, have no powers in law beyond those of any citizen and this must be understood from the outset. Notwithstanding the actual legal definition, 'bailiff' in this Guide refers to the angling club official and not warranted EA Fisheries Enforcement Officers (FEO).

Typically angling clubs will either own or rent the waters fishable by their members.

Invariably, all angling clubs, wisely, have various rules binding their members. In order to deal with infringements, clubs will have a set disciplinary procedure. The bailiff's function therefore, is essentially to: -

1. Protect the fishery and club's interests by ensuring that all anglers have a valid permit to fish.
2. Ensure that club or fishery rules are complied with.
3. Keep a watchful eye on the water and local environment, reporting any issues arising to the owner, if appropriate, and/or authorities.

Powers

As previously explained, bailiffs have no powers in law beyond that of the ordinary citizen. However, they are empowered by their angling club to uphold club rules. If, for example, an angler is discovered fishing without permission, the bailiff can ask the individual to quit the water and/or report the matter to the police. Poaching – fishing without permission – is a criminal offence, in fact, under Schedule 1 of the Theft Act 1968. The theft of fish (from enclosed waters) should also be reported to the police. Contraventions of local byelaws, such as taking under-sized fish, or fishing out of season, must be reported to the EA. It is always best, of course, to report offences either at the time or immediately practicable to do so. When dealing with contraventions of club rules, the relevant protocol particular to the club or fishery would have to be observed. This would, however, undoubtedly include taking the offender's details and reporting the matter accordingly to the committee.

In Harm's Way?

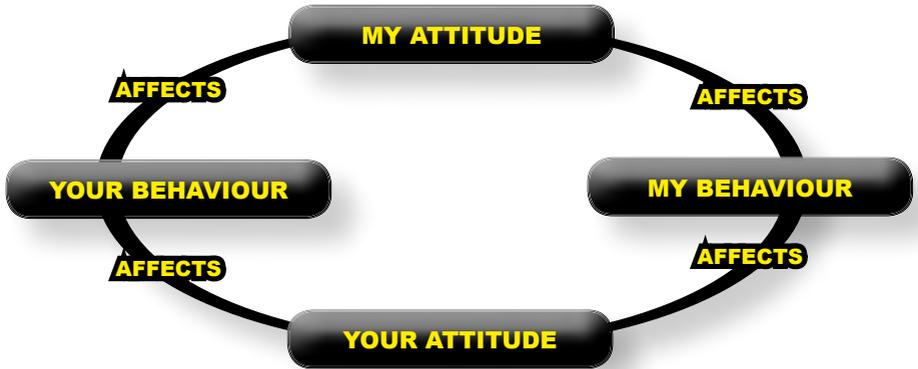
Approaching strangers on the bank can be a potentially dangerous scenario – because you just do not know who these people are. All anglers, of course, have a legal excuse to carry a knife, and the EA confirm that more FEO's are assaulted when checking rod licences than when engaged on any other enforcement activity. For these reasons bailiffs need to very carefully consider the advice contained in the subsequent sections on Conflict Resolution, Health & Safety and Risk Assessment. The essential message is: safety first. It is also worth remembering that evidence is always stronger when corroborated, so that, in addition to personal safety, is another reason why bailiffs should work in pairs, if at all possible.

Conflict Resolution

Professional law enforcement personnel, such as police and EA warranted Water Bailiffs, receive comprehensive training in the law and Conflict Resolution. The following is an overview, taken from that all-important training, of how to recognise and avoid potential conflict, so that you can make an exit if necessary, before the situation deteriorates. The outcome of physical conflict cannot be predicted, and may result in serious injury or litigation. If in doubt, report the situation to the police.

Betari's Box

This is a model which demonstrates how the attitude we present to people affects how they respond to us. An aggressive tone, for example, when first encountering others can lead to a similar response and a downward spiral of interaction follows. When dealing with others, be firm and fair and act in a way you would expect others to act towards you.



Warning Signs

As tempers flare, there are a number of indicators that a situation may be heading towards conflict. It is important to recognise these warning signs:-

- 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

If the verbal and posturing warning signs are not recognised and/or dealt with, the encounter is in danger of descending into a physical confrontation. This is usually preceded by danger signs. There may be only a few seconds between these danger signs and an assault, so now is the time to consider a swift exit!

- 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

Reasonable Force

As has been stated, physical force should be avoided by water keepers. 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

In the UK, use of force by one individual on another is considered 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'. Ultimately, you may have to justify your actions in a court of law.

Migrant Anglers

The influx of migrants from Eastern Europe has led to issues here, because in those countries fish are regarded purely as food and there is little concept of private fishing. The language barrier is another issue. However, the Angling Trust recommends that fisheries display multi-lingual signage, which can be downloaded free of charge here:

<http://www.anglingtrust.net/page.asp?section=709>.

The Trust also provides multi-lingual leaflets explaining our angling laws, free copies of which can be obtained from the Trust. It is highly recommended that bailiffs carry supplies of these whilst patrolling.

Although there are problems, it must be equally acknowledged that not all migrants contravene our angling laws but do practise catch and release. Indeed, many angling clubs have been grateful for this influx of new members – and tackle shops for their business. When approaching migrant anglers, therefore, the bailiff must do so fairly

and without prejudice. Indeed, bailiffs should always discharge their duties impartially, regardless of who they encounter.

It may well be that problems with migrants can be resolved through education and integration. The Trust seeks to address this issue and assist angling clubs through the 'Building Bridges' project – which educates migrant anglers accordingly and encourages integration fishing events. A free translation service is also provided British angling clubs, to ensure their rules are available in various languages. For further information and assistance, please contact Rado Papiewski:

radoslaw.papiewski@anglingtrust.net.

Rod Licences

It is a statutory requirement for every angler in England & Wales to have a relevant valid rod licence. A rod licence, holder, however, no longer has any power to demand and inspect that of another; only EA FEOs and the police are empowered to check rod licences. However, angling clubs can make it a condition that members must possess a valid rod licence – and make non-compliance an internal disciplinary offence. To avoid complications with bailiffs demanding sight of licences on the bank, Best Practice would be to only issue a day ticket or club card upon sight of a valid licence at point of sale.

Poaching: the BIGGER Picture

It is becoming increasingly recognised that individuals involved in poaching are often engaged in a much wider range of criminality, and therefore of interest to various enforcement agencies. The new National Rural Crime Strategy, in fact, seeks to increase public confidence in the police throughout rural areas, and increase intelligence – information – reported from it. Being possessed of immense local knowledge and spending much time in the countryside, anglers are an immense source of rural intelligence. Do not, therefore hesitate to call the police or EA with any information or to report an incident in progress. This cannot be over emphasised. The Angling Trust and EA is working increasingly closely with the police on a national basis throughout England, and entirely supports the work of the National Wildlife Crime Unit. Further information on the Unit and efforts to educate police officers regarding the bigger picture can be found here: -

<http://www.nwcu.police.uk/news/nwcu-police-press-releases/putting-poachers-in-their-place-launch-of-project-trespass/>

The Angling Trust and EA are currently running the Voluntary Bailiff Service in South East England, and are keen to extend this to other areas of England. Anyone interested in getting involved should email their full name, date of birth, address and contact number to bailiffs@anglingtrust.net (secure server). These details will then be entered on our database pending an invitation to formally apply as and when the initiative extends to your area. Further information on the Voluntary Bailiff Service can

be found here: -

<http://www.anglingtrust.net/page.asp?section=930§ionTitle=Voluntary%20Bailliff%20Service>

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 what is arguably common-sense – but now known as 'Health & Safety'.

Many of us, however, become complacent when out on the banks, having spent many years happily fishing without giving a second thought to our surroundings and personal safety. How many of us, for example, fish only feet away from deep fast flowing water without thinking what would happen if we were to slip and fall in - especially as we may be wearing heavy waterproofs and boots?

Because bailiffs are frequently volunteers it is vital that they are made aware of the potential dangers involved. Annually, over four million work days are lost due to work based accidents – does any club committee want to be held responsible for a volunteer having to have time off their paid job due to an accident on their club's water?

The latest Water Safety Forum report in 2012, showed that thirteen people died whilst angling, of which five of these were on ponds or rivers. However, fifty people died whilst walking along rivers, canals and lakes in the same time frame. This shows that there are inherent risks for anyone out on the banks whether they are fishing or not. With a little thought and preparation, however, many risks can be avoided.

Risk Assessments

In order to keep safe, the first thing to establish is what are the dangers for bailiffs when out on the bank? The easiest way to do this is by completing a 'Risk Assessment' (RA). This is a simple evaluation of what potential hazards exist, and what controls can be put in place to limit that risk. These documents can be stored in hard copy or better still electronically, so that they are readily accessible to the different people who may patrol your waters at various times. They are also easy to update if kept electronically.

There are 5 steps to completing a RA: -

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.

You should have a RA for each site that managed, because no two sites are the same. RAs should also be regularly updated as things change; for instance, you may find that a local landowner has decided to keep cattle in a field for the summer, or a gate is locked and your access is limited. These things should be noted and transferred to the RA as soon as possible.

Remember that: -

- § A hazard is anything that may cause harm, such as deep water, cattle, electric pylons, noxious plants etc.
- § The risk is the chance, high or low, that somebody could be harmed by these and other hazards, together with an indication of how serious the harm could be.

Some elements you may wish to cover on your RAs are below. Remember, this list is not exhaustive and you may have unique considerations on your sites.

- 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

There is a template for a risk assessment at the end of the document (please see Appendix). More information on completing them and H&S in general can be found at: www.hse.gov.uk.

Personal Protective Equipment (PPE)

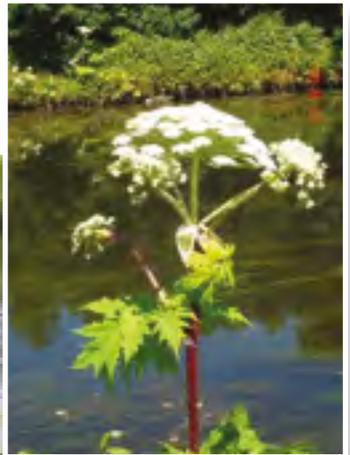
It is not ideal to be walking along potentially wet and slippery banks in a pair of flip flops or trainers. Stout footwear and robust clothing should be standard for most venues; you need to consider what else you may come up against on the bank, such as nettles, brambles, barbed wire etc. You should remember that in the UK the weather can change very quickly - what was a lovely sunny day can soon turn in to a soaking. Always be prepared for these changes in weather and carry a spare change of clothes in the car. In winter a flask can be a godsend if you do get caught in a snow flurry.

The types of clothing that you wear can also help to portray the right image. Think about the people and locations you are visiting. Popping out the bushes covered in camouflage clothing and wearing a balaclava, for example, will only lead to scaring anglers as oppose to reassuring them.

Noxious Plants

In the UK we are fortunate not to have many noxious, harmful, species. We do, however, have a couple of species that can be particularly nasty should we bump into them on the riverbank.

Giant Hogweed (*Heracleum mantegazzianum*) is a native of the Caucasus region and central Asia. It was brought to Britain as an ornamental plant in the 19th Century, and has also spread to many



other countries. The plant resembles Cow Parsley but is much more toxic and troublesome. The sap of the plant contains photosensitizing furanocoumarin, which can cause phytophotodermatitis (severe skin inflammations) when the skin is exposed to sunlight or to UV-rays. In short it prevents the skin from being able to protect itself from sunlight which causes very bad sunburn. If for some reason you do happen to get the sap on your skin the best treatment is to rinse immediately with plenty of COLD water. The affected area should then remain covered and out of sunlight for forty-eight hours. If you do have a reaction, consult your doctor as soon as possible.



Hemlock Water Dropwort (*Oenanthe crocata*) is the most poisonous plant in the British Isles and considered one of the ten most poisonous in the world. Although this may seem a little frightening, considering that the plant grows on the banks of rivers that you may walk, it is only dangerous if swallowed. It is most poisonous in late winter and early spring. Humans have been poisoned when leaves have been mistaken for those of celery, or the tuberous roots for parsnips.



Disease Risk

Leptospirosis (Weils Disease)

Unfortunately our waterways are not only home to the fish that we target but also host rats and other animals (hedgehogs, deer, rabbits) that can carry the *Leptospira ictero-haemorrhagiae* bacteria in their urine. This is more commonly known as 'Weils Disease' and is associated closely with rats - of which between 50 and 60% carry the disease.

In 90% of cases, leptospirosis only causes mild flu like symptoms, such as headache, chills and muscle pain. However, on occasion the infection can be more severe and potentially causes life threatening problems. The more common mild symptoms do, in fact, make diagnosis of leptospirosis difficult.

Although cases in the UK are rare, there are still over forty per annum. People in regular contact with freshwater, including anglers, are more likely to catch it than others. The easiest way to prevent infection is to cover any cuts with waterproof plasters,

and ensure that hands are washed before eating or drinking. The disease is not known to spread from human to human.

For more information on leptospirosis please visit: -

www.nhs.uk/conditions/leptospirosis/pages/introduction.aspx

Lyme Disease

Lyme disease is a bacterial infection spread to humans by ticks, most commonly the sheep tick, but also the fox, deer or hedgehog tick. Tick bites often go unnoticed for some time, and the longer they are on you the greater the chance of infection. Infection starts as a characteristic 'bullseye' shaped rash appearing three to thirty days after the bite. You may also experience flu like symptoms as described for Weils disease.

If left untreated further symptoms may develop many months or even years after being bitten. These can include: -

- § Muscle pain.
- § Joint pain and swelling of the joints.
- § Neurological symptoms, such as temporary paralysis of the facial muscles.

As with Weils disease there is no risk of spread from human to human, because the disease can only be spread by tick bites. The best way to avoid being bitten is to cover any exposed skin with long sleeves or trousers, and check yourself once you return home. Favourite places for ticks are behind the knees and under the arms.



Sheep Tick and Tick bite

For more information on Lyme disease please visit: -

www.nhs.uk/conditions/lyme-disease/pages/introduction.aspx

Water and Bank Side Safety

As anglers we spend a lot of time around water - which can lead to a degree of complacency. It is worth remembering that 180 people per year die from accidental drowning in rivers and lakes, and that the vast majority of these are only three metres from safety. It only takes water six inches deep and travelling at six mph to knock you off your feet. In water one metre deep (waist high), flows of 1m/s become challenging and by 1.8m/s (four mph) everyone will be washed off their feet; water two feet deep will float a car.

If you do fall in the water, the risk of hypothermia is a big one. This is obviously a greater risk in the winter than summer. However, even in water of 12°C, after twenty minutes the temperature of your deep muscles would drop from 37°C to 27°C - reducing effectiveness of muscles by 30%. In cold winter water you only have minutes before your core temperature starts to drop and hypothermia sets in.

Along with water safety there are other bankside safety issues that must be considered. Fishing pegs/platforms can become damaged or rotten and may be unsafe to stand on; these should be noted on RAs and fixed as soon as possible. The banks of ponds and rivers can become undercut and prone to collapse if stood on; this can be compounded by invasive species such as crayfish and Chinese mitten crabs, which burrow into the bank. A once solid river bank can also become unsafe following a flood, not to mention the added dangers of detritus lining the banks.

Electrical pylons are another potentially fatal risk. If you have pylons crossing your fishery you should have received advice from the National Grid as to the size of the exclusion zone around them. It is also important that you have clear signs put up in the vicinity so that anglers are aware of the dangers. If you have a large number of foreign anglers visiting your waters you should consider having signs made in numerous languages (the Angling Trust can help with this). Each year there is an average of two fatalities from anglers' rods contacting pylons and many more injuries. It must be appreciated that electricity can jump (arc) some distance - so even if the rods do not contact the lines you can still be injured.

There is a default exclusion zone of thirty metres from power lines recommended by the Energy Network Association. Following suitable risk assessment it may be possible to reduce this distance. Further guidance on pylon safety can be found at: -

www.energynetworks.org/electricity/she/safety/safety-advice/angling.html

Cattle in fields should be noted and appropriate measures taken. Initially these should be highlighted on the risk assessment but adequate signage should be put up on gates and fences. Animals with young can be particularly aggressive and should be left alone. As discussed earlier a field that was empty one week may have cattle or horses in it the next.

Communication

It is important to remember that mobile phones do not work in every location in the country. We have some very remote waters that may be mobile 'black spots', in which there is no reception at all. Unless prepared to go down the route of using satellite phones, you need to ensure that bailiffs take adequate safety precautions when going out on their own.

If you cannot send bailiffs out in pairs, you should ensure that any staff who are going out on their own make people aware of what time they are leaving and what time they will be back. You also need to note on RA where the nearest telephone will be; this may be a pay phone box or nearby house or farm.

On remote sites there should be a reference to the nearest point of access. Just putting Smith's Farm will not help emergency services as Smith's Farm may be 100 acres with many miles of river bank. It should be noted on the RA which access point is the closest; this should be a six figure grid reference.

In sum, the foregoing indicates how many things must be considered to stay safe by the waterside. At first this may appear complicated - but in reality it is simply common sense.

Conclusion

This Guide, together with the 'Elementary Guide to Angling Law & Fisheries Enforcement', provides the basis for understanding the key issues underpinning safe and effective water bailiffing. Please take care out there. Should you require any further information, please contact the Angling Trust via bailiffs@anglingtrust.net.

Dilip Sarkar MBE, Angling Trust Fisheries Enforcement Manager
Adrian Saunders, EA National Fisheries Enforcement Campaigns Manager
Paul Coulson, Development Officer, Institute of Fisheries Management

Contacts

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