

ALCOVE ANGLING CLUB (AAC) - BAILIFFS¹ HANDBOOK

Introduction

1. This Handbook provides information and guidance to volunteer AAC Bailiffs to enable them to undertake their duties effectively, efficiently, lawfully and, above all, safely.
2. AAC bailiffs are appointed by the AAC Committee and empowered to ensure that AAC:
 - a. Policies and General Rules² are complied with.
 - b. fish and fisheries are maintained and protected from both damage and theft.
 - c. waters are agreeable, safe places for AAC members to fish and visitors.They operate under the direction of the Fisheries Manager, reporting through him/her to the AAC Committee.
3. Bailiffs are allocated to work primarily at one AAC venue but may be requested to attend at other venues when necessary to accomplish particular tasks.

Roles and Responsibilities:

4. Ambassador - Bailiffs are AAC Members' and visitors' to AAC venues primary interface with AAC and its management. It is important that they show AAC in a positive light by being approachable, knowledgeable and helpful; definitely not "jobsworths"!
5. Enforcement, which has two aspects:
 - a. assuring that AAC Members comply with AAC Policies and General Rules and initiating disciplinary action where necessary. To be effective in this role, Bailiffs must be even-tempered, friendly and fair but assertive.
 - b. scrutinizing anglers' membership books and, when non book holders are detected, ejecting them. Action, if they refuse to leave, depends on whether they are believed to be AAC members of not:
 - i. AAC Members may need to be reported to the Committee for possible disciplinary action.
 - ii. non-AAC Members i.e. poachers, may need to be reported to the Police to request their attendance for possible downstream legal action.Both scenarios require Bailiffs to have sound knowledge of angling legislation and of AAC General Rules and Procedures and to be personally adept at defusing conflict, while standing their ground.
6. Maintenance - both:
 - a. undertaking tasks personally, which requires appropriate skills, a degree of fitness and pride in workmanship.
 - b. overseeing working parties, which requires organisational skills to programme required tasks, judgement to allocate tasks to appropriately skilled, fit, motivated AAC Members and sound risk awareness.
 - c. liaising with 3rd party contractors, which requires the ability to interpret contracts and to appreciate commercial companies' viewpoints.

¹ In law, a fishing club bailiff is known as a 'Water Keeper'. A 'Water Keeper' should not be confused with an Environment Agency(EA) Fisheries Enforcement Officer (FEO), who is also commonly known as a 'Water Bailiff'. EA FEOs are warranted Officers, who have statutory powers of arrest. As fishing club 'Water Keepers', AAC Bailiffs have no legal powers beyond those of ordinary citizens.

² AAC Match Rules are enforced by the Match Secretary.

These scenarios require Bailiffs to be conscientious not only in their approach to the work itself but also to completing the necessary maintenance records, requests for follow-up action etc.

Authority

7. AAC Bailiffs are appointed by the AAC Committee, based on recommendations from the Fishery Manager.
8. AAC Bailiffs:
 - a. are empowered by the AAC Committee to enforce AAC Policies and General Rules, reporting to the AAC Committee through the Fisheries Manager;
 - b. have no legal powers beyond those of an ordinary citizen. They are entitled to inspect Members' proof of EA rod licences by virtue of General Rules 1.6 and 1.7.
 - c. are empowered by the AAC Committee to take immediate action to mitigate unacceptable health and safety risks to AAC Members and visitors, including taking pegs out of service.
9. AAC Bailiffs are provided with identity (ID) cards confirming their authority and identity. ID cards must be shown to club members prior to carrying out routine checks of their membership books, terminal tackle etc.

Recruitment

17. AAC Members who wish to become AAC Bailiffs, should apply in writing to the Fishery Manager using the Bailiff Recruitment Form on the AAC website.
18. The only definitive qualifications for AAC Bailiffs are that they must be:
 - a. Adult or Senior AAC Members;
 - b. able to swim.
19. However, Bailiffs:
 - a. must have the personal characteristics referred to in "Roles and Responsibilities" above.
 - b. may become witnesses in court, where his or her character and background will be scrutinised by both prosecution and defence. It is therefore important that bailiffs are people of demonstrably good character and integrity. Applicants to become AAC Bailiffs, are not subject to formal DBS checks but they may be requested to self declare any previous unspent convictions or provide details of any cautions or convictions within the last ten years. Applicants who are unsure about any aspect relating to this should consult with the Fisheries Manager.
 - c. must be fit enough to undertake Bailiffing duties, perhaps with agreed limitations and exclusions.

Equipment

20. Equipment e.g. tools, boats, personal protective equipment (PPE) and materials to undertake maintenance work, is normally provided by AAC. Bailiffs are required to ensure that any additional equipment provided occasionally by themselves or AAC Members is safe and serviceable before use.

21. AAC Bailiffs are provided with notebooks to detail times, dates and locations of patrols and to record information concerning anything suspicious, incidents, and anything that could help identify offenders, such as descriptions and/or vehicle registration numbers.
22. Mobile phones may be used for photographic and video evidence gathering but the law regarding pictorial evidence is complex and difficult to comply with, resulting in many photographs and videos being inadmissible in court. They are useful aids to identifying suspects but written notes detailing identifying features e.g. age, height, build, tattoos, accent, scars, are usually better for evidential purposes, especially if written immediately after the event, when it is still fresh in the witness's mind.
23. Bailiffs are supplied with bodycams for use when undertaking enforcement duties.

Training

24. Bailiffs are required to undertake the Angling Trusts FISHNET online training course and to forward their certificate of completion to the Fishery Manager within 3 months of their appointment.
25. Should a Bailiff wish to attend any other course(s), either to aid their application or during their tenure, he/she should seek guidance from the Fishery Manager³.

Expenses

26. Bailiffs are awarded free membership for each full year they serve to help defray their incidental expenses.

General Precautions

27. Operating near water can be dangerous, especially in remote areas and in bad weather:
 - a. always tell someone else where you are going and a likely return time.
 - b. always carry a mobile phone and consider an emergency charging device. However, a signal cannot always be guaranteed, so know the location of the nearest available land line telephone.
 - c. always know appropriate landmarks, so that the emergency services can be guided to the scene, if necessary. Ensure that Post Codes relate to the correct access point.
 - d. always wear appropriate clothing and footwear.
 - e. avoid working alone, particularly when using potentially hazardous tools and equipment e.g. chains saws, boats.
28. When undertaking potentially confrontational duties e.g. enforcement, Bailiffs must either :
 - a. work in pairs; or
 - b. wear a bodycam.

This is essential for safety and evidential purposes. Knowing that there will be irrefutable evidence of what happened in an incident may deter an uncooperative offender from becoming aggressive and the existence of such evidence avoids disciplinary action being compromised by incidents being one person's word against another's.

³ The Angling Trust's Fisheries Enforcement Workshop - more information at <https://anglingtrust.net/enforcement/fisheries-e-and-Conflict-Resolution> courses may be of particular interest.

29. Generic Safe Statements of Work, with supporting Method Statements for specific tasks, are published on the AAC website and are reviewed annually by the AAC Committee.

Ambassador

30. Bailiffs are AAC Members' and visitors' to AAC venues most visible and frequent interface with AAC and its management. As such, they are crucial to presenting AAC in a good light both internally i.e. to AAC Members, and externally i.e. to both authorised and unauthorised visitors.
31. To undertake this role effectively, Bailiffs must be:
- a. approachable and courteous. Members must feel comfortable asking Bailiffs for advice and information.
 - b. knowledgeable. Bailiffs must be willing and able to advise Members, particularly new ones, about for example:
 - i. AAC management structures and Officers, Policies and Rules;
 - ii. AAC venues - their locations, layouts, fish stocks, features such as depths, snags, baits and techniques that are working.
 - iii. future infrastructure works, enabling them to assuage Members' concerns about known issues.
 - c. receptive to Members' complaints and observations and pro-active in passing them on to AAC Committee via the Fishery Manager.
 - d. even tempered but assertive, particularly when undertaking enforcement duties.

Enforcement

32. A basic tenet of enforcement is that all anglers must be and must be seen to be treated the same e.g. if one angler is asked to show his/her documents, then even anglers who a Bailiff knows are Members must be asked; if one angler is to be reported to the AAC Committee, then all anglers committing the same or substantially similar breaches must be reported. This is essential to avoid the perception of favouritism or harassment.
33. AAC Bailiffs are authorised by the AAC Committee to:
- a. inspect Members' Club Books and EA rod licences, to confirm that they are bona fide AAC Members and fishing legally.
 - b. intervene if they see anglers at AAC venues contravening AAC Policies and General Rules, including but not limited to:
 - i. indulging in unsafe practices, which may result in harm to themselves e.g. entering deep water to retrieve lost tackle, or others e.g. reckless casting.
 - ii. mistreating fish,
 - iii. using prohibited tackle. Bailiffs are authorised to require anglers to reel in tackle for inspection.
 - iv. verbally or physically abusing other Members or visitors.
 - v. indulging in anti-social or illegal behaviour that may offend AAC Members or bring the club into disrepute.
34. Many breaches are minor and the result of momentary carelessness or oversight and can be remedied with a few words of advice i.e. the Policy or General Rule that has been contravened and, if possible, how to avoid a repetition. Nevertheless, the Member should be given an informal Bailiff's caution and advised that any future breach(es), not necessarily for the same offence, will result in him or her being reported to the AAC Committee for

possible disciplinary action in accordance with the AAC Disciplinary Procedure, which is available on the AAC website.

35. Any current AAC Member who:

- a. refuses or is unable to produce a valid AAC Book,
- b. commits a serious breach of the AAC Policies or General Rules, including but not limited to:
 - i. declining to acknowledge or accept advice about a minor, unintended breach,
 - ii. deliberately breaching AAC Policies or General Rules e.g. knowingly using prohibited tackle,
 - iii. gross mistreatment of fish,
 - iv. behaviour that could bring AAC into disrepute or result in legal action against AAC e.g. behaviour that could endanger Members or visitors,

shall be reported for possible disciplinary action in accordance with the AAC Disciplinary Procedure immediately

36. Anglers who claim to be but are not known by the Bailiff to be AAC Members and are unable to produce their AAC Book or other proof e.g. the word of another AAC Member, shall be asked to leave the venue and shall be reported to the AAC Committee for possible disciplinary action as soon as possible.

37. Anglers who are unable to provide proof of a current EA rod licence shall be reported to:

- a. the AAC Committee for possible disciplinary action as soon as possible.
- b. the EA.

38. Poachers are unlikely on AAC venues because locked gates should prevent vehicle access. However, should a Bailiff encounter an angler who he knows, or suspects may be a poacher e.g. is unable to produce an AAC Book, is unknown to the Bailiff and perhaps appears ignorant about the AAC venues, Rules etc, he/she should:

- a. ask the suspected poacher to leave immediately.
- b. attempt to identify the suspect.

39. Should a suspected poacher refuse to leave immediately or resort to threatened or actual violence, the Bailiff should:

- a. advise him or her that he or she will be reported to the Police;
- b. withdraw and telephone the Local Community Police Team⁴ to ask them to attend;
- c. arrange for the Police to be met at the venue entrance and, if requested, accompanied during their visit.

40. Bailiffs may encounter non-angling trespassers e.g. dog walkers. Trespass is a civil offence that is not easily or quickly countered by legal action. Bailiffs can, therefore, do little beyond

⁴ Poaching is an offence under the Theft Act 1968. It does not matter if the angler hasn't caught any fish or taken any fish away. Case law has established that the act of fishing or even preparing to fish are offences under the Act. Poaching has a specific Home Office Crime Code (HOCC) - 116/11. The Police, not the EA, are the enforcement authority and have a duty to respond but it is low generally priority. However, citing the relevant law and HOCC, when asking the Police to attend, will:

- reinforce that they are the enforcement authority with legal duties;
- encourage them to attend by helping the Officer(s), who are often untrained in fishery law, by eliminating their need to research the relevant laws and enabling them to submit favourable crime statistic to their senior managers.

asking trespassers to leave and, at Whitehouse Farm, directing them to the Public Footpath. This may have little or no effect but is important as it may offer AAC a degree of protection against claims under Occupiers' Liability legislation should an incident occur.

41. If, however, a trespasser(s) is causing a disturbance e.g. making excessive noise that might disturb neighbours at The Lido, causing damage to infrastructure or putting Members' health, safety or equipment at risk, a Bailiff may be justified in calling the Police; the Community Policing Team or 999 depending on the seriousness of the disturbance.
42. All incidents, including encounters with trespassers, should be:
 - a. recorded in detail in the Bailiff's AAC notebook potentially for evidential purposes.
 - b. summarised on a Bailiffs' Incident Report Sheet and lodged in the log held at the venue and a copy sent to the Fishery Manager so that serial offenders can be identified and any on-going trends can be detected as soon as possible.

Any event that necessitates the Police being called, even if they don't attend, should be reported to the Fishery Manager as soon as possible.
43. Anglers who claim to be AAC Members but are unwilling or unable to provide proof, suspected poachers and trespassers cannot be relied upon to give accurate contact details. Bailiffs should therefore seek other, unprovocative means to gather evidence that will enable them to be identified e.g. covert photographs, car registrations, asking other anglers, physical description and unusual, defining features noted down as soon as possible after the incident.
44. Inevitably, enforcement has the potential for confrontation, particularly when anglers are asked to leave or are told they will be reported to the AAC Committee or Police. In these circumstances, a Bailiff must always try to defuse the situation, remaining calm and polite but firm. If an incident threatens to get out of control, verbally or physically, the Bailiff MUST withdraw⁵.
45. A Bailiff's ONLY justification for using physical force is in defence of himself or another person or to prevent a crime e.g. deliberate damage to a AAC Member's tackle or AAC property. Even then, the degree of force must be "reasonable" in the given circumstances, which is notoriously difficult to substantiate in the cold light of a court. It is far preferable for a Bailiff to retreat, if it is at all possible, even if it does mean a short term loss of face, than to get embroiled in a potential legal nightmare.

Maintenance

46. Maintaining and enhancing AAC venues is a team effort. The AAC Committee sets objectives and priorities and monitors progress towards achieving the agreed goals, adjusting priorities, resources and, if necessary, objectives to maintain an optimal programme. The AAC Fishery Manager is responsible for:
 - a. developing for AAC Committee's agreement work programmes for each venue that reflect the AAC Committee's priorities and available financial and human resources;
 - b. managing the timely, efficient, effective delivery of the agreed programme;
 - c. reporting progress to the AAC Committee.

⁵ The law regarding "citizen's arrest" is complex and only applies for indictable offences i.e. offences that would be tried in Crown Court, and then only in specific circumstances. Restraining or detaining someone in other circumstances, could result in the arrester being charged with assault or false imprisonment. It is a solution best avoided!

Bailiffs deliver the agreed programme, by a combination of their own efforts and overseeing the efforts of AAC Members at organised Working Parties.

47. Bailiffs are required to:

- a. undertake, individually or as part of a team, tasks as directed by the Fishery Manager. These are usually larger, more complex tasks, perhaps involving the use of potentially hazardous power tools e.g. brush cutter, or in potentially hazardous situations e.g. in water. In undertaking these duties, Bailiffs must ensure that equipment is safe and serviceable before it is used; equipment is only used in accordance with the makers' instructions; and all H & S management measures are implemented conscientiously.
- b. manage the activities of AAC Members to achieve specified objectives at organised Working Parties:
 - i. allocate tasks to appropriately fit, skilled AAC Members,
 - ii. ensure that any equipment used is safe and serviceable;
 - iii. ensure that AAC Members are aware of the risks associated with their allocated tasks; are aware of measures to mitigate health and safety risks and avoid damage to AAC equipment and venue infrastructure; and implement such measures conscientiously e.g. use appropriate PPE.
 - iv. inspect finished projects to ensure that objectives have been achieved to the required standard and are free of H & S hazards e.g. sharp edges on cut platform supports;
 - v. record any issues that require further attention e.g. unserviceable tools, in the log held at the venue;
 - vi. report progress to the Fishery Manager for onward transmission to the AAC Committee.

48. While undertaking their other duties e.g. enforcement, interacting with AAC Members, Bailiffs should be alert for damage and degradation of venue infrastructure and equipment e.g. platforms, lifebuoys, signs, encroaching vegetation. Issues that cannot be resolved at the time should be recorded in the log held at the venue together with an indication of their seriousness and urgency, if possible. Bailiffs are authorised to take immediate action to eliminate problems that present unacceptable risks to Members' and visitors' H & S e.g. by taking unsafe pegs out of service.

49. Bailiffs will normally work at an agreed preferred site but, occasionally, may be asked to attend at other venues to assist with specific tasks.

Meetings

50. Bailiffs are encouraged to attend:

- a. AAC Committee meetings in order to offer their insights on matters relating to their duties and to enable them stay abreast of more general issues;
- b. periodic visits to venues by Local Community Police Officers in order to build a rapport, which may assist in the event of the Police being asked to attend.