

Part A

Report to: West Herts Golf Club and Watford Borough Council JCC

Date of meeting: 9 October 2018

Report author: Section Head – Culture and Events

Title: Review of the Joint User Agreement

1.0 Summary

1.1 Since 1997 a signed Joint User Agreement (JUA) has been in place between West Herts Golf Club and Watford Borough Council. This agreement has formed the basis, and main purpose, of the Joint Consultative Committee (JCC) which was set up to collectively monitor and control the JUA. The JCC comprises an equal representation of nominated members from each organisation.

1.2 At the last JCC on 10 October 2017, the club advised that it would be writing to the council with its proposals to review the JUA. It was accepted that whilst the agreement in place was satisfactory, some areas required revision and updating. A simplification of the document was also seen as a key outcome on both sides.

1.3 The aim was to present a final version of the revised JUA for approval at the next JCC in October 2018.

2.0 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
No monitoring of the new agreement	Actions not followed through. Failure to manage the JCC responsibilities	Joint Annual report at the JCC	treat	4
Fees are over inflated	Complaints to the council and the Golf Club	West Herts Golf Club produces a fees report and rationale to the annual JCC for approval	treat	3

Increase in the number of special events	Lack of public playing time	Golf club provides a calendar of events at the JCC for approval	treat	3
Golf club restrict times available to general public	Lack of public playing time	Public booking times monitored and agreed at their JCC	treat	4

3.0 Recommendations

3.1 The Joint Consultative Committee is recommended to approve the revised Joint User Agreement and monitor its implementation through the Joint Consultative Committee.

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Report approved by: Alan Gough, Head of Community and Environmental Services

4.0 Detailed proposal

4.1 Watford Borough Council and West Herts Golf Club entered into a Joint User Agreement (JUA) on 25 March 1997 in support of a lease of the same date between the same parties.

4.2 The JUA was based on the golf club's organisation at the time and was intended to vest a level of authority in the Joint Consultative Committee (JCC) and provide an operational framework in which the club would manage the jointly promoted facility.

4.3 The need for change was recognised and accepted by the JCC at its last meeting on 10 October 2017 and it was agreed that the club would submit a revised draft to the council for comment.

4.4 The main intention of the revisions was to:

- Produce a document to which both the council and the club could work
- Protect the position of the JCC and the council without the risk of undue influence on the club board
- Simplify and significantly shorten the document

- Update all relevant sections to reflect current working practices and legal requirements.

4.5 In brief, the headline changes to the JUA are a simplification and streamlining of the schedules

Schedule 1	Updated management structure reflecting roles and reporting lines
Schedule 2	Operational hours simplified and updated
Schedule 3	Booking arrangements updated
Schedule 4	Public Disciplinary procedures rewritten
Schedule 5	Visitors Guidelines simplified and updated
Schedule 6	JCC appeals procedure rewritten

4.6 Both parties have concluded that implementing the revised agreement should not adversely impact either side or overall members of the club and general public will not see a significant change. A copy of the old and new agreement is attached for information.

5.0 **Implications**

5.1 **Financial**

5.1.1 The Shared Director of Finance comments that there are no financial implications contained in this report.

5.2 **Legal Issues** (Monitoring Officer)

5.2.1 The Head of Democracy and Governance comments that if a revised agreement is approved, it will need to be subsequently executed by both the Club and the Council for it to take effect.

5.3 **Equalities, Human Rights and Data Protection**

5.3.1 An equalities impact analysis (EIA) on the changes to the JUA is being undertaken and will be completed before the JCC meeting on 9 October. The recommendation to the JCC above is therefore subject to the outcome of the EIA. The Section Head - Culture and Events will update the JCC on any resulting proposed changes (if any) to the recommendations arising from the EIA.

5.3.2 Having had regard to the council's obligations under the General Data Protection Regulation (GDPR) 2018, it is considered that officers are not required to undertake a Data Processing Impact Assessment (DPIA) for this report.

5.4 **Staffing**

5.4.1 None.

5.5 **Accommodation**

5.5.1 None.

5.6 **Community Safety/Crime and Disorder**

5.6.1 None.

5.7 **Sustainability**

5.7.1 None.

Appendices

Appendix 1 Equalities Impact Analysis (to follow)

Appendix 2 Proposed new Joint User Agreement Previous Joint User Agreement (dated 25 March 1997)

Appendix 3 Previous Joint User Agreement (dated 25 March 1997)

Background papers

No papers were used in the preparation of this report.