

## **GOLF COURSE 'TRAFFIC' POLICY – BEST PRACTICE GUIDANCE**

### **Introduction**

The English Golf Union (EGU) and the National Golf Clubs Advisory Association (NGCAA) have combined resources to produce the following guidance note.

We have sought and obtained Counsel's Opinion and these guidance notes are based upon that opinion.

The passing into law of the Equality Act 2010, effective 1<sup>st</sup> October 2010, necessitates the updating of the Buggy Policy Guidance Notes.

All clubs must have legally effective policies in place from 1<sup>st</sup> October 2010, in order to comply with the requirements of the Act.

The Equality Act identifies several 'Protected Characteristics' when defining when the Act applies in cases where someone has been treated less favourably because of that protected characteristic. The provisions cover prohibition against;

- Direct discrimination (Ss. 13 & 15)
- Combined Discrimination, dual characteristics (S.14) and
- Indirect Discrimination (S. 19)

In addition, your Club Buggy Policy must also comply with relevant Health & Safety legislation and should have been developed in accordance with the EGU / Sports Turf Research Institute (STRI) Wear Study.

### **Equality Act – Section 6 Disability**

The legal duties imposed on clubs in the Equality Act 2010 only apply to those members, visitors, guests and associate members of the club who are disabled within the meaning of the legislation and who cannot play golf without the use of a ride-on buggy.

It follows therefore that the club are free to formulate whatever policies they so wish for non-disabled golfers.

### **Health & Safety**

The club has a duty of care to users of ride-on buggies and therefore

- Should carry out an on-course hole by hole risk assessment.
- Once areas of risk are identified, the club should conduct an audit to identify what remedies should be put in place to minimize or eradicate the risk, or
- Should establish what reasonable adjustments will be made in order to enable disabled people to access the course and facilities of the club.

Health and safety reasons should only be used to justify restrictions on the use of buggies by disabled people where the specific course and ground conditions have been considered carefully and clear evidence is available to support the decision.

## **Course Damage**

In order that clubs have relevant information and data when considering restrictions to sensitive areas of the course, the EGU has commissioned the Sports Turf Research Institute (STRI) to carry out a study into the damage to fairway turf both under dry and wet ground conditions. The information provided in the report outlines the recommendations which all clubs should employ, through an appropriate course policy document. The full report can be accessed through the following link <http://www.Englandgolf.org/page.aspx?siteid=320&siteidtitle=Golf+Course+Traffic+%2f+Buggy+Policy+Guidance>

The EGU, NGCAA and STRI strongly and positively recommend that clubs adopt and implement policies to manage all forms of traffic (footfall, pull trolleys and motorized ride on buggies) on the course. The policy should not just solely relate to the restricting of such vehicles but also should positively address issues which arise from the need to direct traffic to spread and limit wear.

In summary, the club should carry out regular and systematic assessments to identify;

- Areas that could be affected by traffic
- What actions can be put in place to eradicate/minimise the risk or manage traffic
- What reasonable adjustments can be made

## **Frequently Asked Questions**

Q. To whom does the legislation apply?

A. To all proprietary and private members' golf clubs.

Q. Do clubs need to have relevant written policies in place?

A. It is positively recommended that a club has a written policy.

Q. Which Policies should clubs have in place?

A. Buggy Policy for a) Disabled People b) Non-disabled People.  
Course Health & Safety Risk assessment specific to buggy use.  
Damage risk assessment (on course) specific to buggy use.  
Traffic management plan.

Q. Should these policies be in writing?

A. Yes and able to be freely inspected.

Q. What else is relative to this legislation?

A. You should ensure you have taken additional steps such as:

- a) Staff training where appropriate
- b) Appropriate insurance for on course buggy use
- c) Buggy user guide – maps, restricted areas developed from the risk assessments.

Q. Must we allow buggies on our course?

A. You must make every endeavour to allow a disabled golfer who requires a buggy to play golf with the use of a buggy.

Q. What is the case when the course is closed?

A. Provided the course is closed to all, no-one including the disabled player may play.

Q. Can a club impose a blanket ban on buggy use?

A. No.

Q. If there are Health & Safety issues can we ban buggy use?

A. Your completed risk assessment of your course will determine for you what Health & Safety issues may be relevant and affecting buggy use day by day.

If Health & Safety issues are identified which affect buggy use, the legal requirement of the Equality Act imposes on clubs obligations to take reasonable steps to eradicate or minimize the risk before implementing the ban.

*Note here that even if a ban is consequently introduced it can only relate to those areas deemed to be dangerous and not the whole course.*

Q. How long can such a ban stay in place?

A. It must be reviewed on a daily basis, and such decisions recorded for inspection.

Q. Can we ban buggy use in bad weather to avoid course damage?

A. As with footfall traffic, buggy use too has to be effectively managed to avoid damage. Again the legislation imposes duties on clubs to make reasonable adjustments.

Q. What kind of adjustments?

A. Clearly defined routes to identify sensitive areas

The possible introduction of pathways in certain areas.

90 degree rule for traffic management – travel in the rough until level with the ball.

Provision of notices of these adjustments to be widely available.

Q. Do we need to provide dedicated parking / storage for disabled golfers' buggies?

A. No

Q. Does a club have to provide a buggy to a disabled golfer free of charge?

A. Counsel has advised that the provision of buggies by the club or club professional is not caught by the legislation. Clubs are therefore free to determine their own policy on charging. However, the NGCAA recommends that if the disabled golfer is refused permission to use his/her own buggy but is permitted access using a buggy supplied by the club then in this instance no charge should be levied.

Q. What if a disabled golfer requests a buggy and none are available at the time?

A. A sensible policy should be in place that provides an effective system.

In other words, whilst a buggy for disabled golfer cannot be guaranteed, the booking system in place may give priority to disabled golfers and it is imperative that this policy is widely published.



Q. Is the club required to allow the use of a buggy by a disabled golfer in competition?  
A. Yes, all of the above obligations apply.

### **Overriding Conclusions**

- The NGCAA & EGU has taken Counsel's Opinion upon the impact and meaning of the Equality Act 2010 specifically to course traffic at Golf Clubs, any questions on the content of Counsel's Opinion should be directed to the NGCAA (contact detail below).
- This legislation is now in force, therefore positive actions are required.
- This legislation imposes duties and obligations upon your Club.
- All Clubs are required by law to be wholly inclusive.

### **Contacts**

For further information on this guidance please contact;

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