



The Annual Report of Adventure Activities Licensing Authority

1 April 2009 – 31 March 2010

Key Messages from the report include:

- The steady increase in the numbers of licensed providers continued
- There was an increase of 11% in the number of inspections, due largely to a targeted and enhanced inspection programme
- Expenditure was 5.3% over budget

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Adventure Activities Licensing Service Report **For the year 01.04.2009 – 31.03.2010**

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1. Foreword

- 1.1 The adventure activities licensing scheme was introduced in April 1996 and for 11 years was administered by Tourism Quality Services Ltd. (TQS), a company designated as The Adventure Activities Licensing Authority (AALA or 'the Licensing Authority' or 'the Authority') by the Secretary of State.
- 1.2 As of 1st April 2007 the Health and Safety Executive (HSE) was designated as the Adventure Activities Licensing Authority and contracted TQS to carry out certain functions on its behalf. This includes, but is not limited to, the receipt and consideration of licence applications, inspections, and the granting or refusal of a licence. TQS now carries out its contracted work under the name of the Adventure Activities Licensing Service (AALS or 'the Licensing Service').
- 1.3 This report covers the work of TQS in fulfilling the contract during the period running from 1st April 2009 – to 31st March 2010. TQS has always been, and remains, a not-for-profit company limited by guarantee.

2. Background to the licensing scheme

- 2.1 The adventure activities licensing scheme is the mechanism for the inspection and regulation for certain aspects of the delivery of adventure activities to young people as set out in the Activity Centres (Young Persons' Safety) Act 1995.
- 2.2 In operating the licensing scheme, AALS works to the published guidance of the HSE as detailed in 'Guidance from the Licensing Authority on the Adventure Activity Licensing Regulations 2004' (Ref: L77 Second Edition published 2007. ISBN 978 0 7176 6243 2).

3. The Functions of the Licensing Authority contracted to TQS.

The following functions are contracted to TQS:-

- Receive applications for new licences and the renewal of existing licences;
- Collect licence fees
- Consider applications for licences against the criteria of the regulations
- Inspect providers' activities/premises/management systems etc as appropriate
- Prepare a post-inspection report
- Decide whether or not a licence should be granted

- Inform applicant of the decision
- Handle the first stage of the complaints and appeal procedures
- Refer unresolved complaints/appeals to the AALA
- Maintain a publicly accessible register of licensed providers.

4. Inspections

4.1 Inspections are carried out either:

- Following applications for the issue or renewal of a licence
- In anticipation of an application to renew a licence
- To investigate a complaint
- As a targeted or random spot check
- At the request of another agency.

The breakdown of number and type of inspection visits carried out by the Inspectorate can be found in Annex 1.

5. Licences issued and refused

5.1 The number of licence holders for selected years since licensing was introduced is as follows (*figures taken at 31st March in each year*);

1998	2000	2002	2004	2006	2007	2008	2009	2010
887	916	949	1008	1052	1080	1134	1182	1205

As shown, the number of licence holders increased steadily over the period of licensing. The underlying trend has been for the rate of increase to accelerate; this acceleration is checked from time to time by factors other than demand for adventure activity, e.g. foot and mouth disease or a rise in the fees.

5.2 Between 01.04.2009 and 31.03.2010 AALS **refused** 1 licence application and **revoked** 3 licences.

5.3 More detailed information can be found in Annex 2.

6. Complaints

6.1 During the reported period 17 complaints were received by AALS. Further detail about the substance of the complaints made and the actions of the Licensing Service can be found in Annex 3 to this report.

7. Administration of funds

7.1 AALS receives the fees payable by applicants, recording the expenditure on carrying out the contracted tasks, providing the Authority with monthly accounting for same, and providing forecasts and budgets as required.

7.2 As at 31/03/2010 the number of licence holders, at 1205, was just under 3% above the original forecast of 1170. Whilst the 2008 fee increase (which applied to many providers for the first time) and the recession resulted in withdrawals 38% above forecast, most encouragingly new applications, at almost 100, were 78% above forecast. Thus total income was above forecast by just under 3%, at £532k, well above the £474k of 2008-09, largely due to this being the first full year of the higher licence fee.

7.3 Expenditure, at £913k excluding exceptionals, was 5.3% above forecast (£867k). This was largely due to an enhanced programme of inspecting adventure activities in progress introduced by the AALA during the period. This focussed primarily on caving, and led to contracted inspectorate costs being 5% above forecast, accounting for £42k of the overall £46k increase. (The relevant inspectorate hours increased by 96.6% as detailed in appendix 1). Exceptional items not included in the budgets totalled £6.6k of which £4.3k related to legal costs arising from TQS personnel being required as witnesses following fatal accidents. Taken together the result was a contract sum at £389k against a forecast of £350k.

7.4 In terms of financial and corporate risk, TQS is not aware of any threats to the company that might prejudice its ability to continue to fulfil the contract. There are inherent difficulties with making forecasts primarily due to the fees not being payable at a fixed moment in time. Costs are more easily forecast although in a small operation (under 15 employees) items such as maternity and injury/ill health to key staff can have a significant impact in percentage terms if not in absolute cash sums.

8. Joint Inspections with Other Agencies

Between 01.04.09 and 31.03.10, Senior Inspectors carried out 12 joint inspections with other agencies, details of which are in Annex 4.

Annex 1: Number and Type of Inspections carried out 01.04.2009 to 31.03.2010
(compared with 01.04.2008 to 31.03.2009)

Main Scheduled Inspections

	01.04.2009 – 31.03.2010				01.04.2008 – 31.03.2009		
	No. of Inspections	Total Hours	Average Hours		No. of Inspections	Total Hours	Average Hours
April	65	266.45	4.10		84	298.45	3.55
May	88	279.60	3.18		75	267.30	3.56
June	87	352.10	4.05		73	278.25	3.81
July	82	307.65	3.75		85	284.35	3.35
Aug	42	145.85	3.47		48	166.63	3.47
Sept	42	131.20	3.12		34	119.20	3.51
Oct	23	89.85	3.91		42	122.95	2.93
Nov	38	128.25	3.37		32	123.90	3.87
Dec	28	87.45	3.12		29	91.15	3.14
Jan	39	118.90	3.05		40	142.55	3.56
Feb	36	117.75	3.27		44	148.30	3.37
Mar	66	224.90	3.41		57	198.45	3.48
Totals	636	2249.95	3.54		643	2241.48	3.49

Supplementary Scheduled Inspections

	01.04.2009 – 31.03.2010				01.04.2008 – 31.03.2009		
	No. of Inspections	Total Hours	Average Hours		No. of Inspections	Total Hours	Average Hours
April	20	49.15	2.46		7	16.06	2.29
May	22	76.45	3.47		16	47.45	2.97
June	29	94.90	3.27		16	46	2.88
July	40	129.40	3.23		31	74.3	2.40
Aug	31	98.05	3.16		33	80.25	2.43
Sept	25	79.85	3.19		10	21.05	2.11
Oct	26	87	3.35		14	43.35	3.10

Nov	19	74.95	3.94		11	37.8	3.44
Dec	12	41.75	3.48		10	31.25	3.13
Jan	10	29.1	2.91		14	36.25	2.59
Feb	13	44.85	3.45		5	15.7	3.14
Mar	32	112.3	3.51		8	17.25	2.16
Totals	279	917.75	3.29		175	466.7	2.67

42 spot checks were also carried out during this period, compared with 33 during the same period in 2008/09.

The total number of inspections under the AALR therefore, was 957, compared with 851 during the same period in 2008/09. The recorded hours are 'contact' hours only.

Note:

Factors relating to the increased number of inspections

- The increase in the number of new applications;
- A targeted inspection initiative to look at the caving activities of all licence holders licensed to provide caving requested by the AALA in response to the Manchester Hole tragedy.

Main Inspections - Inspections carried out directly in relation to an application for a licence or the renewal of a licence having been received by AALS. Wherever possible this includes both an inspection of management systems and the observation of an activity session taking place, which allows the inspector to compare theory with practice for a sample of activities. These inspections always result in a recommendation on whether to issue a licence.

Supplementary Inspections – Inspections carried out either:

- In anticipation of an application;
- To view an activity session where it was not possible to view one at the time of the management inspection; or
- To follow up on requirements made at a previous inspection.

Spot Check Inspections – Includes targeted or random spot-checking inspections.

Annex 2: Licence Refusals/Revocations and Variations

For this reporting period the refusals/revocations/variations are as follows:

Licence Refusal Statistics Between 1st April 2009 and 31st March 2010

Total number of refused licences	1
Total number of revoked licences	3
Total number of varied licences (part refusal)	0
Other notices of intent to refuse/revoke licences	8
Total	12

The 3 revoked licences were due to the providers having ceased trading mid-way through their licence period.

Of the remaining **9** cases, inspections had identified multiple failings relating to:

Technical Advice – access to / liaison with	2 out of 9
Staff records of competence	7 out of 9
Written procedures	3 out of 9
Actual unsafe or unsustainable practices	5 out of 9
Induction, monitoring, etc of staff	2 out of 9
Equipment checks/logs, accident reporting, etc	4 out of 9
Other	0 out of 9
Total	23 out of 9

Following the issue of the notices, 8 providers actioned the requirements made upon them and AALS was subsequently able to issue them with the appropriate licence.

RELEVANT ACTION

Action Taken	Period 01.04.07 – 31.03.08 (HSE as the AALA)	Period 01.04.08 – 31.03.09	Period 01.04.09 – 31.03.10
Licence refused / revoked	4	2	4
Licence refused in part	2	0	0
Notice of intent to refuse licence	6	1	8

Annex 3: Complaints

Complaints received by AALS for the period 01.04.2009 – 31.03.2010

Complaints were made by:

Member of the Public (including parents)	12
Other providers	1
Public Body	2
Employee/Ex-employee	1
Freelance Instructor	1
Total	17

Of these:

Non licence holders	0
Licence holders where complaints related to matters not in scope of the AALR	10
Licence holders where complaints related to matters in scope of the AALR	7
Total	17

Action taken in respect of all complaints:

Issues addressed/to be addressed at next scheduled inspection	4
Unannounced visit	4
Arranged visit	4
Matter resolved by some other means (e.g. correspondence)	4
No investigation deemed necessary	1
Total	17

10 cases did not strictly come within scope of licensing. They related instead to: adult/family groups, climbing wall/high ropes/zip wire activities, canoeing on a canal, hire of equipment and vehicle access. Where issues related to activities it was deemed appropriate to deal with them because of the expertise and knowledge of the provider's operation that exists within TQS. Enforcement authorities are notified if a satisfactory resolution had not or could not be resolved by this means.

Of the **7** cases where activities fell within scope of the AALR the following allegations were made. In some cases allegations against a provider covered more than one issue.

Operating activities that were not on the licence schedule	2 of 7
Deficient operational practices	2 of 7
Deficient equipment	2 of 7
Concerns regarding staff competence / qualifications	1 of 7

Findings of the investigations undertaken where activities fell within scope of the AALR:

Allegations deemed unjustified	1
Allegations deemed unsubstantiated	3
Allegations deemed justified in part	2
Allegations deemed justified	1
Total	7

In all cases where investigations of allegations were found to be justified, either wholly or in part, providers were instructed to make appropriate improvements to their operation.

Annex 4: Joint Inspections with Other Agencies

1. Ten Tors Fatality

On going work regarding the investigation into the death of a 14 year old girl on Dartmoor in March 2007, including report writing and appearance at coroner's court in November 2009.

2. Manchester Hole Fatality

On going work regarding court case against North Yorkshire County Council following the death of a 14 year old boy in November 2005.

3. Abernethy Trust, Barcaple

On going work regarding the Fatal Accident Inquiry into the death of a 15 year old girl in July 2006, including meetings with solicitors and giving evidence at inquiry between December 2009 and February 2010.

4. Fatality on River Usk

On going work regarding the investigation into the death of a 13 year old boy in November 2008 whilst canoeing with a licensed centre, including meetings with HSE and the police and writing a report for HSE.

5. The Arches abseil accident

A Senior Inspector liaised with Nottingham HSE following an abseiling accident involving a 12 year old girl in June 2009. The Inspector visited the site and wrote a report.

6. Corris Caverns

A Senior Inspector carried out a joint visit to the provider in July 2009 with HM Inspector of Mines.

7. New application inspection

Alistair McNab, HSE accompanied a Senior Inspector on a routine new application inspection in August 2009.

8. Mountain Mayhem

In December 2009 a Senior Inspector accompanied an Environmental Health Officer from Herefordshire County Council on a visit to the provider for support and advice.

9. Landmark Climbing Tower Accident

In December 2009 a Senior Inspector carried out an accident investigation at Landmark, Carrbridge with an Environmental Health Officer from Highland Council. An adult Korean tourist sustained a fractured femur when he fell from the tower.

10. Ancrum Outdoor Centre

A Senior Inspector accompanied a Health and Safety officer from HSE Edinburgh on a site visit following a mountain biking accident near Dunkeld in January 2010. A 15 year old girl was injured when she fell over the parapet of a bridge and into a gorge.

11. Tree Tops ropes course

A Senior Inspector had a meeting with an Environmental Health Officer from Conwy County Borough Council at the ropes course following an accident in March 2010.

12. Lochgoilhead Climbing Accident

A Senior Inspector was consulted via telephone following a climbing accident at Lochgoilhead in March 2010.