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HEALTH AND SAFETY COMMISSION

Adventure Activities Licensing Authority (AALA): Annual Report

A Paper by Nigel Hammond

Cleared by Bill Gillan on 20 January 2003

Issue

1. The Adventure Activities Licensing Authority (AALA) is required to submit a report annually to the Health and Safety Commission under regulation 18 of the Adventure Activities Licensing Regulations 1996. A copy of the report for 2001/2002 is at Annex 1.

Timing

2. Routine.

Recommendation

3. That the Commission note the report from AALA.

Background

4. The Adventure Activities Licensing Regulations came into force on 16 April 1996, implementing the provisions in the Activity Centres (Young Persons' Safety) Act 1995. They require providers of adventure activities to be licensed if they offer activities in return for payment to people less than 18 years old, and were introduced following the Lyme Bay tragedy. The Regulations apply to organisations that sell adventure activities to schools and the public, but not to activities provided by voluntary associations to their members, schools to their pupils or provision for young people accompanied by their parents or guardians.

5. The Department for Education and Skills (DfES) have policy responsibility for the Regulations. However, regulation 18 requires AALA to submit an annual report on its work to the Commission. In 1996, the then Secretary of State for Education and Employment designated Tourism Quality Services Limited as the Licensing Authority. Their role is to issue licences in accordance with the Commission's 'Guidance to the Licensing Authority on the Adventure Activities Licensing Regulations 1996 (L77)'.

6. AALA has no statutory enforcement powers and cannot investigate accidents or dangerous occurrences. However, it is responsible for dealing with complaints involving licensed activities and for taking the appropriate action. AALA is supported by a full time Head of Inspection Services, a team of 8 full time inspectors together with 3 head-office staff. Additional part time inspectors are used as the need arises.

7. This is the sixth report to the Commission and contains detail on the events of the year as well as giving some data on trends AALA have identified. As in its previous reports operational points are covered in some detail, including where AALA has assisted the enforcing authorities.

Argument

8. It is the view of the Adventure Activities Industry Advisory Committee and HSE, that AALA is meeting its remit with regard to health and safety. A comparison of inspectors' inspection reports shows a general improvement in safety management by activity providers.

9. Points to note from AALA's Annual Report for 2001/2002:

- By 31 March 2002, 949 licences had been issued, 1 revoked, 4 refused and 1 varied (refused in part).
- AALA were "minded to" refuse or revoke a further 2 licences but issued these after these providers actioned the requirements upon them. This figure is lower than previous years.
- AALA received 24 complaints, 20 of which related to licence holders, and 16 of which were within the scope of the Regulations. Those complaints outside of AALA's remit, of which there were 5, were forwarded to the relevant enforcing authority.
- Of the 16 complaints within the scope of the Regulations, 10 were not deemed justified, 5 were deemed justified. In one case there was lack of evidence to substantiate the complaint but further advice was given to the provider.
- The number of requested visits to the AALA website has almost doubled (from 33,346 for April 2001 to 68,719 for March 2002).
- The InfoLog, introduced on the AALA website in 2000/2001, continues to be a useful mechanism for relaying topical information to the providers, users and the public.

Consultation

10. DfES have been consulted on the report.

Presentation

11. There are no presentational issues. The DfES is about to undertake its second triennial review of the adventure activities licensing scheme. This may result in a more self-regulatory approach and impact upon the present AALA arrangements.

Costs and Benefits

12. None arise directly from the submission of this report.

Financial/Resource Implications for HSE

13. There are no additional resource implications for HSE; all costs are already included in existing budgets.

Environmental Implications

14. None from this paper.

Other Implications

15. None from this paper.

Action

16. The Commission is asked to:

- note the content of the report (Annex 1); and
- agree that the Chair write to AALA along the lines of the draft letter (Annex 2).

Sir Brooke Boothby
Chairman
Tourism Quality Services Ltd
Adventure Activities Licensing Authority
17 Lambourne Crescent
Llanishen
Cardiff
CF4 5GG

Thank you for your annual report on the functions of the Adventure Activities Licensing Authority for the year ending 31 March 2002.

The Health and Safety Commission recognises the commitment of all your staff and congratulates them on their achievements to date. We are pleased to note that your inspection report indicates clear improvements in safety standards among those providers covered by the Adventure Activities Licensing Regulations 1996. We particularly appreciate your continuing support for the work of the Commission's Adventure Activities Industry Advisory Committee, and for the work of HSE and local authorities.

Over recent years we have seen a sustained improvement of health and safety standards in the adventure activity industry. I thank you for your efforts in this respect and wish you success in meeting the future challenges.

Bill Callaghan
Chair