



The Annual Report of the Adventure Activities Licensing Service

For the year 1 April 2010 – 31 March 2011

Key messages from the report include:

- There has been an overall steady increase in the number of licence-holders since the introduction of licensing and this has been maintained during the year;
- Expenditure on providing the licensing service was 1% lower than the budget forecast;
- The number of inspections remained in line with last year.

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Adventure Activities Licensing Service Report **From 01.04.2010 – 31.03.2011**

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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) by the Secretary of State.
- 1.2 On 1st April 2007 the Health and Safety Executive (HSE) was designated as the AALA and contracted TQS to carry out certain functions on its behalf. These include, but are 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).
- 1.3 This report covers the work of TQS in fulfilling the contract during the period running from 1st April 2010 to 31st March 2011. 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 and the Adventure Activities Licensing Regulations 2004 (AALR).
- 2.2 AALS operates under the written 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.

- 3.1 The following functions are contracted to the AALS:
 - receive applications for new licences and the renewal of existing licences;
 - collect licence fees;
 - consider applications for licences against the criteria in the regulations;
 - inspect providers' activities/premises/management systems etc as appropriate;
 - prepare a report following inspection;
 - decide if a licence should be granted or not;
 - inform applicant of decision;
 - handle first stage of complaints and appeal procedures;
 - refer unresolved complaints/appeals to the AALA;
 - maintain a publically accessible register of licensed providers.

4. Inspections

4.1 Inspections are carried out:

- 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 visit carried out by the Inspectorate can be found in Annex 1.

5. Licences issued and refused

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

| | | | | | | | | | |
|------|------|------|------|------|------|------|------|------|------|
| 1998 | 2000 | 2002 | 2004 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 |
| 887 | 916 | 949 | 1008 | 1052 | 1080 | 1134 | 1182 | 1205 | 1235 |

As shown, the number of licence holders increased steadily over that period. Historical upward trend is occasionally checked from time to time by other factors such as foot and mouth disease.

5.2 Licences refused/revoked/varied:

Between 01.04.2010 and 31.03.2011 AALS **refused** 1 licence application and **revoked** 2 licences.

5.3 Notices to providers that AALS was considering refusing, revoking or varying licences, were issued in a further 10 cases. In all 10 cases the provider actioned the requirements made upon them by AALS in the allotted time, and AALS subsequently issued or continued the licence.

5.4 More detailed information for this section can be found in Annex 2.

6. Complaints

6.1 During the reported period, 12 complaints were received by AALS. Further detail about the substance of the complaints made and the actions of AALS 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 AALA with monthly accounting for same, and providing forecasts and budgets as required.
- 7.2 As at 31/03/2011 the number of licence holders, at 1235, was approximately 3.5% above the original forecast of 1190.
- 7.3 The recent financial downturn did not see a decrease in numbers over the reporting period.
- 7.4 Expenditure, at £900k, was close to the original budget of £910k. However timing factors led to the contract sum (which is based on cash flow) being £419k against the budget of £420k.
- 7.5 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.
- 7.6 During 2010/11 AALS continued to carry out an enhanced programme of inspections. Caving was the principal target.

8. Joint Inspections

8.1 Joint Inspections with Other Agencies

Between 01.04.10 and 31.03.11, Senior Inspectors and/or the Head of Inspection carried out 10 joint inspections with other agencies. Details of these are provided in Annex 4.

Annex 1: Number and Type of Inspections carried out 01.04.2010 to 1.03.2011 compared with 01.04.2009 to 31.03.2010

Main Scheduled Inspections

| | 01.04.2010 – 31.03.2011 | | | | 01.04.2009 – 31.03.2010 | | |
|---------------|--------------------------------|----------------|---------------|--|--------------------------------|----------------|---------------|
| | No. of Inspections | Total Hours | Average Hours | | No. of Inspections | Total Hours | Average Hours |
| April | 68 | 239.95 | 3.53 | | 65 | 266.45 | 4.10 |
| May | 86 | 326.45 | 3.80 | | 88 | 279.60 | 3.18 |
| June | 69 | 270.65 | 3.92 | | 87 | 352.10 | 4.05 |
| July | 66 | 240.95 | 3.65 | | 82 | 307.65 | 3.75 |
| Aug | 60 | 213.15 | 3.55 | | 42 | 145.85 | 3.47 |
| Sept | 42 | 138.05 | 3.29 | | 42 | 131.20 | 3.12 |
| Oct | 26 | 86.20 | 3.32 | | 23 | 89.85 | 3.91 |
| Nov | 38 | 120.15 | 3.16 | | 38 | 128.25 | 3.37 |
| Dec | 19 | 63.65 | 3.35 | | 28 | 87.45 | 3.12 |
| Jan | 49 | 163.25 | 3.33 | | 39 | 118.90 | 3.05 |
| Feb | 48 | 150.55 | 3.14 | | 36 | 117.75 | 3.27 |
| Mar | 52 | 159.25 | 3.06 | | 66 | 224.90 | 3.41 |
| Totals | 623 | 2172.25 | 3.49 | | 636 | 2249.95 | 3.54 |

Supplementary Scheduled Inspections

| | 01.04.2010 – 31.03.2011 | | | | 01.04.2009 – 31.03.2010 | | |
|-------|--------------------------------|-------------|---------------|--|--------------------------------|-------------|---------------|
| | No. of Inspections | Total Hours | Average Hours | | No. of Inspections | Total Hours | Average Hours |
| April | 17 | 51.55 | 3.03 | | 20 | 49.15 | 2.46 |
| May | 15 | 34.40 | 2.29 | | 22 | 76.45 | 3.47 |
| June | 36 | 100.55 | 2.79 | | 29 | 94.90 | 3.27 |
| July | 50 | 137.90 | 2.76 | | 40 | 129.40 | 3.23 |
| Aug | 47 | 129.40 | 2.75 | | 31 | 98.05 | 3.16 |
| Sept | 24 | 78.95 | 3.29 | | 25 | 79.85 | 3.19 |
| Oct | 36 | 96.80 | 2.69 | | 26 | 87 | 3.35 |

| | | | | | | | |
|---------------|------------|---------------|-------------|--|------------|---------------|-------------|
| Nov | 24 | 71.00 | 2.96 | | 19 | 74.95 | 3.94 |
| Dec | 7 | 18.00 | 2.57 | | 12 | 41.75 | 3.48 |
| Jan | 7 | 17.50 | 2.50 | | 10 | 29.1 | 2.91 |
| Feb | 9 | 24.25 | 2.69 | | 13 | 44.85 | 3.45 |
| Mar | 8 | 36.00 | 4.50 | | 32 | 112.3 | 3.51 |
| Totals | 280 | 796.30 | 2.84 | | 279 | 917.75 | 3.29 |

57 spot checks were also carried out during this period, compared with 42 during the same period in 2009/10.

The total number of inspections under the AALR therefore, was 960, compared with 957 during the same period in 2009/10. The recorded hours are 'contact' hours only.

Note:

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 2010 and 31st March 2011

| | |
|---|-----------|
| Total number of refused licences | 1 |
| Total number of revoked licences | 2 |
| Total number of varied licences (part refusal) | 0 |
| Other notices of intent to refuse/revoke licences | 10 |
| Total | 13 |

Of these 13 cases, inspections had identified multiple failings relating to:

| | |
|--|---------------------|
| Technical Advice – access to / liaison with | 3 out of 13 |
| Staff records of competence | 9 out of 13 |
| Written procedures | 5 out of 13 |
| Staffing issues | 3 out of 13 |
| Induction, monitoring, etc of staff | 5 out of 13 |
| Equipment checks/logs, accident reporting, etc | 2 out of 13 |
| Failure to respond to repeated attempts to arrange activity inspection | 1 out of 13 |
| Total | 28 out of 13 |

NB: The above categories are not mutually exclusive i.e. some providers had more than one problem. Indeed most refusals/revocations were for multiple reasons.

Following the issue of the notices, 10 providers actioned the requirements made upon them and TQS was subsequently able to issue them with the appropriate licence. 3 providers did not provide the required information or make contact and therefore had their licences refused or revoked. One of the providers who had their licence revoked subsequently provided the required information and their licence was renewed following inspection.

Relevant Action Taken

| | 08/09 | 09/10 | 10/11 |
|-------------------------------|----------|----------|----------|
| No of Licences Refused | 2 | 1 | 1 |
| No of Licences Revoked | 0 | 3 | 2 |
| No of Licences Varied | 0 | 0 | 0 |
| Sub Total | 2 | 4 | 3 |

In addition:

| | | | |
|-----------------------------------|---|---|----|
| No of Intentions Rescinded | 1 | 8 | 10 |
|-----------------------------------|---|---|----|

Total of providers who, at least initially, did not meet the requirements of AALR:

| | | | |
|--------------|----------|-----------|-----------|
| Total | 3 | 12 | 13 |
|--------------|----------|-----------|-----------|

Annex 3: Complaints

12 complaints were received by AALS for the period 01.04.2010 – 31.03.2011 (3 of which were about the same unlicensed provider)

Complaints were made by:

| | |
|--|-----------|
| Member of the Public (including parents) | 5 |
| Other providers | 5 |
| Public Body | 1 |
| Anonymous | 1 |
| Total | 12 |

Of these:

| | |
|---|-----------|
| Non licence holders (figure includes 3 complaints made about 1 provider) | 8 |
| Licence holders where complaints related to matters not in scope of the AALR | 2 |
| Licence holders where complaints related to matters in scope of the AALR | 2 |
| Total | 12 |

Action taken in respect of all complaints:

| | |
|--|-----------|
| Issues addressed/to be addressed at next scheduled inspection | 1 |
| Unannounced visit | 1 |
| Arranged visit | 2 |
| Matter resolved by some other means (e.g. correspondence) | 1 |
| Joint visit at request of EHO (3 complaints made about 1 provider) | 3 |
| Referred to enforcing authority | 4 |
| Total | 12 |

10 cases did not strictly come within scope of licensing. They related instead to: adult/family groups, climbing wall/high ropes/zip wire activities, an incident in a showcave which is open to the public, hire of equipment and a college providing activities to its own students. Where issues related to out of scope activities, it was deemed appropriate to deal with them because of the expertise and knowledge of the provider's operation that exists within AALS. Enforcement authorities are notified if a satisfactory resolution had not been or could not be resolved by this means. 1 of these cases related to a non-licensed provider offering licensable activities. This provider subsequently applied for and was issued with a licence.

Of the **2** cases where activities fell within scope of the AALR, the allegations concerned deficient operating procedures.

Of these 2 cases, following investigation, 1 allegation was deemed to have been justified and the other to have been unjustified.

In the former case the provider was instructed to make appropriate improvements to their operation.

Annex 4 – Joint inspection with other agencies

Details of joint inspections with other agencies

1. Fatality on River Usk (2008)

Report writing and case meetings for HSE/Police regarding the investigation into the death of a 13 year old boy in November 2008 whilst canoeing at a licensed centre. Evidence given at inquest in November 2010 at which a narrative verdict was returned. Cause of death found to be natural causes.

2. Dartmoor Fatality (2007)

Both the Head of Inspection and a Senior Inspector have been involved in several case meetings and reports. Case on-going.

3. Malvern Hills Outdoor Education Centre

Various correspondence, view of evidence and a joint meeting with HSE at centre in January 2011 regarding an accident investigation.

4. Paddle Surf Adventure

Joint visit with an Environmental Health Officer (EHO) from City and County of Swansea Council in October 2010 following complaints about a non licensed provider. Senior Inspector attended at the request of the EHO to provide support and advice.

5. Dorset climbing fatality

At the request of the coroner's office in January 2011, a senior inspector inspected a climbing rope used by an adult climber who fell to his death. The inspector also carried out research and wrote a report.

6. Robinwood Centre – Dobroyd Castle

In January 2011 an EHO from Calderdale Council accompanied a senior inspector on a renewal inspection following the failure of a North belay device at the centre.

7. Humber Bridge County Park

HSE Sheffield requested assistance with the investigation of an accident in Humber Bridge Country Park in which a 15-year old pupil was injured. The senior inspector accompanied an HSE officer on a visit to the site in January 2011 and wrote a report.

8. Carrotty Wood fan descender

Following an accident on the fan descender at a licensed centre in August 2010, a Senior Inspector provided advice to the investigating EHO via telephone calls and e mail correspondence.

9. Adur Outdoor Activity Centre

Following an accident on a climbing wall at a licensed centre in October 2010, the investigating HSE officer requested assistance from AALS. A senior inspector has been involved in meetings and has reviewed evidence.

10. Climbing Tower incident, Cambridgeshire

An EHO from Cambridgeshire requested assistance with an investigation into an accident on a mobile climbing tower in April 2010. A senior inspector provided advice via telephone calls, e:mails and also issued a written opinion.