

Adventure Activities Licensing Authority Board Meeting
1st October 2015

Adventure Activities Licensing Service Operations Report
3 February 2015 – 31 August 2015

1. Number of Licence Holders

At 31st August 2015 this stood at 1272

Previous figures at the end of:	July 2015	1274	
	June 2015		1269
	May 2015		1256

2. Relevant Action

There has been a much higher occurrence of cases where we have considered refusing to renew a licence or considered revoking an existing licence. This may have been due to a much greater number of new applications. However, the statistical analysis of comparatively rare events is prone to this sort of anomaly.

During the reporting period, 22 providers were issued with a notice that we were considering refusing their licence renewal application. 16 providers provided the required information and their licences were renewed. 2 providers did not provide the information within the required timescale and their licence renewal applications were refused. 1 of these providers subsequently reapplied and they have now been issued with a licence. 1 provider's licence was varied (an activity was removed). However they subsequently provided the required information and the activity was reinstated onto their licence. 3 cases are currently in progress.

4 providers were issued with a notice that we were considering revoking their licence. 1 provider provided the required information and their licence continued. 1 provider's licence was varied (an activity was removed) and their licence continued. 2 cases are currently in progress.

As at the date of the last meeting, 1 case in which a provider had been served with a notice that we were considering revoking their licence was still in progress. This case was resolved and the provider's licence was reinstated.

See Appendix 1 for more detail.

Our practice of not renewing a licence if requirements remain outstanding from a previous inspection seems to remain appropriate, proportionate, and reasonable.

3. Recorded Accidents and Incidents Summary

During the reporting period 14 accidents/incidents were entered on the Licensing Service's database, 9 of which occurred during the reporting period and 5 prior to the reporting period.

Of the 14 cases, 3 involved fatalities of young people. 1 incident took place in the UK, 1 in France and 1 in Canada, and all occurred in July.

In July 2015 a 17 year old male died after getting into trouble whilst swimming in Shawnigan Lake, Vancouver Island, British Columbia on a school rugby tour. The emergency services were called to the scene but were unable to save him and he died at the scene.

Also in July 2015, but much more widely reported, a 12 year old girl drowned on a school trip to Meymac in France. She was one of 24 students on a 5 day trip to an adventure centre. She was apparently one of a number of students who were jumping off a pontoon into the lake after activities had finished for the day when the pontoon overturned and trapped her underneath it. It was reported that one of the lifeguards managed to revive her by the side of the lake and she was taken to hospital in Limoges but died later.

Again in July 2015 A 15 year old male died after an incident in Dollar Glen gorge, Clackmannanshire. The media reported that he was with a group of friends. Emergency services attended after concerns were raised and he was pronounced dead at the scene. His death is not believed to be suspicious.

5 cases involved fatalities of adults. 4 incidents took place in the UK (1 of which resulted in 2 fatalities) and 1 in the United States of America (USA).

In August 2015 a 34 year old male disappeared during a 750m open water swim element of a triathlon event at Leybourne Lakes. He was reported missing after he failed to collect his bike for the cycling stage. A two day search ended when rescue teams found his body in the lake. The media reported that the police are not treating his death as suspicious.

In June 2015 two men (33 yrs & 21 yrs) drowned at Ceunant Mawr waterfall, Llanberis. They were declared dead at the scene following a search and rescue operation. Two others (aged 27 & 25) were treated in hospital and later released. Police believe that the men got into difficulty while swimming in the extremely cold water. It was alleged that the four men were returning from an all night party.

In February 2015 a 48 year old rowing coach went missing on the Thames near Putney Embankment on 2/2/15 after taking a group of women rowers for an evening practice session. His small motorised "tin fish" coaching boat was found capsized along with a rucksack floating in the freezing waters. His body was found a few hundred yards away near Putney Pier on 8/3/15 after 5 weeks of searches by coastguards and police.

In April 2013 a 68 year old Swiss tourist was walking with a group of people when she fell about 100m in Dungeon Ghyll. Mountain rescue teams were called out but she was pronounced dead at the scene. In February 2015 the tour guide was ordered to pay a £30,000 fine and £20,000 court costs after a case was brought by South Lakeland District Council. It was reported that storm force winds caused her to fall and he admitted failing to ensure that persons on his guided walk were not exposed to risks to their health and safety.

A recent incident in the USA involving the death of an 18 year old man has brought to our attention that dual leg lanyards (often referred to as cows' tails in the UK) used in Personal Safety Systems common in high ropes activities can expose users to the risk of unrecoverable entrapment of the head and trauma to the neck. There have been several incidents of this nature in the UK in recent years and the issue is being researched by the European Ropes Course Association (ERCA).

A further 5 accidents/incidents which have been reported previously were updated as more information became known. In 4 cases the update related to legal action and in 1 case to confirmation of the number of students involved in a mountain rescue.

4. Other issues.

- 4.1 John Cliffe, Senior Inspector with responsibility for Wales, will be retiring early in the new year. John has been with the Licensing Service, and previously with the Licensing Authority, since its inception in 1996, and prior to that inspected for TQS on

its Visit Wales Activity Centres Accreditation scheme. John has brought a wealth of experience to the team, not only in caving, which is his specialist activity, but across the range of adventure activities.

John will be replaced by Owen Hayward, a highly respected adventure activity practitioner who is currently the Outdoor Education Advisor for Conwy in North Wales.

4.2. RYA/AALS Combined Inspection update.

The training of most of the selected RYA inspectors to also inspect for an adventure activities licence is now complete or almost complete. Solo inspections have now commenced.

The exercise has been useful to all parties as our inspectors have picked up useful tips when inspecting sailing providers. The RYA inspectors will now submit a report in the AALS format to the Licensing Service in the same way as its other Free-Lance Inspectors already do.

4.3 Open Water swimming is growing in popularity as an activity session and several licensed providers now offer it on their programme of activities. We are exploring with RoSPA, RLSS, IOL and others what good safety management for this activity should look like. There is existing guidance for Open Water swimming events, and for individuals undertaking open water swimming in their own time, but very little, if anything, about how it should be conducted at, for example, a multi-activity centre.

Marcus Bailie
Head of Inspection
14 September 2015

Appendix 1 – Relevant Action

1. Action Taken: Minded to Refuse licence; Rescinded

Following receipt of a renewal application in September 2014 and the renewal fee in November 2014, the inspector made repeated unsuccessful attempts to arrange a renewal inspection date.

As a result a Notice that we were considering refusing their renewal application was sent to the provider on 5th February 2015. The provider subsequently contacted the inspector and an inspection date was arranged. The Notice was therefore rescinded.

2. Action Taken: Minded to Refuse licence; Rescinded

Following receipt of a renewal application, an inspection was carried out on 5th December 2014. The inspector followed up this inspection with two further meetings with the provider on 16th January 2015 and 2nd February 2015.

Following this contact, and as required in the subsequent report, the provider failed to confirm who would manage the watersports provision and what arrangements were in place for the delivery of adventure activities.

As a result a Notice that we were considering refusing their renewal application was sent to the provider on 16th February 2015. The provider subsequently provided information that satisfied our concerns and their licence was renewed.

3. Action Taken: Minded to Refuse licence; Refused

Following receipt of an application for a new licence, an inspection was carried out on 16th July 2014. The inspector identified unacceptable failures with their records of instructor and technical advisor competence, and their arrangements for monitoring instructors.

He recommended that the decision on the licence be deferred pending receipt of the required information. No information was received and we received no response to several emails.

As a result a Notice that we were considering refusing their licence application was sent to the provider on 20th February 2015. The provider advised that they no longer wished to hold a licence and were only intending to offer activities that are not specified under the Adventure Activities Licensing Regulations 2004. Their licence application was therefore refused on 19th March 2015.

4. Action Taken: Minded to Refuse licence; Rescinded

Following contact from the provider to arrange a renewal inspection date (see 1. above), an inspection was carried out. The inspector identified significant failures in the required levels of leader competence and guidance in the management of emergency and unplanned circumstances.

As a result a Notice that we were considering refusing their renewal application was sent to the provider on 11th March 2015. The provider subsequently provided information that satisfied our concerns and their licence was renewed.

5. Action Taken: Minded to Refuse licence; Rescinded

Following receipt of a renewal application, an inspection was carried out on 17th March 2015. The inspector identified significant failures in recording the competence of individual instructors, and failure to hold consistent and current operating procedures.

As a result a Notice that we were considering refusing their renewal application was sent to the provider on 19th March 2015. The provider subsequently provided information that satisfied our concerns and their licence was renewed.

6. Action Taken: Minded to Refuse licence; Rescinded

A renewal application was received but, despite numerous reminders, the licence renewal fee was not paid.

As a result a Notice that we were considering refusing their renewal application was sent to the provider on 26th March 2015. The provider subsequently paid, was inspected, and their licence was renewed.

7. Action Taken: Minded to Refuse licence; Rescinded

A renewal application was received but, despite numerous reminders, the licence renewal fee was not paid.

As a result a Notice that we were considering refusing their renewal application was sent to the provider on 26th March 2015. The provider subsequently paid, was inspected, and their licence was renewed.

8. Action Taken: Minded to Revoke licence; In Progress

Following repeated efforts to establish with the provider when it would be possible to observe activities, no response was received. The provider was informed that consideration would be given revoking the licence.

This decision was reviewed as a consequence of a change in activity manager. Despite this change in management there was no improvement in communications with the provider.

As a result a Notice that we were considering revoking their licence was sent to the provider on 22nd July 2015. This case is still in progress.

9. Action Taken: Minded to Revoke licence; In Progress

As above (both providers are owned by the same company)

10. Action Taken: Minded to Refuse licence; Rescinded

Following receipt of a renewal application, an inspection was carried out on 8th April 2015. The inspector identified significant failures in the evidence of competence of instructors, inadequate written operating procedures and inadequate checks on the suitability of equipment.

As a result a Notice that we were considering refusing their renewal application was sent to the provider on 14th April 2015. The provider subsequently provided information that satisfied our concerns and their licence was renewed.

11. Action Taken: Minded to Revoke licence; Varied and continued

Following a visit by an inspector on 19th April 2015 to observe an activity session, failures were identified with the evidence of competence for leaders of gorge scrambling activities.

This requirement was outstanding from the last report dated 18th March 2014.

As a result a Notice that we were considering revoking their licence was sent to the provider on 5th May 2015. The provider's licence was varied with the removal of gorge scrambling and the licence continued.

12. Action Taken: Minded to Refuse licence; Refused

Following receipt of a renewal application, an inspection was carried out on 13th April 2015. The inspector identified significant failures in their evidence of the competence of staff, failure to train/assess staff for gorge scrambling, and inadequacies with their assessment of risks for hill walking and rock climbing.

As a result a Notice that we were considering refusing their renewal application was sent to the provider on 6th May 2015. The required information was not received and their renewal application was refused on 20th July 2015. The provider has subsequently submitted another application, paid another fee, been inspected and is due to be issued with a licence.

13. Action Taken: Minded to Refuse licence; Rescinded

This provider's licence was revoked in September 2014. Following receipt of a renewal application in March 2015, an inspection was carried out on 16th April 2015. The inspector identified significant failures and the provider was required to submit to the Licensing Service various Operating Procedures and to repair (or dispose of) equipment that was unfit for purpose.

A Notice that we were considering refusing their renewal application was sent to the provider on 18th May 2015. The provider subsequently provided information that satisfied our concerns and their licence was renewed.

14. Action Taken: Minded to Refuse licence; Rescinded

Following receipt of an application for a licence, an inspection was carried out on 24th April 2015. The inspector identified significant failures with their Operating Procedures, the competence required for instructors, and the condition of a large RIB (rigid inflatable boat) and a small dory.

As a result a Notice that we were considering refusing their licence application was sent to the provider on 18th May 2015. The provider subsequently provided information that satisfied our concerns and a licence was issued.

15. Action Taken: Minded to Refuse licence; Varied and continued

Following receipt of a renewal application, an inspection was carried out on 14th May 2015. The inspector identified that the provider had not addressed at least part of the required action from the inspection on 16th May 2013. As a result the provider was required to show evidence of the competence of instructors for Stand Up Paddleboarding (SUP) and provide operational procedures, before their licence could be renewed.

A Notice that we were considering refusing their licence application was sent to the provider on 26th May 2015. The provider chose to have their licence varied and the activity (Stand Up Paddleboarding) removed from their licence renewal application.

Their licence was renewed (without SUP), the required information was subsequently received and the activity was added back onto their licence, for which an administration fee was charged.

16. Action Taken: Minded to Refuse licence; Rescinded

Following receipt of a renewal application, an inspection was carried out on 20th May 2015. The inspector identified significant failures with evidence of instructor competence and operating procedures.

As a result a Notice that we were considering refusing their renewal application was sent to the provider on 1st June 2015. The provider subsequently provided information that satisfied our concerns and their licence was renewed.

17. Action Taken: Minded to Refuse licence; Rescinded

Following receipt of a renewal application, an inspection was carried out on 13th May 2015. The inspector identified failures in the competence of leaders of Stand Up Paddleboarding (SUP), operating procedures for SUP and failure to nominate a suitably qualified and experienced person as technical advisor for SUP.

These were requirements from the last inspection on 17th June 2013 and had not been addressed.

As a result a Notice that we were considering refusing their renewal application was sent to the provider on 2nd June 2015. The provider subsequently provided information that satisfied our concerns and their licence was renewed.

18. Action Taken: Minded to Refuse licence; Rescinded

Following receipt of a renewal application, an inspection was carried out on 13th June 2015. The inspector identified failures with evidence of competence of instructors.

This was also a requirement in the previous report dated 25th July 2013.

As a result a Notice that we were considering refusing their renewal application was sent to the provider on 18th June 2015. The provider subsequently provided information that satisfied our concerns and their licence was renewed.

19. Action Taken: Minded to Refuse licence; In Progress

Following receipt of an application for a new licence, an inspection was carried out on 23rd April 2015. (This provider had previously applied in 2003 and had withdrawn his application before an inspection was carried out. The original reference number was retained.)

The inspector identified: significant failures with identifying appropriate instructor to student ratios; their written risk assessments and operating procedures; evidence of the competence of those leading kayaking, SUP and Improvised Rafting activities; and details of their nominated technical advisors

He recommended that the decision on the licence be deferred pending receipt of the required information. No information was received from the provider and therefore a Notice that we were considering refusing their licence application was sent to the provider on 22nd June 2015. The provider contacted the inspector on 21st June 2015 to advise that he was addressing our concerns.

However no further information was received and the inspector contacted the provider on 1st September 2015. A director contacted the inspector and advised that the member of staff who had been dealing with the licence application had left their employment (suddenly) and that he would address our concerns. This case remains in progress.

20. Action Taken: Minded to Refuse licence; Rescinded

Following receipt of a renewal application, an inspection was carried out on 7th May 2015. The inspector identified failures to identify which activities each instructor has been approved to lead, and evidence of their competence. These requirements were repeated from the report following inspection in 2014.

The inspector also identified significant failures with the practical induction of instructors and guidance in relation to operating procedures and emergency action plans.

As a result a Notice that we were considering refusing their renewal application was sent to the provider on 14th July 2015. The provider subsequently provided information that satisfied our concerns and their licence was renewed.

This provider has now finished their operating season. We plan to inspect this provider before their 2016 season commences.

21. Action Taken: Minded to Refuse licence; Rescinded

Following receipt of a renewal application, an inspection was carried out on 15th July 2015. The inspector identified failures with evidence of: the competence of instructors; suitably experienced and qualified technical advisor for Stand up Paddleboard and Sit On Top kayaks; and a clear recorded review of serious accidents and incidents.

These requirements were all outstanding from the report of 1st August 2014.

As a result a Notice that we were considering refusing their renewal application was sent to the provider on 21st July 2015. The provider subsequently provided information that satisfied our concerns and their licence was renewed.

22. Action Taken: Minded to Refuse licence; In Progress

Following receipt of a renewal application, an inspection was carried out on 3rd July 2015. The inspector identified significant failures with: evidence of competence for instructors who lead or assist on the canoe/kayak sessions; evidence of appropriately qualified, named, technical advisors; and the roles and responsibilities of all staff, including teachers, regarding supervision.

As a result, a Notice that we were considering refusing their renewal application was sent to the provider on 21st July 2015. This case is still in progress.

23. Action Taken: Minded to Refuse licence; Rescinded

Following receipt of a renewal application, an inspection was carried out on 16th July 2015. The inspector identified failures and the provider was advised that they would need to provide to the Licensing Service evidence of the competence of five named instructors to deliver gorge scrambling and/or coasteering activities.

As a result a Notice that we were considering refusing their renewal application was sent to the provider on 29th July 2015. The provider subsequently provided information that satisfied our concerns and their licence was renewed.

24. Action Taken: Minded to Refuse licence; Rescinded

Following receipt of a renewal application, an inspection was carried out on 27th July 2015. The inspector identified significant failures with their management structure and management team. Once this had been rectified the provider was to inform the Adventure Activities Licensing Service so that a further visit could be arranged to review further issues identified at this inspection.

As a result a Notice that we were considering refusing their renewal application was sent to the provider on 4th August 2015. AALS inspectors subsequently had a meeting with representatives of the provider as a result of which our concerns were satisfied and their licence was renewed.

25. Action Taken: Minded to Revoke licence; Rescinded

Following a visit by an inspector on 21st July 2015 to observe an activity session, the inspector identified failures with: the competence of staff leading on the high ropes elements; their stated instructor to participant ratios; the induction of staff leading high roped activities; operating procedures drawn up for the use of the high ropes elements; the scheduling of instructors to work repetitively on the same activity day after day.

These were similar to, or the same as, requirements from their previous report.

As a result a Notice that we were considering revoking their licence was sent to the provider on 5th August 2015. The provider subsequently provided information that satisfied our concerns and their licence continued.

26. Action Taken: Minded to Refuse licence; In Progress

Following receipt of a renewal application, an inspection was carried out on 29th May 2015. The inspector identified failures with the evidence of competence of instructors and dedicated arrangements for the management to the adventure activity aspect of the business.

These requirements were the same or similar to requirements from previous inspections.

As a result a Notice that we were considering revoking their licence was sent to the provider on 24th August 2015. This case is still in progress.

In Progress at date of last meeting

27. Action Taken: Minded to Revoke licence; Revoked and then Reinstated

Following notification of management changes at the centre, an inspector visited the provider on 8th January 2015. The inspector was informed by the outgoing manager that, as from 15th January 2015, the provision would be without a manager/chief instructor and qualified staff for most of the activities.

As a result a Notice that we were considering revoking their licence was sent to the provider on 14th January 2015.

As at 10th February 2015 the issue had not been addressed by the provider and as a result their licence was revoked.

On 10th March 2015 the Licensing Service received information confirming that the original manager was back in post. This, in effect, was an appeal against our decision to revoke their licence, which we accepted, and the provider's licence was reinstated.