

**Adventure Activities Licensing Authority (AALA)
Minutes of the 20th Management Board Meeting
Held on 5 October 2016 at 11am
at HSE Offices,
9 Quinton Park
Quinton Birmingham B32 1AL**

Those Present:

Kate Haire – Chair - HSE
Frances Kelly - HSE
John Paul Lawrence - Local Authorities
Colonel Robert Cosgrove - MOD
John Walsh Heron - TQS
Sir Brooke Boothby - TQS
Marcus Bailie - TQS
Stephen Hartley - DWP by phone
Jen Wong Cheetham – Wales by phone
Kerry Thatcher – Wales by phone
Karen McKenzie - HSE (note taker)

Apologies Received From:

Helen Webster – Scotland
Brian Chapman - Independent Member
Steve Bateman – Department of Education
David Snowball - HSE

1 Welcome & Introductions

The Chair welcomed everybody to the meeting and apologies were noted.

2 Minutes and Actions from the Previous Meeting

The minutes from the 19th meeting were accepted as a true record.

3 Progress Report on the Cabinet Office Review of AALA and the Scottish Government request for transfer of powers.

Stephen Hartley reported that after careful consideration DWP, DCMS and CO officials have reached a common view that DWP should continue, for now, to sponsor with HSE designated as the AALA. Ministers recently agreed this position and confirmed that a review of the AALA should be carried out. The Permanent Secretary communicated this to Scotland and Wales.

Kate Haire informed the meeting that the AALA web pages had been updated and that a paper will be going to the internal HSE Regulation Committee meeting on 13 October 2016 and to the HSE Board on 2 November 2016.

Timescales for the re-tendering of the contract were discussed. Kate advised that action needs to be taken in January in order for a new contract to be in place by September 2017. The process could begin and be carried out in parallel with the review with full consultation with all concerned.

Sir Brooke informed the meeting that there will be costs of £200k when the current contract ends and redundancy costs for staff and also informed members that Scotland had considered and consulted on extending the scope of the AALA scheme when previous discussions around abolition of AALA took place.

John Walsh-Heron explained that the Scottish stakeholders do not want another full scale consultation.

Stephen Hartley reported that the initial Scottish government reaction is positive in trying to move forward. He has not heard anything about the transfer of powers.

Colonel Cosgrove reported that the MoD had entered into a single source 3 year contract with TQS and they are keen for a common system to be maintained across all areas of GB.

Kerry Thatcher was keen to find out how the review will be conducted.

Marcus Bailie asked the meeting if Northern Ireland would be included on the consultation and asked if HSE need TQS to feed into the re-tendering process.

Action - Stephen to follow up with Scotland on progress with the transfer of powers

**Kate to speak to TQS about possible re-tendering process
An update on the scope and timings for the review to be provided to
this group after the HSE Board meeting on 2.11.16.**

4 AALS Update

See update under item 6

5 HSE Update

Frances Kelly reported that the AALA community website continues to be used well with 121 members registered, this is an increase of 37 on last year.

AALS continue to provide assistance to investigations where needed and provided information on an absailing accident at Hadrian's wall, no action was taken by HSE.

Given that HSE has been asked to review AALA, this is an ideal opportunity to ensure we are working as well together as we can. We look forward to hearing views from AALS and other stakeholders on how we can improve our ways of working to ensure that they meet with the wider health and safety strategy as well as ensuring a robust and proportionate system that satisfies public expectation.

This is an opportunity to look at a number of issues such as;

- How we respond to the issue of Adventuremark (Northern Ireland's non-statutory scheme) and whether it is appropriate to accept it as an equivalent.
- Whether the scope of licensable activities needs to be adjusted
- Whether the categorisation of service users (age, paying/non-paying)is sensible and fair
- Whether the inspection and licence approval process can be improved and/or simplified

6 TQS Reports:

a) Finance and Staffing

Sir Brooke circulated the AALS financial report to members at the meeting and outlined the current position alongside forecasts for 2017/18. He informed the meeting that TQS have no control over income, they have been on the same Public Sector budget since 2003 and there has only been one fee increase, in 2007, of 15%. AALS wishes to flag its concern about reduced income possibly leading to an

inability to meet the currently agreed ceiling of £400k for the financial year to 31 March 2017.

In 2014-15 the AALA offered the AALS an additional £20k as a one off owing to underspending elsewhere in HSE budgets. This combined with it being an 'up' year allowed AALS to save costs by paying up front for Health Care, Rent and Rates, covering periods into the following financial year. These totaled £46k.

Sir Brooke outlined options under consideration to try to come in within budget and the AALAMB discussed these. He also outlined the impact that the uncertainty around the future of the AALA has had on ability to budget and forecast.

The Board discussed the licence fee structure and the possibility of a proposal to increase the licence fee.

Marcus Bailie suggested that there was the potential to review the licence fee structure, for example by looking at price linked to length of licence, this is often linked to size of organization – larger organisation shorter licence.

Action – HSE to speak with Finance colleagues to find out whether there is flexibility to cover the potential short fall for 16/17

Action – HSE to discuss and ensure licence fee issues are included within the scope of the AALA review and discuss the possibility of an increase of the licence fee with TQS.

Action – HSE to flag figures for 17/18 as part of the Board Paper

b) Head of Inspection Report

The Head of Inspection Report was circulated to members prior to the meeting. Marcus Bailie indicated that he would be happy to answer any questions that members may have. The figures for May, June and July were at an all time high. One provider did not provide the information within the required timescale and their licence renewal application was refused. Two cases are currently in progress, neither of the two new applicants provided the required information and their licence applications were refused.

During the reporting period 19 accidents were entered on the licensing Services database, all of which occurred during the reporting period. It was agreed that future reports should make clear which incidents AALS

has an active interest in and which are included because of their relevance to the sector in case there are messages to be cascaded.

A discussion about comparisons with RIDDOR figures followed. Sir Brooke drew the Board's attention to a MoU in existence between FOD and TQS regarding information sharing.

Marcus provided an update on the two year pilot with the RYA and informed the meeting that it had been a great success.

The pilot involved training RYA inspectors to the point where they could inspect an on board RYA RTC for renewal of its RTC status and at the same time cover any additional issues that are required to issue a report recommending the renewal of the centre's AALA Licence.

Six RYA inspectors have satisfactorily completed this training, been issued with AALS ID warrant cards, and have been carrying out combined inspections.

The Board discussed the recommendations and considered how this applied to recent correspondence from the RYA regarding exemption from AALA.

Action – Marcus Bailie to ensure that future reports have separate headings to make clear which incidents TQS have an active interest in and which are relevant to Sector.

Action – HSE to review and summarise legal advice received on RYA exemption and send out to members by the end of October 2016.

7 Reports From:

- DWP - covered under item 3
- DfE - nobody in attendance from DfE
- Devolved Administrations -
- Wales – covered in item 3
- LA's – John Paul Lawrence informed the meeting that there should be consistent standards between England, Scotland and Wales and suggested that climbing towers be brought into the scheme.
- MOD since the inspection scheme undertaken by TQS was started on 1 April 2016, 40 centres are now on the database. Two inspections have been completed at Cadet centres and 5 more are

programmed for this year. A number of advisory visits have been completed with another 7-8 planned by spring 2017.

Action - Marcus Bailie to send out a draft note setting out, in one document, 4 standard exemptions from AALA to Frances Kelly and Colonel Cosgrove.

8. Membership of AALA Management Board

Kate Haire advised the meeting that the revised Terms of Reference for Independent Members can be signed off as final as from 5/10/16. It was acknowledged that a more general description of HSE roles on the AALAMB would be beneficial.

HSE will advertise the Independent Member vacancy shortly and will let members know when the vacancy has been advertised. Checks will be made with Brian as to whether he wishes to continue in this role.

Action: Share independent member advert with AALA MB and observers.

9 Any Other Business – Nothing to report

10 Date Time & Venue of Next Meeting

Thursday 9 March at either Birmingham Area Office at 11.00