

**ADVENTURE ACTIVITIES LICENSING AUTHORITY  
MANAGEMENT BOARD**

**ELEVENTH MEETING 27 MARCH 2012**

**NO 1 HAGLEY ROAD, BIRMINGHAM**

**11.00 – 14.00**

In attendance: David Ashton – HSE (Chair AALA MB)  
Alistair McNab – HSE (Vice Chair AALA MB)  
Clare McNicholas – HSE Policy  
Gavin Howat – HSE Field Operations  
Brian Chapman – Independent member AALA MB  
Ian McMorris – Independent member AALA MB  
Douglas Armstrong – Scottish Government – by phone  
Louise Sutherland – Scottish Government – by phone  
Anthony Jordan – Welsh Government  
Sir Brooke Boothby – Chair TQS/AALS  
John Walsh-Heron – Chief Executive TQS/AALS  
Marcus Bailie – Head of Inspection TQS/AALS  
Dawn Hepworth – HSE Policy

Apologies: John-Paul Lawrence – Local Authorities  
Martin Elliott – DfE  
Jonathan Holvey – DWP

**Welcome and Introductions**

1. David Ashton welcomed all those attending, including Anthony Jordan who was attending his first meeting. Apologies were noted and best wishes sent to John-Paul Lawrence and his wife who are expecting their second child imminently.

**Minutes and actions from the previous meeting**

2. The minutes and actions of the meeting 27 September 2011 were cleared.

**Progress Report**

- Legislative progress
3. The Board were informed that all necessary clearances had been achieved in order for the legislative process to abolish the AALA in England to proceed.
  4. HSE and its legal advisers are working with Welsh Government officials and legal advisers to accommodate the Welsh Government's decision to retain the AALA in Wales. There are several points for

discussion between the respective lawyers and it is recognised that there is much commonality between Westminster and Welsh Government. Wales is seeking to replicate the current AALA system and will consider the outcome of the HSL research (see below) to inform whether any changes will be necessary to the Welsh system in the future. Given the early stage in developing its plans, the Welsh Government is unable to provide any clear indication of timescales or detail at the meeting.

5. The issue of the reserved/devolved status of AALA in Scotland will hopefully be resolved in the near future. The Scottish Government consultation ends on 30 March and HSE officials and legal advisers will work with Scottish Government officials to accommodate the decision of the Scottish Government once it is known.
6. Another issue to be addressed as part of this process is web presence and how the different administrations will provide the relevant information in a way that is consistent.
7. The Board was informed that inspectors and TQS officials are increasingly being asked about abolition and the devolved administrations. Any questions asked of the Licensing Service with regard to any aspect of the abolition process can be directed to HSE.
8. The Board was informed of the concerns expressed by the Association of Heads of Outdoor Education Centres (AHOEC) regarding the lack of clarity about the legal position of providers based in England but working over the borders in Scotland or Wales and vice versa. Many local authorities based in England for example, have activity centres based in Wales/Scotland and there is uncertainty whether it is the location of the centre or the location of the activity which determines whether a licence is required. The Board noted that there are licence holders based outside of GB who operate within GB and this supports HSE's view that it is the location of the activity which determines this issue.
  - Code of Practice/Guidance
9. The Board noted its appreciation of the achievement of the Working Group in delivering the new guidance in such a short time.
10. The guidance sets out what providers of all adventurous activities need to do to meet their duties under the Health and Safety at Work etc Act 1974 and the Management of Health and Safety at Work Regulations 1999 and is written so that it will not conflict with any regime that may be in place in Scotland and/or Wales. The Welsh Government agree that the guidance sets out what is good practice in meeting health and safety legislation.
  - Transitional arrangements

11. The Board considered options for the transition from licensing to non-licensing in England. HSE is seeking to have a “coming into effect” date six months after Royal Assent of the Bill which will enable a smoother transition.
12. The Board was unable to endorse any option at the moment as the Welsh and Scottish models will be needed in order to develop a deliverable transitional plan that takes account of what regimes will be in place in Scotland and Wales. Once this information is available, HSE will work closely with the licensing service to develop a detailed plan.
13. In the meantime, licence applications and renewals should continue to be processed in the usual way.
  - HSL research
14. HSE is in the process of developing a proposal to commission research which will evaluate the impact, on the safety management systems in the licensable adventure activities sector, of the introduction of the new guidance.

### **Developments in HSE**

15. For the benefit of the non-HSE members of the Board, a short report was given to update members of developments in relation to Fee for Intervention, the Löfstedt Report and changes to RIDDOR.
16. The AALA/AALS Infolog has been handed over to the adventure activities sector to manage with the Institute of Outdoor Learning leading on this. The Board was also reassured that the collection and retention of useful information and data will be considered as part of the transition process.

### **AALA Annual Report 2010 – 2011**

17. The Board was informed that the Annual Report will be put before the HSE Board at its meeting in May after which it will be circulated to AALA MB members and be published on the HSE website. The 2011-2012 report will soon be prepared and submitted to HSE.

### **TQS Reports**

#### **Finance**

18. The (almost) year end figures show that income is slightly up on the previous year and costs were almost identical.

#### **Staffing**

19. Having monitored workloads very closely, TQS has identified one post for redundancy in the near future. TQS has an action plan in place to bring about a smooth winding-down of the company without compromising the continuation of licensing up until abolition.

Head of Inspection report

20. The Board was presented with the Head of Inspection's report for the 6 months since the last meeting.

**Date and venue of next meeting**

**21. THURSDAY 27 SEPTEMBER 2012**