



Adventure Activities Licensing Authority

The Activity Centres (Young Persons' Safety) Act 1995
The Adventure Activities Licensing Regulations 2004

GENERAL INFORMATION NOTES

Reading these General Information Notes and the Application Form Help Notes (AF/HN2) should help you to complete the application form.

The Adventure Activities Licensing Authority

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1. Licensing legislation

These notes are intended to outline the requirements of the adventure activities licensing scheme and to help you complete the application form. If you wish to see the full text of legal requirements they can be found in the Adventure Activities Licensing Regulations 2004 (Statutory Instrument 2004 No 1309) obtainable from Her Majesty's Stationery Office or their local agents or visit their website on www.hms.o.gov.uk. They are reproduced along with further guidance material in the HSC booklet L77 - Guidance to the Licensing Authority on the Adventure Activities Licensing Regulations 2004. This and other HSC and HSE publications are available from:

HSE Books

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Suffolk

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Tel: 01787 881165

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2. Aim of the licensing scheme

The aim of the adventure activities licensing scheme is to give assurance that good safety management practice is being followed so that young people can have opportunities to experience exciting and stimulating activities outdoors while not being exposed to avoidable risks of death or disabling injury.

3. Who needs a licence?

The statutory scheme is aimed at those who sell adventure activities. Anyone who provides, in return for payment, adventure activities within the scope of the licensing regulations to young people under 18, is required by law to apply for a licence. *This should be done at least 3 months before you begin operations.* Further detail is provided in paragraph 5.

You will need to determine whether the legislation applies to your undertaking and the extent to which it applies (e.g. multi-centre undertakings will usually require a separate licence for each centre). Further detail is given in paragraph 4 below.

In cases of doubt, the licensing authority will assist you in determining whether you need to hold a licence, but ultimately only the courts can provide a definitive interpretation of the Regulations.

The following activities are within the scope of the licensing scheme:

- caving (underground exploration in natural caves and mines including pot-holing, cave diving and mine exploration), excluding show caves or tourist mines open to the public, or parts of mines which are still being worked;
- climbing (climbing, traversing, canyoning, abseiling and scrambling activities except on purpose-designed climbing walls or abseiling towers);
- trekking (walking, running, pony trekking, off-road cycling, off-piste skiing and related activities when done in moorland, or any terrain over 600m, which is remote, i.e. over 30 minutes travelling time which will be never more than 2.5km from the nearest road or refuge); and
- watersports (canoeing, rafting, sailing and related activities when done on the sea, tidal waters, or large or non-placid inland waters).

There are a number of specific exemptions from the need to hold a licence within the Regulations. These include: provision by voluntary associations to their members (or by arrangement to members of a second voluntary association); provision by educational establishments to their pupils; or provision of any activities for young people who are accompanied by their parents or legally appointed guardians.

People made temporary members of a voluntary association for the duration of a course of instruction sold by the association are not treated as members for the purposes of the licensing scheme. Such associations may, however, hold taster events for the purposes of encouraging interest in their activities, but this is limited to three days for any young person within any 12 month period.

Educational establishments are required to hold a licence if providing to young persons other than their own pupils and receive payment.

Local authorities are required to hold a licence for adventure activity facilities offered for payment in the same way as other providers. They must also hold a licence for activities provided to educational establishments, regardless of whether payment is required.

Full details on the providers and activities in scope of the licensing scheme are given in the Adventure Activities Licensing Regulations 2004, and further guidance is given to the licensing authority in Appendix 1 of the HSC booklet L77.

4. *Multi-centre providers*

A separate licence is required for each activity centre operated at the same time by the same individual or organisation throughout a period of at least 28 days, and which offers designated adventure activities at any time during this period. A centre is defined as an establishment which, at the time in question, is primarily used as a base for the provision of instruction or leadership in sporting, recreational or outdoor activities.

5. *When to apply for a licence*

You must hold a licence before you start providing adventure activities within the scope of the Regulations and should apply at least 3 months before you want to start operations.

In the case of application for renewal of your licence, you must return your licence renewal application form to the licensing authority 3 months before the expiry date on your existing licence (if you wish to continue providing adventure activities without a gap in the provision). Renewal forms will be sent to you by the licensing authority as part of an automatic process.

If you have applied for a renewal of your licence at a time specified by the licensing authority but the licensing authority has not issued its decision 3 months after their receipt of your renewal application, you may operate as if an expiring licence was still in force.

In such cases you would also have the right to appeal to the Secretary of State if you so wish. Details of the appeals procedure can be obtained from the licensing authority office.

If you have not received an acknowledgement of your application within 28 days of submitting it you should contact the licensing authority to make sure your application has been received.

6. *How to apply for a licence*

The application form must be completed and the declaration signed by the person in authority making the application. Information on completing the application form is provided in the enclosed Help Notes.

Any additional information to support the application should be clearly labelled and enclosed with the application form.

The licence application fee must be enclosed with the application form (see the section on fees). Cheques or postal orders should be made payable to 'Adventure Activities Licensing Authority'. Do not enclose cash with your application.

The completed application form and fee should be sent to the Adventure Activities Licensing Authority at the address shown at the front of these notes.

The licensing authority will forward an acknowledgement of receipt of the licence application fee.

7. *Fee structure*

The fee for the consideration of the licence application and inspection of the facilities for which a licence is required, is specified in Regulation 5 of the Licensing Regulations. The fee is £620. This fee should accompany the licence application form.

The same fee applies in the case of licence renewal applications.

Once a licence has been issued any subsequent changes requested by you (e.g. the addition of other activities to the licence schedule) may involve a fee.

8. *Inspection arrangements*

To obtain a licence you will be required to demonstrate to the licensing authority that you follow good safety management practice. This will cover the following aspects:

- assessment of risks to participants;
- measures identified as necessary to reduce risks; and
- arrangements to give continued effect to these measures.

Further detail is contained in Part B of the application form.

The licensing authority is expected to inspect all activity providers who have applied for a licence in the manner set out in the HSC Guidance booklet L77. Inspection arrangements will generally be made in advance so that the applicant, and any safety adviser the applicant wishes to be present, can accompany the inspector.

Following inspection, the licensing authority will send to you an Inspection Report. This report will identify the issues discussed at the time of the inspection. It will also inform you of the outcome of that inspection and whether the licensing authority will grant you an adventure activities licence.

9. *The Licence*

A licence will be issued following a satisfactory outcome of an inspection and payment of the relevant fee has been received. The licensing authority has the power also to refuse or revoke a licence if it has concerns over safety management systems (see the section on licence refusals and revocations).

Standard licence conditions will be included on every licence and will place duties on you (the provider) to ensure that the requirements related to safety remain effective; to co-operate with the licensing authority by allowing inspections and giving information; and to make the licence available for inspection by the public.

In addition, the adventure activity licence may include non-standard conditions which specify:

- the activity covered;
- the upper hazard levels within the activity;
- the geographical area; and/or
- the time of year of operations.

Where a licence holder refers to the licence in any advertising material he/she will be required to specify the activities covered by the licence and the telephone number of the licensing authority.

The period of validity of a licence, and the interval between planned full inspections will depend on various factors. These factors include: the size and complexity of the organisation, the level of risk, number of activities offered, number of clients, and the provider's track record including complaints investigated and found to be justified, etc. The maximum period will be three years. Further inspections will be required if you are applying to renew a licence. In addition, spot-check inspections may be carried out at any time, with or without notice, whilst the licence is in force. No charge is made for these spot-check inspections.

10. Licence refusals and revocations

As stated, the licensing authority has the power to refuse a licence application, revoke an existing licence or impose certain restrictions on a licence if it is felt necessary to do this in order to ensure the safety of participants in the activities. In such cases you will be notified of our intention to do this and informed of the issues you would need to address before a licence could be issued and a timescale for the completion of any improvements in your operations. You will generally be given 28 days to make representations to the licensing authority if you are not satisfied with its decision.

Once a licence has been refused or revoked it will be illegal for you to offer adventure activities that come within the scope of the regulations.

11. Representations and appeals

If you are not satisfied with any decisions made by the licensing authority you are able to make representation to the licensing authority. If, after making representation you are still dissatisfied, in most cases you then have the right to further appeal to the Secretary of State (in the case of providers based in England and Scotland), or the Welsh Assembly (in the case of providers based in Wales). Appeal procedures are available from the licensing authority office.

In cases where you are appealing against a refusal, revocation or imposition of restrictions in respect of the licence, the ruling of the licensing authority will be upheld until the outcome of the appeal.

12. Further information sources

The following general HSE and HSC health and safety leaflets may assist you further:-

Five steps to risk assessment - HSE leaflet IND G 163 REV1

A guide to risk assessment requirements - HSE leaflet IND G 218 (complements the 'Five steps leaflet above)

Managing health and safety - Five steps to success - HSE leaflet INDG 275

RIDDOR Explained - leaflet HSE 31 REV1

Stating your business - Guidance on preparing a health and safety policy document for small firms - HSE leaflet INDG 324

First-aid at work - HSE leaflet IND G 214

These are available free of charge from HSE Books, address as in paragraph 1 above. You should also consult relevant guidance from the National Governing Bodies and standards-making bodies, as appropriate.

Also available from HSE Books - Adventure Activities: Five Steps to Risk Assessment, ISBN 07176 2463 3 (Price £4.50).

Available from the licensing authority - Worked Examples of Risk Assessments (free of charge).

Other useful information can be accessed via the licensing authority website www.aala.org.uk or by contacting the licencing authority office.