

Frequently asked questions about licence durations

1. Why are you introducing this policy?

Anyone who is granted an AALA licence has demonstrated they have suitable systems in place to manage risk. We want to acknowledge a provider's track record by making it possible to extend the duration of any licence by a year at each renewal, up to the maximum permitted duration of three years.

2. What happens if a business gets bigger during the life of the licence?

As is the case now, AALA does not assess activity provision between inspections. If a business expands it is the responsibility of the licence holder to ensure that safety management systems remain fit for purpose. The provision will be assessed again at renewal, and a decision made as to the licence duration going forward, but the size of the business will not be a determining factor when it comes to the licence duration.

3. Will the licence fee, or the method/timing of payment change as a result of longer licences?

These proposals have no effect on the cost of a licence or how and when it is paid. The licence fee is set in law at £715, to be paid upfront, and it is not connected to the duration of the licence if granted. Any future changes to the fee would require a change to the legislation.

4. Will I still be able to vary my licence mid-licence?

Yes. It will still be possible to apply to have activities added to your licence. You can make a licence variation request by contacting us at AALA-Applications@hse.gov.uk

5. Will no fault complaints be included as matters of concern that would affect licence duration?

No, we will only consider complaints made about the failure to manage the risk, that are found to be partly or wholly justified, and have resulted in enforcement action.

6. What is the effect of this policy on my current licence duration?

This policy does not affect existing licence durations. It only applies to licences commencing after 31 March 2025, when the policy commences. This means that, providing there are no matters of regulatory concern, those with a one-year licence will be granted a two-year licence if successful at renewal. Those with a two-year licence will be granted a three-year licence and those who already have a three-year licence, will also be granted a three-year licence.

7. What happens if my licence has an irregular duration, e.g. 14 or 26 months?

If you meet the criteria to be awarded a longer licence, your licence will be increased to take you to the next full year, e.g. for a 14 or 26 month licence you would receive an additional 10 months, taking you to 2 or 3 years respectively.

8. Will irregular licence durations still occur

Yes. There are occasions when someone applies for a licence at a time that makes a site visit impossible, e.g. because the business only operates for a short period each year. In these cases

a slightly longer or shorter licence can be granted to ensure the issue is not repeated at every renewal.

9. Will I be able to apply more than 6 months before expiry of my current licence?

No, application times will not change. You will still be able to submit your application up to six months before your licence expires. If you want to make sure there is no break in your provision, make sure you submit your application at least three months before your licence expires.

10. What happens if you receive my application to renew my licence and/or the payment less than three months before my current licence expires?

If a delayed application results in a gap between your old licence and the new one, you will not be eligible for a longer licence under the new rules. In circumstances where there is a gap between licences, we will implement the following rules.

- 1) If we receive your application less than three months before your existing licence expires you will be eligible to maintain the licence duration you already have until next renewal.**
- 2) If we receive your application after your existing licence expires, you will be treated as a new applicant and will only be eligible for a 1-year licence until next renewal.**

11. How will you define good compliance/track record/regulatory concern etc?

Good compliance will be demonstrated by an absence of enforcement action taken by HSE, the local authorities or AALA in relation to the safety of activities. Enforcement action means any written notification of action taken in response to or to prevent a breach of either the Adventure Activities Licensing Regulations or any relevant Health and Safety legislation, including:

- An imposed licence variation (other than non-standard conditions imposed at the time of granting a licence)**
- A notice of contravention (NOC)**
- Improvement Notices**
- Prohibition Notices**
- Prosecution**

12. Will the licence duration change if new activities are added?

No. AALA does not alter a licence duration when new activities are added. Applicants must apply to have activities added and the inspector decides whether the safety management systems for the new activities are suitable and sufficient. Once the activities are added to the licence, the licence holder has a duty to comply with the conditions on the licence to ensure those standards are maintained until the licence expires.

13. What happens if I need to apply for my licence before 1 April 2025?

You should apply for a licence at the usual time, i.e. no earlier than 6 months and no later than 3 months before your licence expires. Any licence dated from 1 April 2025 will be granted under the new rules.

Note that if you delay applying for your licence in order to have your licence duration determined under the new rules, your application might not be processed by the time your current licence expires. Late applications, i.e. those that we receive less than three months before the expiry date on your current licence, will not be fast-tracked and there will be no exceptions. It is your responsibility to make sure you have a valid licence when you need one, by applying in plenty of time.

14. Can licences be rescinded?

Yes, AALA still has the power to vary or revoke licences when necessary for health and safety reasons.

15. Will there be spot checks?

AALA has no plans to introduce spot checks.

16. Is an assessment required if a manager/leader leaves or there are major changes to the business?

No. Once a licence is granted it is the responsibility of the licence holder to ensure they continue to comply with the conditions attached to the licence. Failure to do so is an offence. AALA does not currently reassess the provision when businesses change their personnel or their business model, and we do not intend to start.

Business change must be managed to ensure it does not compromise safety. If the departure of a manager/leader or a change in ways of working mean that the licence conditions can no longer be met, the licence holder should contact AALA immediately.

17. What happens if there's an accident mid-licence?

Serious (RIDDOR reportable) accidents are investigated by local authorities or HSE. AALA has no authority to investigate accidents, but we can and do assist the enforcing authorities if required. Any reportable accident at a licensed site would come to the attention of AALA and we would await the outcome of that investigation before taking action, if it were deemed necessary. A breach of health and safety law and/or the licence conditions could result in revocation or variation of the licence. Any action taken by the enforcing authorities would be considered at the next inspection. Applicants will be required to disclose information about RIDDOR reportable accidents and interaction with the enforcing authorities in the licence application form and subsequent review process.

18. What would trigger an automatic review?

There are no automatic reviews other than when an application is submitted. Intervention may also occur following a complaint or notification of a matter of concern from the enforcing authorities.

19. Who makes final decision on licence duration?

AALA

20. We always have “not yet satisfied” comments after the initial review. Would that deny me a longer licence?

No, it is normal to have “not yet satisfied” comments in section 2 (core review) of the report. At this stage the process is still ongoing and this simply indicates that the inspector has yet to see evidence relating to the issues highlighted. These matters are usually addressed during the continuation review, and site visit where appropriate.

If the inspector is still not satisfied following the continuation review or site visit, a notice of refusal to grant a licence would be issued in writing along with your report. At this point there are 28 days until a formal refusal is issued, which provides a short opportunity to provide additional evidence in order to obtain a licence. If successful at this stage in the process, a longer licence would not be granted.