



## Severe Weather Policy

### Aim

The decision to restrict or close a market can cause a lot of disruption with the potential for financial and logistical impacts for all concerned and therefore is never taken lightly.

However, our key priority is always to protect the public, traders, and staff safety in the event of any severe weather which would affect any open-air market or event operated by Boston Borough Council.

This policy may apply in the following circumstances:

- a) a weather warning is in force and has been issued by the Met Office or,
- b) in the opinion of the Markets Manager there is a risk to safety due to adverse weather conditions.

An extreme weather event may also constitute as being a “major emergency” which would mean the Council’s separate, major incident, flood or mass evacuation plans may need to be activated.

### Objectives

The objectives are:

1. To comply with the Council’s duties and obligations to its staff, traders, and members of the public under the Health and Safety at Work Act 1974.
2. To comply with the Council’s common law duties under the Occupiers Liability Act 1984.
3. To comply with the Council’s insurers.
4. To ensure any decision to close, cancel or restrict a market is taken fairly, consistently, and transparently and is communicated to all parties as soon as practicable.

## Roles and Responsibilities

Role	Responsibility
Assistant Director for Leisure & Culture (ADLC)	Reviews and approves this policy as required.
Market Manager (MM)	Makes the decision to implement this policy. If the MM is not available, the Market Officer (MO) will be responsible for making the decision. Discretion will be used by the MM to waive or reduce fees. Make note of the decision to cancel a market.
Markets Officer (MO)	Makes the decision to activate the policy in the absence of the MM. Remains available at all times until infrastructures are taken down, or the weather warning is downgraded.
Staff	Any staff that are deployed to help when the policy is activated are to follow instructions and not place themselves in any personal danger.
Health and Safety Team	Advises on the policy and during any live situations, if required.
Communications Team	Provides effective and timely public communications during any live situations, if required.

A severe weather warning may not be considered a reason to cancel or restrict the market. The management team will actively review advance weather warnings from the Met Office, Lincolnshire County Council or third-party forecasting services, if needed.

In deciding whether the market can go ahead in a restricted capacity, or cancelled completely, the Market Manager or the Market Officer in their absence, shall use their judgement and experience together with the following:

- Predicted and/or current weather conditions.
- Weather and risk table.
- Availability of staff.
- Economic factors.

- Insight – Previous occurrences.

There are 2 key factors to be considered, as follows:

1. The infrastructure e.g. stalls/gazebos etc. can be erected safely and remain safe throughout the duration of its erection.
2. That there is sufficient staff readily available at all times throughout the market to dismantle any infrastructure should the weather deteriorate whilst the stalls/gazebo's are erected.

In circumstances where the weather has deteriorated and the market is cancelled, the Market Officer must remain on site until the infrastructure is taken down, or the weather has improved to a safe state.

If the market can still go ahead but at a restricted level, priority will be given to those traders who sell perishable goods e.g. butchers/bakery/grocers etc.

The ADLC must be kept informed as to any decisions made. Once a decision has been made, traders will be immediately advised through a variety of methods including but not exclusive to, social media, text and email.

### **Activating the policy**

- If wind gusts are predicted to be between 36-39mph anytime between stall/gazebo erection, throughout core trading hours and up until stall/gazebo dismantling, the Market Manager may decide to restrict the market. He may do so by allowing stalls/gazebos, but the use of sides and covers to be strictly monitored on a regular basis by the traders and Market Officer. If the Market Officer deems there to be a significant risk to health and safety, he may instruct traders to remove all sides/covers immediately.
- If wind gusts are predicted to be over 39mph anytime between stall/gazebo erection, throughout core trading hours and up until stall/gazebo dismantling, the Market Manager may restrict the market by not allowing any stalls/gazebos, and instead, allowing traders to trade from their vans and approved stands/trestles. If this is the case, the Market Manager will advise relevant departments and partner organisations, if required. Depending on the severity of the wind, the Market Manager may decide to cancel the market.
- When no stalls or gazebos are permitted during a restricted market, the following conditions shall be adhered too:
  - Trading only allowed from vehicles, the floor or approved stands/trestles.
  - Grid paneling allowed on top of approved stands/trestles.
  - No solid topped tables/trolleys or boards to be used.
  - The maximum height of any crates/boxes used must not exceed 76cm.

- When using any equipment, please ensure you are appropriately supervising your equipment at all times, particularly when setting up and taking down.
- If no stalls or gazebo's are permitted, no parts of any stalls or gazebo's should be used outside of any traders vehicles.
- If a restricted market is declared by the Market Manager the day before the market, and the weather unexpectedly improves overnight resulting in predicted reasonable weather conditions during core trading hours, those traders with their own stalls/gazebos/equipment may be allowed to use them as usual with the Market Managers approval, or the Market Officer in their absence. The assessment for such incidents will be made at prior to 8.30am on the market day, using the Met Office Weather app. No traders shall start erecting any equipment until that decision has been made.
- Where trading has already commenced and the Council considers it appropriate to stop trading, they shall notify the traders accordingly and supervise the removal of all goods, equipment and vehicles from the Market Place.
- Where a market is cancelled, due to adverse weather, the Council's decision will be deemed final, and all traders will be required to cease trading and vacate the Market Place immediately.
- The Market Manager will aim to assess the upcoming weather via the Met Office website/app to maintain a consistent approach, at approx. 1400 the day before the market.

### **ABSENCE FROM THE MARKET ON INCLEMENT WEATHER DAYS**

- Traders are assumed to be occupying their stall/gazebo/pitch unless they have provided prior notice in writing of non-attendance to [Markets@Boston.gov.uk](mailto:Markets@Boston.gov.uk), including on days when the market is restricted due to inclement weather.
- Regular traders who stand 1 day per week are entitled to take 2 inclement weather entitlement days per year. Regular traders who stand 2 days per week are entitled to take 4 inclement weather entitlement days per year, 1<sup>st</sup> April to 31<sup>st</sup> March. Traders can use these days in weather conditions they deem not fit to trade in on open market days. Rent will not be payable on these days. This entitlement can only be used on days of inclement weather and be approved by the Market Officer. Please see the Severe Weather Policy for further details.

### **FEE'S**

- In the case of the market being cancelled prior to the market day, traders will not

be charged. In the event the trader has paid in advance they will receive a full credit.

- In the case of a restricted market, **and** if no Council stall/gazebo provided, the trader will be offered the opportunity to stand, charged per 1ft on the length of their vehicle if trading from it, or the width of their trading area, or the depth of their trading area, whichever is greatest.
- In the case of a restricted market, and if a trader has been permitted to use their own stall/gazebo, they will be charged the usual rate per ft on the length of their vehicle, or the width of their trading area, or the depth of their trading area, whichever is greatest.
- In the case a market is cancelled by the Council during a market day, no letting fee shall be payable if trading ceases before 1200 on that day. If no such action is taken before this time, then a full day's fee shall be payable.
- In the case the market is open, and the trader is standing and wishes to no longer trade due to inclement weather 'in their opinion', they may leave the market after seeking permission from the Markets Officer. Traders who choose to leave the market early due to inclement weather of their own decision, will need to use their Holiday entitlement or Inclement Weather entitlement. If they have exhausted all their entitlement, they will be charged a full fee.
- In the case where the Market Manager has restricted the market, the trader will have a choice to stand or not, without being charged, and without having to use their holiday entitlement or their inclement weather entitlement, but they **must strictly** adhere to the following:
  - The trader must notify the Market Officer **in writing** (Text, email [Markets@Boston.gov.uk](mailto:Markets@Boston.gov.uk)) that they will not be standing on the restricted market, by 1400 the day before the market.
- Failure to inform the Market Officer within the specified time frame will result in the trader being charged full rent.

## **RISK ASSESSMENTS**

- If traders who use their own stall/gazebo can provide the Council documentation from their stall/gazebo manufacturer of the wind gusts ratings/limitations, and these are above the wind gusts predicted during core trading hours, those traders may be allowed to use their own equipment if they abide by the manufacturer's instructions. This must be authorised by the Market Manager, or the Market Officer in their absence, prior to the start of the market and such documents must be made available upon request by any Council staff. Failure to do so will result in the trader not being permitted to use their equipment. The decision for such circumstances will be made prior to 8.30am on the market day.

- Consideration for traders to use their own stalls/gazebo's will be given to those traders unable to provide manufacturer's wind gust ratings/limitations but who have provided a detailed risk assessment for such circumstances. This risk assessment must be assessed by the Market Manager prior to the trader standing. The Market Manager may liaise with the Councils Health and Safety Team when assessing each risk assessment.
- A risk assessment will not automatically allow traders to use their equipment in severe weather conditions, it will be the Market Manager's decision, depending on the severity of the weather, on what will be allowed. Options are, but not limited to, trading with stalls/gazebo's as usual, trading without stall covers, trading without gazebo's side covers, trading from vehicles and floor with no stalls/gazebo's permitted. If stalls/gazebo's are permitted, the trader must ensure correct weights are used at all times and must complete regular safety checks on their equipment, as per their risk assessment.

### Decision Making Framework

Are sufficient staff available?	Weather Conditions		
	Good but deteriorating later in the day	Bad but improving later in the day	Bad and worsening
<b>Yes</b>	Hold the market if the time available to trade is acceptable. Put certain restrictions in place if required.	If possible, set out the basic stall/gazebo infrastructure but leave stall boards, sheets/sides off until the traders arrive or it is safe to add. Put certain restrictions in place if required.	Consider restricting or cancelling the market.
<b>No</b>	Restrict or cancel the market.	Restrict or cancel the market.	Restrict or cancel the market.

### SEVERE WEATHER TABLE AND RISKS

<b>Met Office Terminology</b>	<b>Definition</b>	<b>Risk – who may be harmed and how</b>	<b>Controls and Actions</b>
Heavy snow	Snow falling at a rate of approx. 2cm per hour or more, expected for at least 2 hours.	Slips, trips, and falls from unsafe or icy ground. Manual handling injuries from attempting to set up infrastructure in icy/snowy conditions. Impact injuries	Check weather forecasts before market. Cancel or restrict market according to forecast. Ensure operatives/staff are on standby if forecast is uncertain. Monitor travel information around the Town Centre. In the case of lighter conditions, ensure gritting of the main roads/streets and pedestrian areas. If a thaw is forecast, consider if there is sufficient safe ground to host the market.
Blizzards/ Drifting snow	Moderate or heavy snow with winds of 30mph or reduced visibility to 200 metres or less or drifting snow causing similar Conditions.	from vehicles (including market vehicles) attempting to manoeuvre on icy or snowy surfaces and poor visibility. Increase in vehicle accidents on the highway, main roads and streets around the Town Centre if traders and customers try to attend the market.	
Very heavy snowfall	Expected to give depths of 15cm or more with potential to result in widespread disruption in communications. Blizzards are severe with visibility reduced to near zero		
Freezing rain	Rain freezes on contact with road surfaces		

<p>Very windy</p>	<p>Gusts above 35mph</p>	<p>Impact/crush injuries from flying debris/traders goods, moving stalls/gazebo's and collapse of stalls/gazebo's. Bruising, cuts and lacerations resulting from above incidents.</p>	<p>Check weather forecast before market. Cancel or restrict market according to forecast. If possible, ensure operatives/ staff are on standby if forecast is uncertain. Monitor weather and circumstances throughout the market.</p>
<p>Heavy Rain</p>	<p>Expected to persist for at least 2 hours and to give at least 15mm within a 3-hour period or a period of rainfall of sufficient intensity to cause flooding on already saturated ground (includes melting snow) e.g. around 25mm per day.</p>	<p>Flash flooding of urban areas and main roads/streets around the Town Centre impeding the access of emergency services and causing traffic management difficulties. Collapse of market canopies/sheeting/gazebos.</p>	<p>Monitor weather and circumstances in advance of the market. Flooding would be a risk if the ground area was already at saturation points. Consider an early finish if flooding seems to be likely. Traders encouraged and requested to ensure that water is not allowed to build up on top of stalls/gazebo's.</p>
<p>Dense fog</p>	<p>Visibility less than 50 metres.</p>	<p>Increased risk of vehicle accidents on the main entry roads/streets around the Town Centre. Increased time spent in traffic tailbacks. Increased risk of accidents, particularly with market vehicles, leading to crush/impact injuries.</p>	<p>Monitor weather and circumstances throughout the market. Consider an early finish in daylight if fog persists. Consider staffing levels.</p>