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## LEIGHTON-LINSLADE TOWN COUNCIL

### MINUTES OF MARKET SUB COMMITTEE

THURSDAY, 29 AUGUST 2019 AT 10.30 AM

Present: Councillors            G Perham (Chair)  
   D Bowater  
   C Chambers  
   R Berry  
   M Freeman  
   P Snelling  
   F Kharawala  
   V Harvey  
   A Dodwell

Also in attendance:            V Cannon, Head of Cultural and Economic Services  
   M Saccoccio, Town Clerk  
   M Jahn, Committee Officer  
   A Harrison, Markets Manager  
   D Gibbins, Market Trader Representative (left meeting at 11:10 am)

Members of the public:        0  
Members of the press         0

#### 10/MK    **APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillor R Goodchild (substituted by Councillor V Harvey), Councillor T Morris (substituted by Councillor F Kharawala), Councillor K Cursons (substituted by Councillor A Dodwell) and Peter Elmore, Market Trader Representative.

#### 11/MK    **DECLARATIONS OF INTEREST**

Members were asked to declare any interests, including the nature of those interests, which they had in any of the items under consideration at this meeting. . No declarations were made.

#### 12/MK    **QUESTIONS FROM THE PUBLIC (3 minutes per person; maximum 15 minutes)**

There were no questions from the public.

#### 13/MK    **MINUTES OF PREVIOUS MEETING**

The Sub-Committee received the draft minutes of the previous meeting, held on 23 May 2019 for consideration.

RESOLVED that the minutes of the Markets Sub-Committee meeting held on 23 May 2019 be approved as a correct record and were signed accordingly.

#### 14/MK **MARKET POLICY UPDATES**

The Sub-Committee received and considered a report regarding the Adverse Weather Policy and Disclaimer.

Since the relaunch of the Market in September 2017, the market had been forced to close on six occasions, as it was deemed hazardous to erect and operate from market structures. Some traders chose to trade at the market despite these conditions, which had prompted the Town Council to amend the Adverse Weather Policy and Disclaimer to offer clarity to all who have an interest in the market. The revised policy provided market traders with choices and had been approved by the Town Council's insurer as appropriate in terms of risk management.

After lengthy discussion the Sub Committee voted to adopt the Adverse Weather Policy with one wording amendment from Yellow Weather Warning to Amber Weather Warning, with one objection from Councillor Harvey and an abstention from Councillor Snelling.

#### **RESOLVED –**

- (a) To recommend to Policy and Finance Committee to adopt the Adverse Weather Policy with amended wording from Yellow Weather warning to Amber Weather warning attached at Appendix A**
- (b) To recommend to Policy and Finance Committee to endorse the Disclaimer as attached at Appendix B.**
- (c) To endorse the recommended policy changes as set out.**

#### 15/MK **MARKET GENERAL UPDATE**

The Sub-Committee received an update report on market activity including information on delivery against market plan targets, trader recruitment and promotion, environmental ambitions for the market, on-going highway maintenance and marketing of the market.

The Sub Committee agreed the Environmental Ambitions adopted by Council on 24 June 2019 were positive in raising awareness and encouraged the use of appropriate materials within the market with traders and members of the public.

The Sub Committee wanted to recognise the award given during 2019 International Love Your Local Market campaign where Leighton Buzzard was

awarded the 2019 Facebook Champion in England. The National Association of British Markets Authorities (NABMA) said 'Leighton Buzzard Market shared engaging posts about their market traders, visitors and events throughout LYLM2019. *The content shared on their page showcased the beauty of Leighton Buzzard Market in its entirety*'.

A question was raised regarding the expectation for growth since the relaunch and what the long-term vision for the market would be.

After discussion Councillor Harvey wanted it noted she was unhappy with the way the meeting had been conducted and progressed.

**RESOLVED to note the report.**

16/MK **BUDGET REPORT**

The Sub-Committee received a budget report for April to June 2019.

**RESOLVED to note the report with one abstention from Councillor V Harvey.**

The meeting closed at 11.36 am.

I HEREBY CONFIRM THAT THE FOREGOING IS A CORRECT AND ACCURATE RECORD OF THE MEETING HELD ON THURSDAY, 29 AUGUST 2019.

Chair

21 NOVEMBER 2019

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## APPENDIX A

### Leighton Buzzard Market Adverse Weather Policy

#### Introduction

The Town Council's intention is to preserve the opportunity for market traders to trade. For circumstances outside of the Town Council's control, there may be times when alternative trading arrangements are necessary in order to allow trading activity to take place albeit on a reduced scale. **At such times, traders will be required to comply with the Town Council's instructions. A failure to do so will mean that a trader is wilfully acting outside of the scope of this policy and is doing entirely at their own risk.**

The Town Council will maintain its right to close or cancel the market at short notice and at its absolute discretion if it is considered necessary on the grounds of public safety. This includes "acts of God", terrorism, flood, unexpected highway maintenance and weather conditions considered too severe to safely trade.

#### Adverse Weather Conditions

The Town Council monitors all weather conditions on a market-by-market basis including adverse and severe warnings for rainfall, snow, ice and high winds. The decision to operate alternative trading arrangements, cancel or close the market, will be taken when the predicted or actual weather conditions are considered to **present too high a risk of harm to the public, trader and council staff (stall erectors) or damage to equipment or surrounding properties.**

The Town Council monitors the Met Office's colour coded weather warnings as well as the Beaufort Scale for marine forecast (an empirical measure for describing wind intensity) to understand the impact of wind speeds, (see figs.1 & 2 below).

In making the decision to operate alternative trading arrangements, cancel or close the market, the Town Council's approach is to:

- Ensure the safety of the public, traders and council staff
- Ensure that decisions for the market are managed in a fair and consistent manner
- Undertake the management of the market with due diligence upkeeping the Town Council's responsibilities and liabilities working reasonably within legislative and insurer's advisory parameters

#### The Town Council's Approach



The presumption remains that wherever possible, the Town Council wishes to preserve the opportunity for market traders to trade.

Operational decisions on whether or how to operate the market will be at the discretion of the Market Manager or their representative based on Met Office forecasts and Beaufort Scale guidance.

#### Severe weather conditions

Should the weather conditions deteriorate to the point where the Town Council believes it is no longer safe to carry on trading, all traders will cease to trade immediately upon notice from the Town Council with no exceptions. This will usually apply where a red weather warning has been issued. This is known as the Severe Weather Policy.

#### Amber weather warning

Should an amber weather warning for high winds or severe gusts be forecast for the day of trading for example, the following provisions will be applied;

- No gazebos/town council owned structures will be erected.
- Traders will have the choice as to whether they decide to attend or not. Should traders decide not to attend, they will not be charged for missing a market trading day.
- For those traders that do attend, they will have the choice as to whether they trade from a vehicle or tabletop as both methods of trading are considered of a lesser risk when compared to trading from beneath a temporary structure such as a gazebo or similar.
- Under these conditions, the Market Manager or their representative, will at their discretion introduce a revised market layout based on which traders may wish to attend.
- The market may not be serviced in the usual way albeit contingency arrangements may be put in place that may require the traders to either take their rubbish away or dispose of it in the market bins which may be in an alternative secure position.
- The decision to provide Town Council owned tables will be at the discretion of the market manager and will be subject to the weather conditions of the day.

This is known as the Inclement Policy. Where possible, market traders will be issued with at least 48 hours' notice of the Inclement Policy being applied before the market is due to take place.

**What happens should a trader decide to ignore the Severe Weather Policy or the Inclement Policy and continue to erect their own structure?**



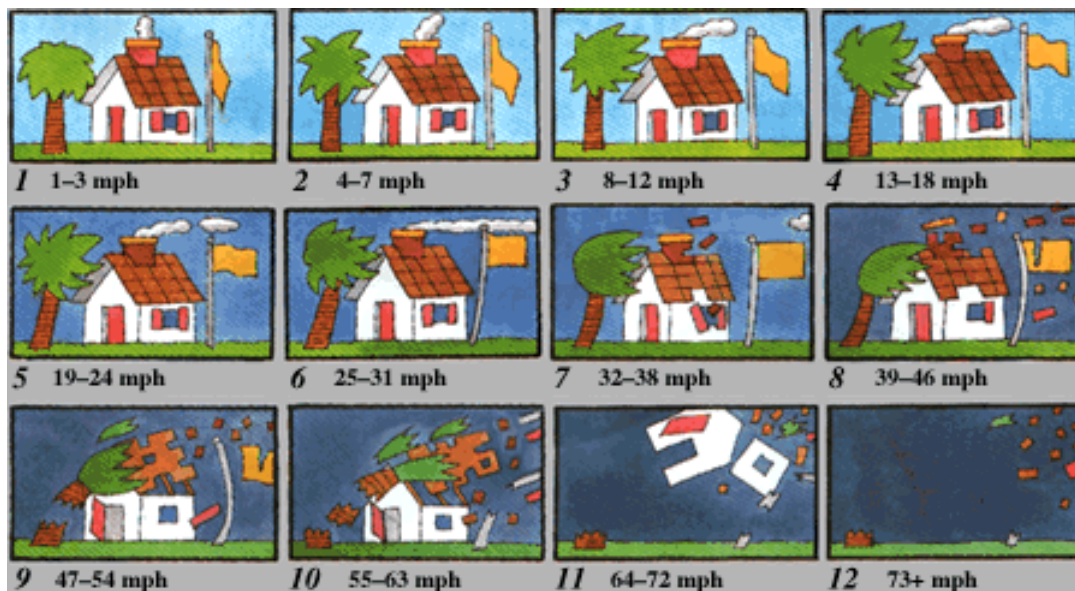
The Town Council had made its position clear on this matter. Should traders decide to disregard the Severe Weather Policy or the Inclement Policy, this will be entirely at their own risk. By doing so, they are acting outside of the Adverse Weather Policy and will not be recognised as market traders on those days. The insurance industry recommends that the market trader has at least £15 million pounds of cover. A failure to have the appropriate level of insurance cover will again be at the trader's own risk. Traders must satisfy both themselves and their insurance provider that their decision to ignore the Adverse Weather Policy will not compromise any insurance cover they believe they have in place.

All traders will be presented with a disclaimer which they are expected to sign. A failure to sign the disclaimer (See Appendix B) does not however mean that the trader is exempt from the Adverse Weather Policy. This policy is binding on all who trade on the market.

### Payment Schedule

On such occasions that the Town Council decides to apply the Adverse Weather Policy, the trading fees for that day will be reduced to 40% of normal market rent. Those who disregard Severe Weather Policy or Inclement Policy are not recognised and will therefore not be charged a fee.

### Pictorial Beaufort Scale (Fig.1)



(Fig. 2)



## A Scale for Rating Wind Strength, based on the Beaufort Scale

Force	Speed range (mph)	Effect on you	Effect on surroundings	Effect on lake surface	Effect on fresh snow
<b>0</b> – calm	Less than 1	None	Smoke rises straight up	Flat	None
<b>1</b> – light air	1-3	None	Smoke drifts	Ripples	None
<b>2</b> – light breeze	4-7	Felt on exposed skin	Leaves and grass rustle	Small wavelets, but none breaking	None
<b>3</b> – gentle breeze	8-12	Hair ruffled, loose clothing flaps	Leaves and small twigs constantly moving	Larger wavelets; some breaking	A little drift near surface
<b>4</b> – mod. breeze	13-18	Hair disarranged	Small branches move; loose dry grass picked up	Small waves form; some white horses	Large drifting
<b>5</b> – fresh breeze	19-24	Walking inconvenienced	Small trees begin to sway	Many white horses; some spray	Widespread drifting
<b>6</b> – strong breeze	25-31	Steady walking difficult	Large branches move	Crests form; more spray	Some blowing over head height
<b>7</b> – near gale	32-38	Walking with great difficulty	Whole trees move	Moderate waves; much spray	Blowing in clouds above head height
<b>8</b> – gale	39-46	Walking dangerous	Twigs breaking from trees	Foam in streaks along wind	Dense blowing clouds
<b>9</b> – severe gale	47-54	Blown over, crawling difficult	Branches break; small trees blow over	Dense foam	
<b>10</b> – storm	55-63	Progress impossible, even by crawling	Some trees uprooted; structural damage		
<b>11</b> – violent storm	64-73		Many trees uprooted; widespread damage		
<b>12</b> – hurricane	74 and above		Severe widespread damage		

Table illustrating the effect of wind speed on people and environment from Pedgely, Mountain Weather, taken from work done in Japan.



## Appendix B

### Leighton Linslade Town Council (“The Town Council”)

#### Market Trader Disclaimer and Indemnity

##### 1. Background

The Town Council implemented an Adverse Weather Policy which came into force on [insert date].

The Town Council may be required to apply the Inclement Policy or Severe Weather Policy as defined in the Adverse Weather Policy.

This Disclaimer applies to circumstances where the Town Council has applied the Inclement Policy or Severe Weather Policy and in contravention of the Inclement Policy or Severe Weather Policy, you have erected your own stall and traded, without the Town Council's permission.

##### 2. Disclaimer for personal injury or death

In the absence of any negligence or other breach of duty by the Town Council, erecting your own stall and trading whilst the Inclement Policy or Severe Weather Policy has been applied is entirely at your risk. This means you would be liable for (but not limited to) all unknown, unforeseen, unanticipated and unsuspected injuries, damage, death, loss and liability and the consequences thereof.

##### 3. Disclaimer for loss or damage to property

In the absence of any negligence or other breach of duty by the Town Council, The Town Council is not responsible for any damage, destruction or loss of your property or belongings where you have erected your own stall and are trading whilst the Inclement Policy or Severe Weather Policy has been applied.

##### 4. Insurance

You acknowledge that you must check the terms of your insurance policy to check whether erecting your own stall and trading whilst the Inclement Policy or Severe Weather Policy has been applied invalidates your insurance.

##### 5. Indemnity

I indemnify the Town Council from any and all claims, actions, procedures, costs, expenses, damages and liabilities, including legal fees, brought as a result of me trading where the Inclement Policy has been applied. I agree that this document may be pleaded as a bar to any action, claim or proceedings taken at any time against the Town Council by me.

**IT IS IMPORTANT THAT YOU READ AND UNDERSTAND THIS DISCLAIMER AND INDEMNITY BEFORE SIGNING. IF THERE IS ANY TERM YOU DO NOT UNDERSTAND, THEN PLEASE DISCUSS IT WITH THE TOWN COUNCIL BEFORE SIGNING.**



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Signed .....

Printed Name .....

Date .....

**IN THE EVENT THAT THIS DISCLAIMER AND INDEMNITY IS NOT SIGNED, THE TERMS WILL NEVERTHELESS APPLY IN FULL.**