

Leighton Buzzard Market Adverse Weather Policy

1. 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 so 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.

We communicate the implementation of the policy through social media. Appendix C is a suggested wording for social media posts and text messages to traders.

2. Adverse Weather Conditions

The Town Council monitors all weather conditions on a market-by-market basis including adverse and severe warnings for rainfall, heat, 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), depending upon the circumstances, this is usually with winds over around 37mph, although this indicator is only used as a guide.

The addition of the heat warnings has been due to this sort of extreme weather becoming more apparent. As a Council we must be aware and act accordingly to safeguard those who may be affected by such extremes of weather. The severity of the unusually hot temperatures endured (in 2022 and 2023), caused the update of the policy, which uses the Met Office's colour coded warning system as this is a clear and informative way in measuring the severity.



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

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 so entirely at their own risk.

3. 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. Any red weather warnings will activate the Severe Weather Policy and the Amber warnings will activate the Inclement Weather Policy.

Heat weather warnings: -

- Red warning – the market will close to all traders. Any traders that attend will not be recognised nor will their insurance be valid thus trading illegally. No gazebos erected or any Council equipment supplied. There will be no charge to traders nor loss of holiday rights.
- Amber warning –
 - the traders have the option to trade if they so wish.
 - No gazebos or other Town Council owned structures will be erected.
 - Any trader not wanting to trade will not be charged and will not lose holiday rights.



- Those traders attending will be charged at normal rates. (Please note, this is different to the wind/other weather warnings)
- Those traders NOT attending must inform the Market Manager or representative by 12 noon the day before otherwise they will be charged if they do not show.
- The Market Manager or representative will determine the time of early closure of the market at his/her discretion on the day if needed.

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 so entirely at their own risk.

Other weather warnings, including wind: -

- Red warning – the market will close to all traders. Any traders that attend will not be recognised nor will their insurance be valid thus trading illegally. No gazebos erected or any Council equipment supplied. There will be no charge to traders nor loss of holiday rights.
- Amber warning –
 - No gazebos or other 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.
 - On such occasions, the trading fees for that day will be reduced to 40% of normal market rent. Those who disregard the policy and trade from under a temporary structure are not recognised and will therefore not be charged a fee. (Please note, this is different to the extreme heat weather warnings)
 - 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.

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 so entirely at their own risk.

4. 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.

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.

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 so entirely at their own risk.

5. Payment Schedule

On such occasions that the Town Council decides to apply the Adverse Weather Policy, the trading fees for that day will be: -

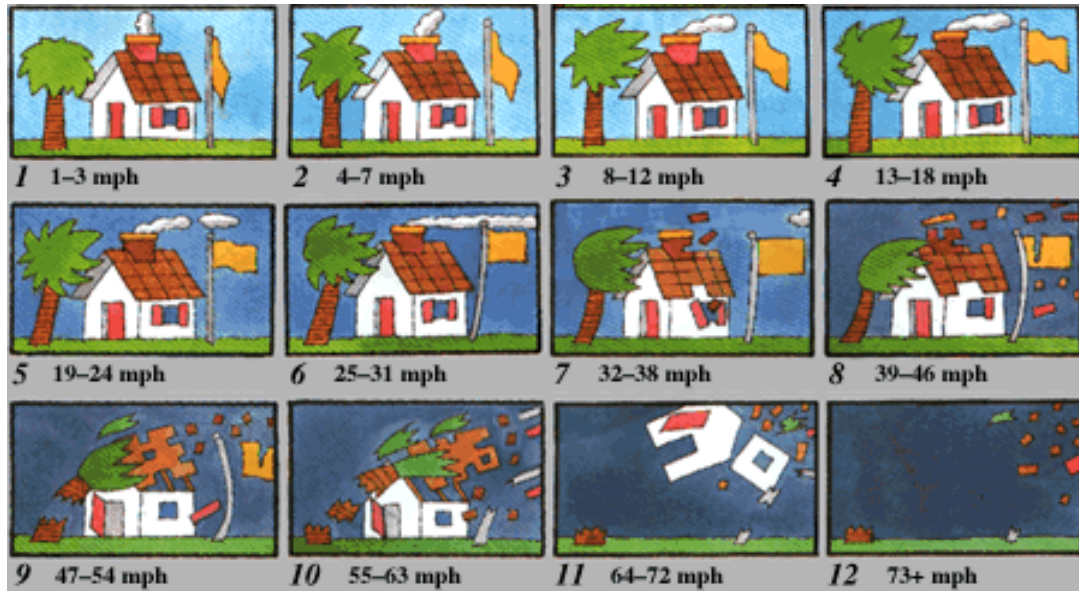
- Any red warning – no fee – no market – risk to life
- Amber warning for heat – usual market fees apply
- Amber warning for other weather (eg ice/wind) - reduced to 40% of normal market rent

However, for Amber warnings, 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 as long as they inform the Market Manager or representative by 12 noon the day before otherwise they will be charged if they do not show.



Appendix A – Fig 1 and Fig 2

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

Signed

Printed Name

Date

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



Appendix C

The communication of the implementation of the policy for social media and by text message to traders - suggested wording:

Due to the weather forecast today/tomorrow, especially the predicted high winds/extreme heat/snow/rainfall the LB Market Adverse Weather Policy has been invoked.

At such times, traders are 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 LLTC policy and is doing so entirely at their own risk.

[Insert option A, B or C]

Option A – Red warning

*As the warning is Red, there will be no market as it is deemed unsafe as there is Risk to Life. The market is **cancelled**, there will be **NO** traders operating. It will hopefully be back open on XXX should the weather improve.*

Option B – Amber warning – heat

As the warning is Amber for heat, the traders are permitted to trade if they choose. The market may be smaller, but it is still open.

Option C – Amber warning – other weather (ice/wind)

*As the warning is Amber for ice/snow/wind, [**or** is for wind at over 37mph] no Town Council gazebos will be erected. The market remains open but will be smaller today. The traders are permitted to trade from a vehicle or tabletop for those who choose to do so.*