

HONITON TOWN COUNCIL

HONITON MARKET

Report on Health and Safety Risks Associated with Honiton Market

April 2022

1.0 Introduction and Background

- 1.1 Helen Ibbotson CMIOSH of SafetyWise Ltd was commissioned by Honiton Town Council to assess the health and safety matters pertaining to Honiton Market and provide a report.
- 1.2 Visits were made to the market on Tuesday 1st February 2022 and on Saturday 2nd April 2022. This permitted review of the market on a quiet and on a busy day.
- 1.3 Helen also met with Stephen Hill, Town Clerk, Lee Leppington, Market Superintendent and Cllr McCollum.
- 1.4 Helen has reviewed documentation relating to the market, including background information available from Honiton Town Council and EDCC.
- 1.5 The market is held in Honiton High Street, in accordance with an ancient charter providing for the event.
- 1.6 The High Street is a fairly busy central road, with a number of junctions. Its width varies in the area the market uses.
- 1.7 Stalls are set up in the road, facing the pavement, on both sides of the road where width permits. Customers attend the stalls from the pavement.
- 1.8 Stalls and stallholders are separated from the traffic by a line of hazard tape and cones. Sometimes vehicles are incorporated into the stalls.
- 1.9 Signs at the point where stalls begin are set up in both directions, warning traffic of the market. There are two traffic light pedestrian crossings within the length of road used by the market.
- 1.10 The market is popular and busy. The demographic attending notably included vulnerable groups, the elderly, mobility impaired and children.

2.0 Market Risks

- 2.1 A risk assessment has been produced for Honiton Market by the Market Superintendent. This is supplemented by a COVID 19 specific risk assessment of the market produced by the Town Clerk. Both risk assessments are in date, and have been approved by Council.



- 2.2 The risk assessments are suitable and sufficient, and cover the significant risks. It would be useful to add risks associated with generators, which include noise, electrical risks, and flammable liquids.
- 2.3 The main risk specific to Honiton Market is the risk posed by traffic to market customers and stallholders. The market also poses risks to traffic, largely by narrowing the road.
- 2.4 This risk has been assessed, and was scored at 3 x 5 which an arithmetic error found to be a total risk of 10. The severity of a collision between a vehicle and a pedestrian is clearly 5, or potentially fatal. The likelihood has been scored at 3, but I would prefer to propose 4, or very likely. This gives a total risk of 20.
- 2.5 The other specific risk to market goes is from the pavement edges, which are sloped and in places cobbled and provided with open drains. These areas are avoided for use by the market, which is a pity, as they are adjacent the wider stretches of road.
- 2.6 The other risks assessed include severe weather, accidents and first aid, litter and debris, manual handling, equipment, fire, food safety and slips and trips, all of which will apply to any outdoor market.
- 2.7 The risk of verbal aggression and violence from individuals, possibly associated with alcohol, should also be assessed, and further, the risks associated with cash handling of robbery and again violence.

3.0 Management and Mitigation of Risks

- 3.1 The risk assessment for the market details most of the risks which apply, together with their control measures and any further actions thought necessary
- 3.2 Poor management is the first risk on the assessment, and is mitigated by council oversight, insurance, the competence of the Market Superintendent and the market rule book given to all stallholders.
- 3.3 Further actions recommended include a biannual audit of the market and the production of a set of operational instructions. This report may be considered as an audit, but the operational instructions have not been produced.
- 3.4 Slips, trips and falls is the next risk covered, mitigated by inspection prior to opening and during the market, with responsibility put on stallholders not to introduce slip and trip hazards.
- 3.5 Clarification of the rule not to introduce slip and trip hazards from stallholders is the further action put forward, and this may be considered as complete.



- 3.6 Risk 3 is from equipment and electrical failure, and is mitigated by requiring PAT testing for electrical equipment, and putting the responsibility for electrical safety on stallholders, who are required to have all equipment certified.
- 3.7 The market superintendent will oversee and enforce these actions, which is certainly in place.
- 3.8 Fire is the fourth risk on the assessment, and no mitigation is reported for this risk.
- 3.9 Further actions are recommended as stallholders to have fire extinguishers and fire blankets as necessary, and this to be checked by the market superintendent. Again, this appears to be in place.
- 3.10 It would be useful to have further actions under fire in relation to the spacing of stalls, particularly from possible sources of ignition, and Fire Service access.
- 3.11 Poor food hygiene is number 5 on the risk assessment, and is mitigated by asking all stallholders to hold the appropriate food hygiene certificates.
- 3.12 The further action recommended is for the Council to obtain and hold copies of these certificates for review by the working group.
- 3.13 Each food stallholder should also have a HACCP assessment for their food, and copies of this should be obtained and checked also.
- 3.14 Number 6 on the risk assessment is collision with motor vehicles, the mitigation for which is signage and cones to protect traders, checked by the market superintendent.
- 3.15 The further action column notes that this risk assessment is based on an agreement between the police and EDCC in 2007, and adopted by Honiton Town Council in 2009.
- 3.16 Manual handling is risk number 7, and the controls state that stallholders are responsible for their own manual handling. The market superintendent is provided with a trolley for his own manual handling.
- 3.17 The further action reiterates that the market superintendent is provided with a trolley.
- 3.18 Section 8 of the risk assessment looks at site specific hazards, listing roads, construction site, car park, steep slopes and other. No indication of construction activity was seen by me during visits so this may relate to a previous situation. The controls on these risks include personal responsibility for the stallholders with moving traffic, the Council to highlight problems. The control section states that these hazards have been present at the market for hundreds of years. The market superintendent wears a hi-viz jacket and is trained to work in the highway. The surface features on the pavement are acknowledged as presenting trip hazards.



- 3.19 Further action requires the market superintendent to highlight road problems to stallholders.
- 3.20 The weather is featured as number 9 on the risk assessment, and provides for the market to ban temporary structures in the case of high winds. The market superintendent or council will inspect the market in adverse conditions. Welfare facilities are suitable clothing are provided to the market superintendent by the council.
- 3.21 The further action allows for the cancellation of the market in extreme conditions.
- 3.22 Section 10 of the risk assessment covers first aid arrangements. These call for accidents to be notified to the council via the market superintendent, and for the emergency services to be called in the event of a significant accident or incident.
- 3.23 The further action requires the market superintendent to provide care for any stallholder or staff member while awaiting the emergency services.
- 3.24 Litter and debris are the hazard named in the 11th and last section of the risk assessment. The control points here are the public litter bins on the High Street, and a responsibility for stallholders to remove any debris they have created and leave their pitch clean and tidy.
- 3.25 The further action covers the commitments traders sign up to when first agreeing their pitch with the Council.

4.0 Commentary on Remaining Risks

- 4.1 Already mentioned have been a small number of hazards of the market which are recommended for inclusion in the risk assessment.
- 4.2 The first of these is the generators used by some stalls. These cause additional hazards of noise, use of flammable liquids and electrical hazard.
- 4.3 The controls required here would be for the generator to create no more than 85 dB noise at the nearest point of approach, the use of proper containers and a drip tray for flammable liquids, and fencing to keep people from close approach to the device.
- 4.4 Violence and aggression is not unheard of when dealing with numbers of the public, and is worsened by the availability of alcohol. In practice, the market superintendent would intervene, but police on call if not present would also be of value.
- 4.5 Cash handling is always a risk, as robbery can always occur. Again, a police presence is a good deterrent, but strong cash handling procedures from stallholders will also help prevention efforts.



- 4.6 Cash handling can be eliminated by the use of cards and phones for payment, and this may be encouraged.
- 4.7 The generator risk can also be reduced by the introduction of modern hybrid or solar generators or battery powered inverters or V2L.
- 4.8 The market superintendent is responsible for the setting out and running of the market. The risks of his job are fairly well covered in the risk assessment.
- 4.9 The market superintendent is highly competent, and his continuous presence during the market, moving around the area and troubleshooting, is a major factor in the control of risks.
- 4.10 The major risk of the market is traffic. This is scored at 10 in the risk assessment, although as a 3 x 5 risk, this should be 15. My preference is to score it higher, as a 4 x 5 = 20 risk, or very high risk.
- 4.11 In my view, the most likely serious accident at the market is for a member of the public or stallholder to be hit by a car.
- 4.12 Observation shows that there is continuous jaywalking by market attendees, drawn by stalls on either side of the road.
- 4.13 There is a good provision of crossing points, and these are used, but many people cross in between the two crossings.
- 4.14 Those crossing in this way include the elderly, the mobility impaired, and mothers with small children.
- 4.15 There is a continuous flow of traffic in both direction, added by traffic from the junction turning across the road, and partially broken up by the crossings.
- 4.16 Observation shows that approximately one in 10 vehicles is exceeding the speed limit, and about the same percentage is driving without due care for pedestrians.
- 4.17 Interactions between pedestrians and vehicles are very frequent. Usually either the vehicle stops or swerves, or the pedestrian hops out of the way.
- 4.18 A near miss, defined as a vehicle and pedestrian on a collision course at some point, occurs perhaps once in 5 minutes, or 12 times an hour as observed during a busy Saturday market.
- 4.19 The collision avoidance of both pedestrians and vehicles is highly effective; however, it cannot be relied upon.
- 4.20 It only requires an impaired pedestrian to stumble, as one of those 1 in 10 careless drivers approaches, and there will be an accident, potentially fatal.
- 4.21 Also at risk are stallholders, standing in the road with their backs to traffic, protected by a flimsy warning tape.
- 4.22 Large vehicles are in the minority in the High Street, but they do come through, and when they do, they have difficulties in places with the narrowed road.



- 4.23 Whilst swinging to avoid stalls, they move onto the other side of the road, at the point where the junction feeds traffic in. This impacts other traffic, causing them to move closer to the stalls.
- 4.24 The market superintendent is very conscious of the road risk, and regularly intervenes to help a pedestrian across the road.
- 4.25 He is also at risk from traffic.
- 4.26 In my view, the present situation with the market held in a live road, is not acceptable, and is inherently dangerous. It would be very difficult for the Council to defend itself in Court following a fatality.
- 4.27 The market has been held in the High Street for hundreds of years without incident. However, motor vehicles have featured in the mix only in the last 100, and those vehicles are becoming ever more numerous and faster. The risk is therefore steadily rising, and will continue to do so.
- 4.28 A serious accident will occur in the present set up. It is only a matter of when.
- 4.29 The close proximity of the vehicles also contributes noise and traffic fume to the market.
- 4.30 The risk caused by the uneven pavement edges on the lower section of the road could only be eliminated by relaying of the pavement. These edgings have obviously been positioned to discourage pedestrians from crossing other than at the designated points. However, if they do so, it is very risky underfoot.
- 4.31 These edging strips also prevent the market from putting stalls in this area, where the road is wider and potentially less risky.

5.0 Recommendations

- 5.1 Most of the minor risks of the market have been assessed and control measures put in place. Under the capable management of the market superintendent, they are well managed.
- 5.2 The big risk, from traffic, is not well controlled.
- 5.3 The options apparent to me are as follows:
 - I. Move the market to a traffic free site
 - II. Close the road during markets
 - III. Fence off a single stream of traffic to be controlled by traffic lights, allowing the market the use of the remaining road with no need for crossing through traffic.
- 5.4 The market risk assessment should be reviewed to take account of the additional points raised in this report.

6.0 Summary

- 6.1 Honiton Market is a longstanding feature of the town, and is much valued by the community.



- 6.2 It also acts to attract outsiders to the town, and helps to keep alive the High Street
- 6.3 Its venue on the High Street has been central to its success.
- 6.4 The volume of traffic on the High Street can no longer be combined with a proper concern for the health and safety of market goers and stallholders
- 6.5 It is necessary to find an alternative which will allow for the healthy functioning of the market and High Street without exposing the public to unmanaged traffic risks.
- 6.6 The market is in all other respects well managed, and hopefully, finding a traffic free venue will only add to its success.

Photographs



Jaywalkers during the market



Stall pushing large vehicles across to the other side of the road



Barrier inadequate to protect stallholders