

## Winchester City Street Market Compliance and Legislation Policy

### Volume one: All approved traders

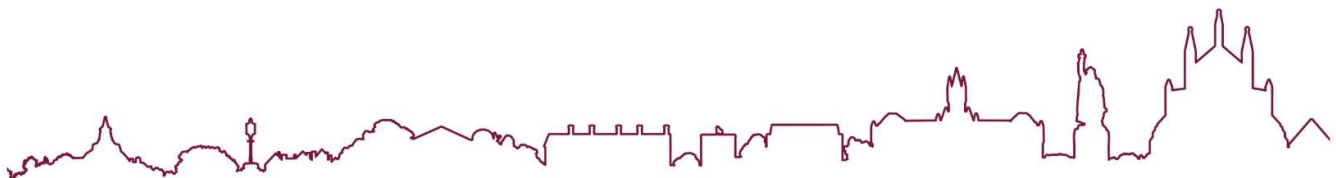
#### Introduction

There are three policies that apply to operating on Winchester City Street Market. All three policies must be adhered to and enforced by the Market Management Company. In addition Approved Traders must comply to the following policies as indicated below:

- Winchester City Street Markets Compliance and Legislations Policy Volume One: All Approved Traders
- Winchester City Street Markets Compliance and Legislation Policy Volume Two: All approved food and drink traders
- Winchester City Street Market Operating Policy: All Approved Traders

Information will also be available on the Winchester City Council website including information on how to apply online to become an approved trader.

Traders may trade in several different locations and within several different local authorities. The legislation is the same in all areas and they must achieve the same standard wherever they trade. Whilst the law remains the same, individual policies and standards will differ between local authorities and private enterprises. Approved Traders must fully understand and comply with the policies that Winchester City Council operate for the Winchester City Street Market.



### Application process

Prospective traders are required to submit an application form and provide supporting documentation. Included at the end of this policy is a checklist for prospective traders to complete to help ensure that they submit all the information required with their application.

Applications and supporting documentation will be reviewed by the Market Management Company and the council. Once approved the trader will be added to the Approved Traders list. The diagram below explains the application process for Approved Traders.

**Traders who have not been through the approval process and achieved approved status will not be allowed to trade.**



## **Compliance**

A Market Management Company will be appointed to manage the street markets on behalf of the council.

All Approved Traders, whether selling food or not must comply with the requirements of health and safety legislation.

It is also the responsibility of the Market Management Company to undertake day-to-day checks during the street market trading hours to ensure that Approved Traders remain compliant with all relevant policies. However, it is the responsibility of the individual Approved Trader to always comply with the health and safety legislation.

This document outlines the legal requirements Approved Traders must comply with along with recommended best practice. It also contains additional guidance on specific activities and hazards.

## **Induction and assessment**

The Market Management Company will appoint a market manager who will have overall responsibility of the market during trading hours. The market manager will arrange to meet Approved Traders on or before their first day of trading and undertake an assessment to ensure compliance with all appropriate policies and guidance, to ensure that the market trades safely. The induction will include an introduction to street market facilities and all other operating requirements.

To retain Approved Trader status the trader must continue to comply with the requirements of this guidance throughout the trading day, including set up and set down.

The Market Management Company will undertake ad-hoc, unannounced checks of Approved Traders during the trading day. They will give advice on any minor items of non-compliance and the Approved Trader will be given a specific period, on a case-by-case basis, to resolve those items before continuing to trade.

If, however, a major issue is discovered, multiple failings uncovered or an Approved Trader persistently fails to comply, then the Market Management Company has the authority to insist the trader to cease trading and leave the street market immediately. In such situations the approved status will be reviewed and may be removed.

## **Stall presentation**

Tidy stall presentation is always essential when trading on the Winchester City Street Market to maintain cleanliness, appearance and the reputation of the street market. When trading at a Winchester City Street Market all Approved Traders must ensure tidy and safe stall presentation during set up, trading and set down.

## Risk assessments

The Market Management Company must undertake the risk assessments for all aspects of the operation of the street market. They must:

- carry out regularly monitoring to ensure the street market is operating in adherence with the risk assessment
- updating the risk assessment when any new risks appear
- ensure that a risk assessment is provided by all Approved traders
- record and investigate any accidents or incidents

Any serious accidents or incidents must be reported verbally and followed up in writing to the council's Economy Team within 24 hours. The council's economy team will liaise with the council's Health and Safety Advisor.

When applying to trade at the Winchester City Street Market Approved Traders must submit a full risk assessment. This risk assessment must include all the points below that relate to the Approved Trader and the market pitch.

## Trips and hazards

Approved Traders must adhere to their submitted risk assessments upon applying to trade and then regularly inspect their own trading pitch to ensure it is free from trip hazards likely to cause slips, trips and falls.

Approved Traders must also avoid trip hazards during set up and set down. Cables must be kept tidy and away from areas where people walk, goods must be stored so that they do not present a trip hazard in circulation spaces, on and around the pitch.

Spillages of liquids must be cleaned up quickly and effectively. Approved Traders must avoid creating hazards, for example, emptying buckets of waste water onto footpaths in icy conditions.

## Liquid Petroleum Gas (LPG)

All Approved Traders intending to use liquid petroleum gas (LPG) must ensure that their gas appliances and pipe work has been installed by a competent person and is safe for use. To demonstrate this, applicants using LPG will be required to submit a copy of their current Gas Safety Certificate and Report to the Market Manager, prior to trading.

The inspection and issue of the certificate and report is only valid if it was undertaken by a gas engineer registered with [Gas Safe](#) and the gas engineer is authorised to undertake the inspection and maintenance of mobile commercial gas appliances. Engineers authorised for domestic gas appliances only are not acceptable.

Approved Traders must ensure that they have a valid copy of their certificate available for inspection at any time by the Market Management Company or council.

It is the responsibility of the Market Management Company to ensure that the certificates are valid, ensuring that:

- the certificate has not expired (the recommended renewal date will be shown on the original certificate). This is usually based upon the original inspection and at least annually after that
- the report covers all liabilities
- all appliances and pipe work are listed and
- any defects identified have been remedied and undertaken by a commercial gas engineer registered with Gas Safe.

### **Information Note 1: Advice on the safe use of LPG**

#### **Electrical safety**

Upon application to trade traders must be able to demonstrate that any electrical appliances are maintained so that they are in a condition which is safe for use. Typical appliances might include hog roasting devices, electric generators, coffee machines and chilled display units. These appliances are generally portable and transportable.

Before gaining Approved Trader status the Market Management Company will check that any trader's portable and transportable electrical appliances are Portable Electrical Appliance (PAT) tested. This means that the Approved Trader must submit a PAT test report for each appliance to be used on the pitch with their application. This will be checked annually by the Market Management Company.

The recommended renewal date will be shown on the original certificate and the Approved Traders must ensure they are renewed when appropriate and have the valid copy available for inspection at any time by the Market Management Company or council.

### **Information Note 2: Safe use of Electricity and Electrical Appliances**

#### **Pressure systems**

Pressure systems include coffee machines, pressure cookers, pressure fryers, some water boilers, steam pans and plant designed to raise pressure.

Before a trader obtains Approved Trader status the trader must demonstrate to the Market Management Company that the pressure equipment is inspected in accordance with a written scheme of examination set out by a [competent person](#). Approved Traders must provide a copy of the written scheme and details of the most recent inspection.

The Market Management Company must ensure there is a system for obtaining the most up to date inspection documentation and written scheme. The renewal date will be listed within the original documentation and the Approved Trader must ensure they have the valid copy available for inspection at any time by the Market Management Company or the council.

## **Fire Safety Risk Assessment**

Currently Approved Traders are provided with a gazebo which is fire retardant. Approved Traders must ensure that activities do not create a fire hazard and must keep their pitch and the area around it tidy at all times.

Approve Traders must not allow combustible materials to accumulate. Any fuel used must be stored in approved containers and away from sources of heat / ignition/combustible materials.

### **Information Notes 1 and 2: LPG and Electricity further guidance.**

Any Approve Trader wishing to cook, reheat food or use an electric generator must complete and submit a fire risk assessment, in addition to the standard risk assessment, as part of the Approved Trader application process.

No Approved Traders or Market Management Company employees and representatives are allowed to smoke (including e-cigarettes/vape) in any of the areas specified as the street market area in the map set out in operating policies.

Hampshire Fire and Rescue have produced a generic fire safety risk assessment and a copy is found below in Appendix 1, to be used as a template for making a fire safety risk assessment specific to the approved trader's activities.

Any trader using any equipment or appliances that can present a fire hazard must consider the additional measures required to ensure that the equipment/appliance is safe to use.

An Approved Trader using an electric generator or any electrical equipment must supply a 4kg dry powder or carbon dioxide fire extinguisher. If they purchase a new fire extinguisher, they must provide evidence that it is a new purchase.

Approved Traders must submit a Certificate of Compliance for each fire extinguisher. They must have in place a system to obtain annual renewals of certificates. Valid certificates should be available for inspection by the Market Management Company or council at any time.

The Market Management Company is responsible for ensuring that a fire safety risk assessment is submitted and reflects the activities that the Approved Trader applicant wishes to undertake and the equipment to be used. The Market Management Company must ensure that Approved Traders undertake annual reviews of their fire safety risk assessment and submits relevant documentation on time.

Further advice and guidance can be viewed [here](#).

## **Fumes**

In a confined space, such as a mobile catering vehicle, the release of gas or combustion products during the cooking process may give rise to an accumulation of harmful fumes, which can result in asphyxiation.

Approved Traders should ensure that their vehicle or trailer is well ventilated at high and low levels and vents are not obstructed with equipment. They should also ensure that the generators and towing vehicle are positioned so that exhaust fumes are not drawn into the workspace.

The Market Management Company is required to visually check that the Approved Traders set up is avoiding exhaust fumes and are not being drawn into confined spaces during the street market trading day.

### **Burns and scalds**

The risk of scalds and burns from the use of catering equipment and the handling of hot fat or liquids increases in confined spaces.

Burns and scalds are also a hazard due to the public. To reduce risks Approved Traders must ensure that the public do not have access to hot surfaces, equipment or liquids. They must also ensure that equipment holding hot fats/liquids are always secured and maintained and in good condition. Serious burns and scalds have been sustained by people slipping on floors, reaching out to grasp equipment to right their fall and pulling hot fat or liquids onto themselves as a result. Therefore, Approved Traders must clean spillages from the floor immediately to reduce the risk of slipping.

The Market Management Company is responsible for visually checking these risks are minimised throughout all street market trading days.

### **Stepladders**

Approved Traders should try to avoid undertaking any work at height. When this can't be avoided a stepladder must be used when displaying stock at height and gaining access.

Stepladders must be in good condition with:

- rubber feet securely in place
- stiles and rungs in good working condition and not damaged or bent
- locking bars freely moving and secure when locked
- fixings in working order, and
- the platform is even, not buckled or split

The Market Management Company is responsible for ensuring all Approved Traders adhere to safe stepladder use during all the street market trading days.

### **Animal attractions**

Animal attractions will not be permitted at any Winchester City Street Markets.

### **Trading standard regulations**

The Market Management Company must ensure that Approved Traders always display details of the ownership of the business, in accordance with trading standards regulations.

## Insurance

Proof of valid public insurance is to be provided upon application to trade on the Winchester City Street Market. The minimum cover required for an Approved Trader is £5million. Applicant traders not able to provide a valid insurance policy will not be approved to trade.

The Market Management Company will check Approved Traders public liability insurance certificates and schedules on an annual basis.

## Information Note 1 – Advice on the safe use of Liquid Petroleum Gas (LPG)

1	Winchester Street Markets Operating Policy requires traders to supply a current gas safety certificate for LPG appliances. Approved Traders must ensure:
2	All pipes and fittings meet the correct British Standard for LPG
3	All pipes supplying the appliance are kept short and do not trail
4	All pipes and fittings are secured with appropriate crimp/compression/non-slip fittings
5	Pipes are protected from abrasion/mechanical damage
6	Any pipes subjected to temperatures over +50c are armoured
7	Flexible piping is checked regularly and replaced if worn/damaged
8	Cylinders are stored in an upright position
9	Cylinders are store away from sources of ignition and heat
10	Cylinders are fitted with an automatic cut-off valve
11	Cylinders are protected from tampering
12	Cylinder storage compartment on vehicle/trailer is accessible only from the exterior
13	Cylinder storage compartments are constructed with 30-minute fire protection between the compartment and internal parts of the unit
14	Cylinder storage compartments have adequate ventilation at high and low levels
15	The cylinder is stored in an upright position and securely fastened during transit
16	All gas appliances are fitted with a flame failure device




<b>17</b>	All gas appliances are adequately ventilated
<b>18</b>	All fryers are fitted with an automatic high temperature-limiting device operating at a temperature of +250c or lower
<b>19</b>	Only CE approved appliances are to be used
<b>20</b>	Suitable signs indicating 'Caution LPG' and 'Highly Flammable' are displayed
<b>21</b>	A safety notice on how to connect/disconnect cylinders is available
<b>22</b>	Those responsible for changing the cylinders have been properly trained
<b>23</b>	Cylinder valves and gas appliances must be turned off when not in use

### **Information Note 2 - Electrical Appliances and Electricity Generators**

<b>1</b>	The Market Management Company must ensure that portable/transportable electrical appliances and generators are subject to an electrical appliance inspection every 12 months (PAT Test) and Approved Traders supply a copy as part of their application. Traders must ensure:
<b>2</b>	Generators are protected from inclement weather, but at the same time remain well ventilated.
<b>3</b>	Generators are positioned away from food, people, inflammable materials, sources of ignition and sited on firm ground
<b>4</b>	A residual current device (RCD) is installed on generators and this device checked every 12 months in accordance with point 1 above.
<b>5</b>	Fuel for generators is stored in approved containers away from sources of ignition, the generator itself is not in direct sunlight or near any exhaust from a vehicle.
<b>6</b>	Generators are not re-fuelled when running or hot
<b>7</b>	Generators are not overloaded with appliances that require a higher wattage than the generator can deliver
<b>8</b>	Sufficient fuel is available to last throughout the trading period
<b>9</b>	External plugs and sockets are waterproof and fitted with circuit breakers
<b>10</b>	Petrol generators are not permitted at Winchester City Street Markets

## Appendix 1

Fire Risk Assessment Traders and Market Stalls		 HAMPSHIRE <b>FIRE AND            RESCUE            SERVICE</b>		
<b>Name of Unit / Stall:</b>				
<b>Contact number on site:</b>				
<b>Location on site:</b>				
<b>Will sleeping be allowed within your concession?</b>				
<p>In order to comply with relevant fire safety legislation you <b>MUST</b> complete a Fire Risk Assessment of your stall or unit. The Risk Assessment needs to identify the fire hazards and persons at risk, you must endeavour to remove or reduce these risks and protect people from fire.</p>				
<p>Failure to comply with this requirement will result in you being removed from the site. You must be able to answer YES to the following questions.</p>				
<p>This signed and completed form must be maintained available for inspection by the Fire &amp; Rescue Service / Event Organiser / Council Officers at all times.</p>				
<p><small>You must undertake a Fire Risk Assessment for your unit, which must be suitable for the circumstances. You do not need to use this form, and may use another method if you wish, however, this form is considered to be suitable for most standard market stalls and units</small></p>				
1.	Are adequate exits provided for the numbers of persons within the unit or stall? <i>(Are your staff and customers able to evacuate easily if the normal exit is blocked due to fire?)</i>	Yes	No	N/A
2.	Where necessary, are there sufficient directional signs indicating the appropriate escape route and do they comply with current regulations?	Yes	No	N/A
3.	Are the exits maintained available, unobstructed, and unlocked at all times the premises are in use.	Yes	No	N/A
4.	If the normal lighting failed would the occupants be able to make a safe exit? <i>(Consider back up lighting)</i>	Yes	No	N/A
5.	Do you have an adequate number of fire extinguishers/fire blankets available in prominent positions and easily available for use?	Yes	No	N/A
6.	Has the fire-fighting equipment been tested within the last 12 months? <i>Note: a certificate of compliance will normally be required</i>	Yes	No	N/A
7.	Have your staff been instructed on how to operate the fire-fighting equipment provided?	Yes	No	N/A
8.	Have your staff been made aware of what to do should an incident occur, how to raise the alarm, evacuate the unit, and the exit locations?	Yes	No	N/A
9.	Have you identified combustible materials that could promote fire spread beyond the point of ignition such as paper/cardboard, bottled LPG etc and reduced the risk of them being involved in an incident?	Yes	No	N/A
10.	Have you identified all ignition sources and ensured that they are kept away from all flammable materials?	Yes	No	N/A
11.	Are the structure, roofing, walls and fittings of your stall or unit flame retardant? <i>Note: certificates of compliance will normally be required</i>	Yes	No	N/A
12.	If any staff sleep in the stall, is there a working smoke detector and a clear exit route at night? <i>Note: Persons should not be allowed to sleep within a high risk area and some Authorities and events do NOT allow any sleeping within units.</i>	Yes	No	N/A
13.	Are you aware that you must not stock or sell certain items, i.e. fireworks, garden flares, household candles, tea lights, etc?	Yes	No	N/A
14.	Do you have sufficient bins for refuse? Is all refuse kept away from your unit?	Yes	No	N/A
15.	Are you aware that petrol generators are not permitted on site?	Yes	No	N/A