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Health & Safety



Make it York – Shambles Market

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Document Management

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Revision History

Revision No	Date	Details
V1	04/12/2019	Initial draft issued for review.

Introduction

ACT (National) Ltd have been requested by Make it York to provide them with support in reviewing their risk assessment for the 2019 St Nicholas Fair. This risk assessment is intended to identify hazards, evaluate the resulting risk, and list the control measures necessary to reduce to an acceptable level. It is a legal duty for all employers to conduct such risk assessments (The Health & Safety at Work etc Act 1974 and the Management of Health & Safety at Work Regulations 1999) with the objective of reducing residual risk to be as low as is reasonably practicable.

After working at height, being struck by a vehicle is the second most common cause of work place fatal accidents in the UK. It is therefore considered to be a key issue for all event organisers, and therefore needs to be included in the risk assessment. Our experience of working at events is that the load out period is one of the most hazardous phases of the event, as vehicles often interact with pedestrians.

Make it York have therefore put in place controls to mitigate the risk to pedestrians from vehicles in the area of the St Nicholas Fair. To achieve this no vehicles are permitted within the market area (unless authorised) during the St Nicholas Fair trading hours of 10:00 to 18:00 (20:00 Thursday to Saturday.)

Christmas Markets have in the past been the subject of terrorist attacks. These include the attack in Berlin (2016) and Strasbourg (2018.) Following advice given by North Yorkshire Police in line with the NaCTSO Crowded Place Guidance 2017, City of York Council has installed hostile vehicle mitigation (HVM) barriers to protect the area of the St Nicholas Fair from attacks involving vehicles. This is in common with many other events and venues throughout the UK.

The presence of these two levels of control however have also had an important impact on the traders involved in the Shambles Market. This market is located very close to the St Nicholas Fair and within the HVM cordon but it is not part of that event, and has different trading hours. The Shambles Market published trading hours are from 07:00 to 17:00 (7 days per week all year round.) As a consequence of the control measures outlined above the Shambles Market traders believe that they are being unnecessarily prevented from leaving the site at the close of their trading hours, and are being made to wait until 18:00 (20:00 Thursday to Saturday.) Market traders goods must be removed from site each evening, and their vehicles are parked some distance away at Foss Islands.

In this report we consider the validity of the current risk assessment and options for facilitating a more agreeable egress plan for traders in the Shambles Market.

Hostile Vehicle Mitigation

Vehicular access to the Shambles Market area is via Church Street. A HVM barrier is located in this area. The positioning of this barrier is supported by an Anti-Terrorism Traffic Regulation Order (ATTRO) which will remain in place for the duration of the St Nicholas Fair. The barrier is staffed by a Steward (Eboracum Security) who is in radio contact with their Supervisor.

To reach the market all traders vehicles must pass through this HVM barrier. The NaCTSO Guidance for Crowded Places requires that all vehicles entering a restricted area should be screened with preferably two layers of active security barriers to prevent vehicle tailgating. This arrangement does not exist on Church Street where a single barrier is provided. With the current HVM arrangement there is therefore the presumption that only authorised vehicles will pass, and we understand a system has been set up to facilitate this.

Validity of the Current Risk Assessment

Make it York has a legal duty to reduce risk to be as low as is reasonably practicable. By introducing vehicles into an area frequented by pedestrians it could be interpreted that this standard is not being met, potentially exposing Make it York to criminal and civil liability. This view is based on guidance issued by the Health & Safety Executive (<http://www.hse.gov.uk/event-safety/transport.htm>)

To facilitate our review of the current arrangements we visited the Shambles Market on the evening of November 29th between 16:00 and 20:30. Our observations focussed on the three risk factors to in the context of this situation:

1. Pedestrians

Between 17:00 and 18:00 a number of Market Traders left moving their goods by hand or using trollies. At 18:00 however there was still trading activity taking place within the Shambles Market area. This declined further when the Yorkshire Marquee closed at circa 18:15, although some of the Shambles Market Traders stayed open for business until 20:00.

What was evident throughout the evening however is the use of the Shambles Market area as cut through for pedestrians in both directions between Parliament Street, Church Street (via Silver Street) and the Shambles. This pedestrian traffic was significant in the context of the risk assessment. It was also unpredictable, in that the Market area could at one moment appear to be completely clear, and then seconds later could be relatively busy.

The behaviour of some members of the public is also a significant risk factor. We observed some adults who appeared to be intoxicated, whose behaviour could be unpredictable. We also observed families with young children squeezing through gaps between vehicles and buildings.

This sporadic pedestrian traffic was continuing to occur up until we left the site at 20:30.

2. The Vehicles & Drivers

Vehicles were allowed access to the Market area at precisely 20:00 hrs. Make it York does not exert any controls over The Market Traders or their vehicles, hence the competency of drivers and the condition of their vehicles is unknown.

The following observations were made:

- One vehicle was seen to be parked fully on the kerb on Silver Street, meaning that pedestrians had to walk in the road.
- Vehicles that are unrelated to the market also passed through the HVM barrier at the same time. This included taxis and private cars.
- We felt the speed of some vehicles on Silver Street was inappropriate given the narrow width of that street and the number of blind corners.
- Vehicles were observed to be reversing in the market area without a banksman (i.e. someone outside the vehicle assisting the driver)

General Note – whilst Make it York have a responsibility for providing a safe system of work, the Market Traders themselves also have a legal duty to not expose others to excessive risk, and for the safe condition and conduct of their vehicles.

3. The Layout of the Market

The topography of the market and the surrounding streets is fixed and cannot be changed. The following observations were made:

- Vehicles enter via Silver Street which is very narrow with the catering units located on one side
- On reaching the market place vehicles are required to manoeuvre into position to facilitate loading.
- Vehicles leave via Silver Street and Church Street. This requires them to turn around which cannot be carried out without reversing.
- Lighting in the area is not of a uniform standard resulting in some dark areas.
- The market is connected to other parts of the city via a network of alleys and ginnels. After the market is closed a number of businesses remain active in the nearby area. It would therefore not be considered to be reasonably practicable to prevent pedestrian flow through the area.

Conclusion

Taking the risk factors outlined above into account our conclusion would be that the probability of injury (even at 20:00 hrs) to a pedestrian is relatively high and the likely outcome of such an injury could be serious. The current residual risk is therefore considered to be high.

Given this high residual risk it would be easy to conclude that the current control measures are appropriate. However as with the management of many complex risks, a balance sometimes has to be struck. Given the effect on the Market Traders it could be argued that the current control measures go beyond what is considered to be reasonably practicable. There is the possibility of some compromise, which through the introduction of some compensatory measures could reduce the residual risk and enable the traders to leave the Shambles Market earlier.

Our recommended amendments are as follows:

Dynamic Decision to Allow Access

Rather than a fixed time for vehicular access we recommend that Make it York should be empowered to make a dynamic decision to allow vehicular access. This decision to be based on footfall within the market area.

Guide times for this decision to be made might be 18:00 on Sunday to Wednesday and 19:00 on Thursdays to Saturdays, however the person empowered to make this decision must be given the full support of Make it York to delay access if necessary. It is also possible that the decision might be brought forward should circumstances allow (e.g. if the area is quiet due to adverse weather.)

Please note – this is subject to a system being agreed with North Yorkshire Police to allow market trader vehicles only to pass through the HVM prior to the closure of St Nicholas Fair and to eliminate the risk of other vehicles tailgating.

Public Address Announcement

Immediately prior to vehicles being allowed entry to the Market, and at regular intervals thereafter a public address announcement should be made. The intention of this is to make members of the public aware of the presence of moving vehicles. The following wording is suggested:

“Your attention please. Shambles Market is now closed for trading. Please be aware of vehicle movements in the area, and closely supervise children and vulnerable people”

Batch Entry

Congestion in the market area leads to greater risk due to the increased number of blind spots. Therefore to reduce congestion it is recommended that vehicles should be allowed access in batches of three or four at a time.

Code of Conduct for Market Traders

To further mitigate risk market traders to be asked to sign up to a code of conduct. This should include a voluntary 5mph speed limit and reversing only when assisted by a banksman.

Presence of Staff in the Area

The presence of staff in the area is recommended. Their purpose would be to support vehicle movements by assisting pedestrians. All such staff should wear high visibility vests and have sufficient instruction/training for their own safety.

End of Report – see Supporting Photo's Below

Supporting Photos



Church Street HVM



Footfall Market 17:38



Footfall Market 18:02



Silver Street 18:12



Footfall Market 18:15



Silver Street 19:42



Market footfall and vehicle movement 20:04



Pedestrians squeezing through gaps. 20:06



Footfall Market and Vehicles 20:13



Vehicle parked on pavement of Silver Street. 20:18