

## LEIGHTON BUZZARD MARKET

### Market Trader Disciplinary Procedures

#### 1. Procedure

Trader will receive a copy of each warning following each stage a further copy will be placed on the traders file. All warnings are based on a one year 'rolling' period.

#### 2. Verbal Warning – Stage 1

Following a minor breach of the regulations the Town Centre and Market Officer or covering Officer will issue verbal instructions to the offender and remind the trader that this practise must cease forthwith. The details of which are to be recorded on the – 'Disciplinary Stage 1' Sheet and attached to the traders file... (Ref. below example level of offences. - a not exhaustive list of examples)

#### 3. Written Warning – Stage 2

*Failure to comply with a verbal warning or more frequent breaches of regulations.*

Then Town Centre and Market Officer or their representative will issue a written caution. The details of which are to be recorded on the – 'Disciplinary Stage 2' Sheet and attached to the traders file.

The Market Trader has the right of appeal within 7 days. (Ref. Appeal procedures)

#### 4. Second Warning (Final) – Stage 3

*Failure to comply with a written warning and/or a more serious offence with the rules and regulations.*

The Town Centre and Market Officer or their representative will issue a second and final written caution. The details of which are to be recorded on the – 'Disciplinary Stage 3' Sheet and attached to the traders file.

The Market trader has the right of appeal within 7 days. (Ref. Appeal procedures)

#### 5. Termination Letter – Stage 4

The Town Centre and Market Officer or their representative will issue a letter of termination of all contract as a breach of Rules and Regulations. Should the Town Centre and Markets officer uphold the decision to terminate, a further appeal to the Head of Service or their representative may be made within 7 days, dependent upon the prevailing circumstances.

A copy of which, along with any further supporting evidence will be recorded on to the Trader's file.

## 6. Temporary Prohibition from Trade

Leighton-Linslade Town Council reserves the right to terminate a daily allocation of stall or space or temporarily prohibit operations from a stall or space in the event of non-compliance with the rules and regulations. Such termination will be immediate and no refund of charges paid will be made nor compensation for loss of trade be given.

All terminations/prohibitions will be notified in writing to the trader concerned. A copy of which, along with any further supporting evidence will be to be recorded on to the Trader's file.

*NB: Where offence(s) are deemed of a serious enough nature the procedure may commence beyond Stage 1.*

Serious offences will merit implementation at an appropriate stage. A serious offence may for example involve closing prior to the open market hours without authorisation; a more serious offence may be a repeat serious offence or a Health and Safety matter; offences such as assault or abuse will not be tolerated and will necessitate immediate implementation of Termination or Prohibition. The Town Centre and Markets Officer or Covering Officer will hold an emergency meeting with the offender to determine future action with no right of occupancy prior to appeal.

All offences are taken into account and thus several stage 1 offences irrespective of when committed (but within the rolling period) may necessitate action at a higher level.

The "rolling period" means that offences committed more than one year before will not be taken into consideration in the procedure.

Any trader making an appeal within stages 1-3 will be permitted to continue trading on his/her stall(s)/pitch(es), subject to the Conditions of Letting, pending investigation of the matter, this does not apply to cases of Traders temporarily prohibited from trading

*"Prohibition from trade" means that the Trader's daily occupation of stalls will be temporarily withdrawn so that the Trader will not be able to attend either on his/her permitted daily stall(s)/pitch(es), or as a casual trader at any Leighton-Linslade market. This will be applicable until such time that the issue has been discussed with the Town Centre and Market officer who at his/her absolute discretion will invoke this necessary disciplinary stage.*

## 7. Trader Grievance Procedures

Any grievance on the market should be addressed in the following way:

- a) in the first instance to the Town Centre and Markets Officer or their representative on the market concerned;
- b) in the second instance to the Head of Economic Development Services.

All grievances must also be submitted in writing, clearly stating all relevant details.

Should any Trader who is a member of the Leighton Buzzard Market Trader group have cause for any grievance, it can be brought to the attention of a Committee member who may bring the matter to the Town Centre and Markets Officer's attention.

Should any Trader who is a member of the Leighton Buzzard Market Traders Association or National Market Trader Federation have cause for any grievance, it can be brought to their attention and may bring the matter to the Town Centre and Markets Officer's attention.

## **8. Appeals Procedures**

All appeals should be submitted as requested in writing and detailed in the written caution. The appeal should state on what grounds the appeal is made and include any supporting evidence.

The appeal will be considered along with evidence included in the appeal and evidence used in issuing the relevant caution. A decision will be given within 21 days from the date of receipt of any such appeal.