



APPENDIX C

LEIGHTON BUZZARD MARKET DISCIPLINARY PROCEDURE

N.B. 'Blue' highlights indicate 'new' and/or 'rephrasing' – the placement of some elements have been reordered to aid understanding and flow of the contents)

Our policy

The Council's approach to discipline on the Leighton Buzzard Market is primarily to ensure satisfactory standards of behaviour, not to apply disciplinary penalties. It aims for an outcome which is fair and constructive in pursuit of the Council's delivery of the Market service to the community. This procedure demonstrates that individual traders will be treated fairly, reasonably and consistently.

Rules are necessary to ensure order and fairness and are essential to the efficient and effective delivery of the Charter Market that customers wish to frequent.

The Council realises that in general there is no cause to question the discipline and effectiveness of its traders, who can be relied upon to conduct themselves sensibly and with credit to the Market. There are however certain matters and possible breaches of rules and discipline, which need to be brought to the Trader's attention and to be dealt with by using this procedure.

The purpose of this procedure

This procedure is designed to help all traders achieve and maintain satisfactory standards and behaviour when attending the Leighton Buzzard Market.

The procedure will:

- Inform traders of the kind of behaviour that is expected, using stated reference documents, i.e. market rules and regulations, market trader standards, etc.
- Set out what actions the Market Manager, or their representative, is expected to take.
- Set out the rights and responsibilities of traders.
- Provide for matters to be dealt with as soon as possible, using fair and consistent method where there has been a failure to observe the standard of conduct expected by the Council, and in accordance with the principles of natural justice and on the balance of probabilities.



This procedure does not replace the normal interchange between Market Manager and trader and recognises that the Market Manager should deal with minor breaches of conduct informally and promptly without recourse to formal disciplinary procedures.

As stated above, this procedure will need to be read in conjunction with other market policy and procedure documents, such as the Market Rules and Regulations, Trader Licence Agreement and Market Trader Standards.

Disciplinary authority

The Market Manager, or their representative, has the authority to undertake disciplinary procedures.

Should an investigatory role be required to further understand details of a breach of market rules and regulations, trader standards or adherence to market policies, the Market Manager may opt to identify an independent investigating officer. On such occasions, the management of the procedure will be in the authority of the investigating officer.

Examples of offences that will initiate disciplinary actions are provided below. This is not an exhaustive list of examples:

- Noncompliance of the Market Rules and Regulations.
- Noncompliance of the Trader Licence Agreement.
- Noncompliance of the Market Trader Standards.
- Noncompliance to safe working practices.
- Noncompliance to other Market Policies.
- Noncompliance with instructions given by the Market Manager, or their representative.
- Verbal or physical abuse/assault towards a Council employee, trader or member of the public.

Trader Warnings

All warnings are based on a one year 'rolling' period in order to address persistent undesirable behaviour or breaches of rules. 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 one-year rule remains unless it is a final warning (Stage 4.) which will remain active for a period of 18 months, due to the persistent or serious nature of the event for which the warning was issued.

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

Stage 1. Verbal Warning



Following a minor breach of the market rules and regulations, failure to maintain stated and expected market trader standards or adhere to market policies, the Market Manager, or their representative, will issue verbal instructions to the offending trader and remind them that the unwanted practice must cease forthwith.

The details of which are to be recorded on the 'Disciplinary Stage 1' sheet and attached to the trader's file.

Stage 2. Written Warning

Failure to comply with a verbal warning or more frequent breaches of market rules and regulations, failure to maintain stated and expected market trader standards or adhere to market policies.

The Market Manager, 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 trader's file.

The Market Trader has the right of appeal within 7 days of [the date of the letter](#). (Ref. Appeal procedures)

Stage 3. Second Warning (Final)

Failure to comply with a written warning for breaches of market rules and regulations, to maintain stated and expected market trader standards or adhere to market policies and/or a more serious offence placing traders, employees or customers at risk of harm, abuse and/or bringing the market into disrepute.

The Market Manager, 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 [of the date of the letter](#). (Ref. Appeal procedures)

Stage 4. Termination Letter

Continued breaches and failure to comply with a written warning will result in the termination of the trader's right to trade on the Leighton Buzzard Market.

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

Should the Market Manager uphold the decision to terminate, a further appeal to the Head of Service or their representative may be made within 7 days [of the date of the letter](#), dependent upon the prevailing circumstances.



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

Prohibition from trading

In the event of serious breaches and/or noncompliance behaviours, the Council reserves the right to implement termination or prohibition from all trading and use of an allocation of stall or space. Such prohibition will be immediate, and no refund of charges paid will be made, nor compensation for loss of trade be given and no use of a trader 'holiday' day be permitted until an investigation has been completed and/or an emergency meeting with the offending trader undertaken. There will be no right to occupancy prior to appeal.

All prohibitions will be notified verbally in the first instance and 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.

"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 Market Manager, or their representative, who at his/her absolute discretion will invoke this necessary disciplinary stage.

Appeals Procedures

All appeals should be submitted in writing to the Market Manager in the first instance. If sent to another Council officer, the appeal will be deferred to the Market Manager for first stage attention.

Depending on the circumstances and severity of the issue being appealed, the Market Manager, has the authority to consider the appropriateness to appoint an independent appeal officer. On such occasions, the appeal process will be managed by the appeal officer.

Appeals must detail the written caution stating 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.

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