

POLICY:	MARKET TRADER COMPLAINTS PROCEDURE
Policy number:	LTC / MTCP / 23 / v.2
Available to:	All Staff, Councillors & Public (Website)
Supersedes Version:	Market Trader Complaints Procedure – Adopted 2011
Approved by:	Full Council
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- Description**
The procedure for the processing of complaints received from Market traders.
- Purpose of this policy**
The object of the procedure is to enable any trader's complaint to be quickly and satisfactorily settled.
- Scope**
All complaints received from Market Traders regarding the management and operation of Ludlow Market on the Market Square and at the Buttercross Market.
- Procedure**

Guidance Notes:

This procedure does not excuse any market trader from complying strictly with the terms of the Licence. Where the Council has the right to take any action under the terms of the Licence, this procedure neither limits nor restricts that right nor any obligation of the market trader in consequence of such action. In following the procedure Council staff and the trader agree to use their best endeavours at all times to resolve any complaint.

The procedure is intended to be simple and straightforward. However, in some cases it may be appropriate for another person to be present who witnessed the subject matter of the complaint and whose contribution is likely to help in resolving the complaint. If a witness cannot attend a meeting between the parties it may be sufficient to submit the witness's written account. It will only be given relative weight in these circumstances as the witness cannot be questioned.

The time limits that are given for various stages may be changed by mutual agreement. Where not indicated, a time limit should be mutually agreed.

The Trader Complaints Procedure is applicable in respect of issues regarding markets management operating the service as it affects the complainant. The procedure is not to be used for complaints as to the terms of the licence itself, nor about the Council changing those terms nor about the payment or review of stall charges or any matter related to the implementation of the compliance procedure.

Any trader failing to follow this procedure within the appropriate time limits will invalidate any complaint made.

4.1 Stage 1 – Informal

The complaint should be raised and discussed with the Market Officer or the officer undertaking that responsibility as soon as practicable after the issue arises.

An oral reply to the complainant will be given straightaway where possible, otherwise within fourteen days. Any action agreed upon will be carried out as soon as practicable.

4.2 Stage 2 - Formal

If the complaint is unresolved it now becomes a formal complaint.

The trader should put his/her complaint in writing to the Market Officer within fourteen days of Stage 1, stating the facts, the reasons for the complaint and the desired outcome. A meeting will be arranged between the trader and his/her representative and the Market Officer. The meeting should take place as soon as possible after the receipt of the written complaint.

In normal circumstances a written reply should be sent to the trader by the Market Officer conducting the meeting within fourteen days of the meeting or as soon as possible thereafter. A copy of the reply will be sent to any representative upon request.

If agreement as to action is reached in the meeting the reply should stipulate a time in which the action should be taken by the Market Officer or the trader as appropriate.

Services Committee will be notified of the complaint and the actions taken.

4.3 Stage 3 - Appeal

If agreement is not reached or if the complaint remains unresolved within the time stipulated in the formal response from the Market Officer, the trader should write to the Town Clerk as soon as possible, stating the facts, the complaint and the desired outcome. The Town Clerk may then arrange a meeting with the trader and his/her representative and the Market Officer or an officer of the local Market Traders Federation (If the complainant is a member). The Town Clerk's

decision will be put in writing and sent to the parties concerned as soon as practicable. The Town Clerk will report the matter to the Services Committee.

5. Legal

Markets And Fairs Clauses Act 1847

Royal Charter.

Part III of the Food Act 1984

6. Other relevant policies

Market Regulations
Market Licence