

PETERHEAD PORT AUTHORITY

FISHMARKET RULES

These Fishmarket Rules are made by Peterhead Port Authority on and take effect from 12th June 2018:-

A. STANDARDS AND LEGISLATION

1. All Market Users shall operate in accordance with the food hygiene and all other applicable standards required by the British Retail Consortium (BRC) and Aberdeenshire Council and the requirements of the Food Safety Act (as the same may be amended or replaced from time to time including all regulations enacted thereunder) and other applicable legislation and regulations.

B. HYGIENE

1. Hand Washing

Hands must be washed:-

- (a) on entering the Fishmarket;
- (b) after visiting the toilet;
- (c) after touching hair, face or blowing nose;
- (d) after handling waste materials; and
- (e) after handling chemicals.

2. PPE

- (a) Hair shall be contained in a hat or appropriate headgear.
- (b) All Market Users shall dress in clean, washable, protective clothing (the wearing of warm market jackets is permitted).
- (c) All clothing must be in a good state of repair.
- (d) Boots must be clean and washable.

3. Illness

- (a) All Market Users must be fit to work in a food environment.
- (b) Any person with symptoms of vomiting, diarrhoea or infection must not attend the Fishmarket.
- (c) The 48-hour rule should be observed.

4. Jewellery, Perfume and Makeup

- (a) Only plain wedding bands shall be worn in the Fishmarket.
- (b) Other jewellery including watches must not be worn.
- (c) Strong perfumes or aftershave must not be worn.
- (d) Makeup or false nails must not be worn.

5. Eating, Drinking and Smoking

- (a) Eating and drinking is permitted only in the facility designated for that purpose.
- (b) No food or drink shall be consumed on the Fishmarket.
- (c) No chewing gum is permitted.
- (d) Smoking is permitted only in designated smoking areas.
- (e) Hands should be washed after eating, drinking or smoking.

6. Work Practices

- (a) Standing on fish boxes is strictly forbidden.
- (b) The use of feet to inspect fish is prohibited.
- (c) The random tipping of fish on the Fishmarket floor is strictly forbidden.

C. OPERATIONAL PROCEDURES

- 1. No fish which is presented for sale shall be sold ahead of the fish auction.
- 2. Market Users shall not engage in any bid-rigging or other cartel offence in relation to the sale or purchase of fish at the Fishmarket.
- 3. Fish sold at auction must be removed from the Fishmarket as soon as reasonably practicable.
- 4. No fish shall be removed from the Fishmarket other than in fish boxes or bins and by the purchaser or agent.
- 5. The electronic pallet trucks in the Fishmarket are the property of the Authority. Any Market User operating a pallet truck must be properly qualified and insured to do so and must operate the pallet truck in a safe manner giving proper consideration to other Market Users. Without prejudice to Rule E.5, the employer of any such Market User shall also be responsible for ensuring compliance with this Rule.
- 6. Any person within the Fishmarket shall, if requested to do so, supply his/her name and address and that of his/her employer to an employee of the Authority.
- 7. It is the Market User's responsibility to ensure that whilst attending the Fishmarket he/she controls, so far as is reasonably practicable, all risks introduced by their activities.
- 8. During the sales period, no unauthorised/unnecessary visitors are permitted on the Fishmarket floor due to the potentially hazardous movement of pallet trucks and fish boxes
- 9. All contractors involved in the transportation of fish are required to wear a Hi-Viz vest unique to their company through either colour or company brand.

D. CONDUCT

1. Market Users must not be under the influence of alcohol or any drugs other than a drug prescribed for his or her medication, on condition that the prescribed drug does not make the person unsafe to undertake work at the Fishmarket.
2. Market Users must not use, move, remove or tamper with any property which is not their own property.
3. Market Users must not use any electrical, video or photographic equipment without prior written authorisation from the Authority.
4. Market Users shall not:-
 - (a) use insulting, abusive, indecent or obscene language;
 - (b) engage in any behaviour at the Fishmarket which is discriminatory or constitutes bullying, harassment, racial or sexual harassment or victimisation;
 - (c) behave in a dangerous, disorderly, violent, threatening or offensive manner;
 - (d) behave in a manner which causes or is likely to cause interference, nuisance, disturbance, annoyance or inconvenience to Authority employees or other Market Users;
 - (e) deliberately obstruct or cause obstruction to another Market User; or
 - (f) deliberately obstruct, prevent, hinder or interfere with any Authority employee in the exercise of any of his/ her duties.

E. BREACH AND DISCIPLINARY PROCEDURE

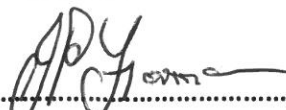
1. In the event of any alleged breach of the Fishmarket Rules or a Direction, the Authority shall be entitled, without prejudice to the provisions of the Authority's Byelaws to adopt the procedure detailed in this Rule E.
2. In the event of an alleged breach by a Market User of the Fishmarket Rules or a Direction by the Authority or the Harbour Master (as defined in the Authority's Byelaws), the following procedure ("**the Disciplinary Procedure**") shall apply:-
 - (a) the Authority may serve on the Market User a written notice setting out in reasonable detail the circumstances of the alleged breach;
 - (b) in the event the Market User disputes the alleged breach, he/she may notify the Harbour Master of the grounds of dispute within 3 days of receipt of the notice and shall indicate whether he/she wishes a personal hearing before the Harbour Master;
 - (c) as soon as reasonably practicable after the latest of; (a) expiry of the period of 3 days referred to in paragraph (b) above without any notice of dispute from the Market User; (b) receipt of the notice of dispute from the Market User in accordance with paragraph (b) above without any request for a personal hearing; or (c) conclusion of a personal hearing

requested by the Market User in accordance with paragraph (b) above, if applicable; the Harbour Master shall issue a decision in relation to the alleged breach;

- (d) the Harbour Master may decide that the alleged breach is; (a) not established; or (b) is established, in which event the Harbour Master may issue to the Market User:-
 - (i) a written warning;
 - (ii) a suspension from attendance at the Fishmarket for such period as the Harbour Master shall determine;
 - (iii) permanent exclusion from the Fishmarket; or
 - (iv) such other disposal of the matter as the Harbour Master shall decide;
 - (e) the Market User may appeal to the Chief Executive against the Harbour Master's decision by notice of appeal setting out the grounds of appeal and received by the Chief Executive within 3 days of the issue of the Harbour Master's decision. The notice of appeal shall indicate whether the Market User wishes a personal hearing before the Chief Executive; and
 - (f) as soon as reasonably practicable following; (a) receipt of the notice of appeal in accordance with paragraph (e) above; or (b) conclusion of a personal hearing requested by the Market User in accordance with paragraph (e) above if applicable; the Chief Executive shall issue a decision either affirming, overturning or varying the Harbour Master's decision. The Chief Executive's decision shall be final and binding.
3. Without prejudice to the provisions of the Disciplinary Procedure, in the event of an alleged breach by a Marker User as referred to in Rule E.2 above, the Authority or the Harbour Master may by written notice to the Market User suspend the Marker User from attendance at the Fishmarket until conclusion of the Disciplinary Procedure. Suspension under this rule is not a disciplinary penalty and will not mean or imply that any decision has already been made about the allegation.
 4. At any personal hearing pursuant to the Disciplinary Procedure, the Market User may be accompanied by another person of his/her choice.
 5. In the event any breach of the Fishmarket Rules or a Direction is alleged to have been committed by a Market User who is an employee or agent of another party, that other party may also be subject to the Disciplinary Procedure in respect of the same alleged breach and the provisions of this Rule shall apply *mutatis mutandis*.



Simon George Brebner, Chief Executive



John Pirie Forman, Harbour Master