

October 2013

Afon Teifi Fairways Limited

OPERATING PROCEDURES

An Appendix to the Articles of Association of
Afon Teifi Fairways Limited (ATFL)

OBJECTIVES of AFON TEIFI FAIRWAYS LIMITED

To control and regulate all Mooring sites in the Afon Teifi, from Cardigan Hospital downstream to Pen yr Erygd, for the benefit of all river users, within the Terms and Condition of the Lease granted to the ATFL by Ceredigion County Council.

ATFL Shareholders place on ATFL responsibility for the operation of the Estuary in an environmentally considerate way and with due regard to the financial capabilities of the locality to support such plans and programmes as may be proposed.

DUTIES AND RESPONSIBILITIES

To comply with the Terms and Conditions of the Lease:-

- a) No area of mooring location may be sub-let.
- b) A Fairway shall be maintained, and marked, at all times between Pen yr Erygd and Cardigan Bridge, being subject of the Lease
- c) Charges shall be levied to provide for the payment of Rents and Commission, if any, to the Crown-Administration or Ceredigion County Council and other costs incurred by Afon Teifi Fairways Limited (ATFL) to ensure an adequate balance of funds are available at all times to ensure continued viability.
- d) ATFL are to provide Audited Accounts for submission to the AGM of the ATFL Shareholders annually, or any other body legally entitled to receive such accounts.
- e) ATFL shall be NON profit making.

SHAREHOLDERS

Shareholders shall be representatives of the following bodies:-

<i>Ceredigion County council</i>	<i>1 rep.</i>
<i>Pembrokeshire County Council</i>	<i>1</i>
<i>Cardigan Town Council</i>	<i>1</i>
<i>St Dogmaels Community council</i>	<i>1</i>
<i>Ferwig community Council</i>	<i>1</i>
<i>Cardigan Chamber of Commerce</i>	<i>1</i>
<i>CCW</i>	<i>1</i>
<i>*Welsh Water</i>	<i>1</i>
<i>*Ceredigion Harbour Master</i>	<i>1</i>
<i>H M Coastguard</i>	<i>1</i>
<i>RNLI</i>	<i>1</i>
<i>Teifi Boating Club</i>	<i>3</i>
<i>Riparian & Private Landowners</i>	<i>2</i>
<i>Private Boat owners</i>	<i>2</i>
<i>Commercial Fishermen</i>	<i>2</i>
<i>Licensed Boat Operators</i>	<i>1</i>
<i>Seine-netsmen Association</i>	<i>2</i>
<i>Cardigan Sea Anglers/TTA</i>	<i>1</i>
<i>Longboats</i>	<i>1</i>
<i>Youth Groups</i>	<i>1</i>
<i>Honorary Life Member</i>	<i>1</i>
TOTAL	27

* entitled to representation, but non-voting members

- (a) All Shareholders, other than those representing Public bodies, must reside permanently within 10 miles of Cardigan.
- (b) No one group/organisation may have an overall majority, directly or indirectly, on the Shareholders.

The affairs of the Association shall be managed in accordance with the Rules & Objectives by ATFL, whose officers shall be elected at the AGM of the ATFL Shareholders on a yearly basis at the AGM

MEETINGS

Shareholders

At least one meeting of the Shareholders shall be held each year, other than the ATFL Annual General Meeting, upon giving fourteen days notice thereof to all members entitled to attend.

A meeting of the Shareholders will be held in November where the proposed Budget and Business Plan for the coming year will be presented to them, discussed and agreed.

There will be an Annual General Meeting of the ATFL Shareholders in March/April.

- (a) A Quorum shall consist of one quarter of the Shareholders,
- (b) Proposals for any change of the operating Procedures or Rules must be given to the ATFL Administrator, in writing, to be proposed, seconded and presented for approval of the Shareholders.
- (c) A Shareholders meeting shall be called within four weeks upon written request of any six Shareholders.
- (d) Nominations for Shareholders must reach the ATFL Administrator four weeks before the date of the AGM of the ATFL Shareholders.

Eligible Mooring Holders

An Annual Meeting of ATFL eligible Mooring Holders shall be held in the month of March/April each year – if possible. Notice of such meeting shall be placed in a local newspaper in the Public Notices section six (6) weeks prior to the agreed date for the meeting.

ATFL DIRECTORS AND OFFICERS

The officers and summary responsibilities may consist of :

Chairman – responsible for the strategic direction of the company

Navigation officer – responsible for navigation and facilities

Mooring masters – responsible for allocating and approving moorings

Legal and Environment officer - responsible for the ensuring operations are within statute

Administrator – responsible for the efficient administration of the company

Secretary – responsible for the financial health of the company

Project director – responsible for individual projects and for liaison with National Resources Wales

Non Executive director – responsible for professional seaman's advice to the Board

Chairman - Director

Responsibilities are :

To direct the strategic policy of the Board

To determine with the other unpaid members of the Board the remuneration of the personnel of the company

To adopt working practices that enhance the teamwork within the Board

To ensure the Board operates within the legal requirements

To ensure that an annual business plan is produced and agreed by the Board and the shareholders (the committee)

Paid officers

Navigation officer - Director

Responsibilities are:

To determine and maintain the buoyage of the channel within the lease area

To determine speed limits and define good practice within the estuary

To operate the patrol boat to ensure that the speed limits and code of practice are observed

To maintain an up to date log of the patrols

To produce an annual report on the overall operation of the estuary

To produce a strategic plan to be incorporated into the annual business plan

To maintain an incident book and ensure that lessons are learnt from all incidents bringing to the Board's attention those deemed serious enough to need Board action

Mooring masters

Responsibilities are :

To allocate moorings locations

To maintain a record of the mooring locations in conjunction with the database kept by the Executive Officer..

To inform the membership secretary of the position and ownership of each mooring

To define the moorings required in accordance with the standard defined by ATFL
To allocate laying up areas within their jurisdiction
To report incidents to the Navigation officer in writing
To resolve disputes within their area or to refer them to the Board where this is not possible

Administrator – (not a Director)

Responsibilities are:

To administer the functions of the Board and Shareholders
To determine with the financial secretary the main calendar of events for the statutory functions of the Board including the shareholder meetings
To ensure that the Fairway Committee articles are followed
To set up a diary of Board meetings to meet these statutory events allowing time for reports etc to be prepared and approved by the Board
To maintain a record of all Board meetings
To respond to incoming mail in accordance with Board policy
To support the Project Director in the acquisition of new funding lines

Executive Officer of the Board - Director

Responsibilities are that of Company Secretary, Legal and Environmental Officer and Membership Secretary:

Company Secretary

To maintain the financial accounts of the Board in accordance with statutory requirements
To set up and maintain management accounts
To define budgets to support the management accounts
To monitor expenditure against the budgets and report to the Board when problems look likely
To present annually to the shareholders the accounts for the past year and the proposed management accounts for the future year
To issue mooring fee invoices annually and to ensure these are collected
To support the Project Director in the writing of the business plan annually

Legal

To determine the legal requirements the Board has to operate within
To be the first point of contact within the Board for legal matters
To ensure that professional advice is sought when necessary
To ensure that the Board operates within the law in relation to operational matters
To contribute to the annual business plan in relation to Legal matter.

Environmental

To determine the legal environment within which the Board has to operate in relation to the environment
To lay down the requirements for all operations of the Board as a result of the legal environment above
To bring to the Boards attention any failure to meet those requirements

To contribute to the annual business plan in relation to Environmental matters

Membership Secretary

To maintain an up to date record of mooring holders and their position on the river

Non Paid Officers

Non executive Director - Fisherman's representative

Responsibilities are:

To act as advisor to the Board on all matters that relate to the operation of the estuary by professional skippers

To advise the Board in relation to matters that would improve the operation of estuary and in collaboration with the navigation officer to produce a strategic plan for the estuary to be incorporated into the business plan

Project Director

Responsibilities are:

To seek funding sources other than estuary users

To be responsible for the interface to such funding bodies

To ensure that all funds are properly budgeted for against defined deliverables

To report to the Board if the budget looks threatened

To direct the activities of the team working on behalf of National Resources Wales

To prepare annual reports of deliverables to funding bodies

In view of the SAC to maintain good working relationships with National Resources Wales in particular

To produce an annual business plan with the support of the administrator and secretary

Mooring Rules & Conditions

Mooring Rules

- (a) Mooring sites will be let to individuals upon payment of an Annual Rent agreed by ATFL at their AGM and upon receipt of a fully completed Application form and the appropriate fee payable to the 'Afon Teifi Fairway Limited' together with proof of Third Party Insurance cover for the vessel/craft named upon the Application which affords cover for any single incident up to a minimum of £2 million.
- (b) The named Applicant/Licensee shall ensure compliance with all conditions set out on the Application form
- (c) No person may rent more than two sites except in special circumstances and with the approval of ATFL.
- (d) Rents will become due immediately upon the grant of a Licence in the case of new sites and in all other cases on the 1st of January each year. Any rents not received by the Treasurer by 31st January will attract a surcharge of the basic Annual Rent in force at that time. A Notice and an account shall be sent to the Licensee's last known address by recorded post requiring the amount to be forwarded with 28 days. Failure to pay in full will allow ATFL to exercise their right to re-allocate the site and remove all mooring gear therefrom with costs borne by the Licensee/Owner.
- (e) Owners of paid up sites which have remained unoccupied by the Owners craft for a period of one year will be informed in writing that unless a satisfactory reason for the non use is notified to ATFL within 28 days. The site may become available for reallocation.

Removal of Moorings

An ATFL Board decision to remove a mooring for any reason shall require the owner to be notified, in writing, by ATFL, of the reasons for the decision, the estimated costs involved and the time allowed for an Appeal against the decision and a date by which time the Owner shall have removed the gear at his costs.

Appointed Mooring Master will allocate and supervise the Mooring on sites agreed by ATFL.

- (a) One boat per mooring site. Moorings are NOT TRANSFERABLE except with the express authority of ATFL
- (b) A Tender (maximum length of 16'), the Owner of which pays a full mooring fee shall be exempt from further charges. One tender only is exempt and which shall be clearly marked "Tender to..." or T/T followed by main boat name.
- (c) ANY boat, other than above, which is kept on a mooring, shall be subject to the payment of an Annual full fee.

Mooring Gear and Buoys

Sound Mooring Gear and Buoys to the Standards laid down by ATFL and appropriate to the size of the boat shall be provided by the Licensee and approved by ATFL. ATFL may, upon due notice to the Owner, require temporary removal of any Mooring for Navigational or other good reason.

ATFL shall not be liable, whether in Contract, Tort or otherwise for any loss, theft, or other damage of whatsoever nature caused to any vessel, vehicle or other property of the Owner or others claiming through the Owner except to the extent that such loss, theft or damage may be caused by the negligence or wilful act of ATFL or those for who ATFL is responsible.

The Licensee/Owner shall indemnify ATFL against all loss, damage, costs, claims or proceedings incurred by or instituted against ATFL or those for who it is responsible which may be caused by the Licensee/Owner's vessel/s vehicles or by the Licensee/Owner or his servants or agents, crews, guests or sub contractors except to the extent that such loss, damage, costs claims or proceedings may be caused by the negligence or wilful act of ATFL or for those for who it is responsible. The Licensee/Owner must ensure that he has adequate Third Party Insurance cover. Where sub-contractors are used professional indemnity must be in place.

Anchoring

Anchoring will only be allowed within the '*Designated Area*':

- (a) In an emergency
- (b) As a temporary measure in areas agreed by the appropriate Mooring Master

Speed Limits

These are as set by National Resources Wales and Ceredigion County Council within the lease.

All craft proceeding through mooring areas shall do so with due care and attention to existing conditions to ensure and avoid inconvenience, distress or danger to all other users of the river. A reasonable speed of five knots applies through all moorings and a blanket speed limit of 8 knots applies generally. Exceptions are above Cardigan Bridge where a speed limit of 5 knots applies and water-skiers and such may use the area between Nant Y Ferwig and the Webley.