

L.C.B.L. 14/6/99

**LOCAL COUNCILS ACT, 1993
(ACT NO. XV OF 1993)**

Use of Facilities (Birkirkara Local Council) Bye-Laws, 1999

IN exercise of the powers conferred by sections 34, 36 and 60 of the Local Councils Act, 1993, and in conformity with the provisions of subsection (8) of section 35 of the said Act, the Birkirkara Local Council has made the following Bye-Laws:—

Citation and
commencement.

1.1 These Bye-Laws may be cited as the Use of Facilities (Birkirkara Local Council) Bye-Laws, 1999.

L.N. 155 of 1993.

1.2 These Bye-Laws shall come into force one month after their publication in the Gazette, and following the authorisation to the Council by Government, by notice in the Gazette, to administer the facilities in terms of regulation 43 of the Local Councils (Financial) Regulations, 1993.

Interpretation.

2. In these Bye-Laws unless the context otherwise requires –

“Act” means the Local Councils Act, 1993;

“Administrator” means the person, management committee, club, association or society awarded the tender by the Council to manage any of the facilities in terms of subsection 8.1 of these Bye-Laws;

“applicant” means any person, whether an individual, club, management committee, association or society, who applies to use the facilities in accordance with these Bye-Laws;

“authorised person” means the person, club, association or society who has been granted authorisation by the Council or by the Administrator in terms of the provisions of these Bye-Laws for the use of any of the facilities;

“club, association or society” means any group of persons lawfully constituted to form a club, association or society;

“Council” means the Birkirkara Local Council;

“equipment” means anything placed or fixed within the facilities, including platforms, chairs, audio equipment, flowerpots, benches, litter-bins, and other ornamental structures;

“facilities” means the Council Conference Hall, the exhibition space within the Civic Centre and any other location that the Council may include by a resolution to these Bye-Laws and which are under the responsibility of the Council;

“Government” means central Government;

“locality” means the Birkirkara locality which lies within the boundaries as stipulated in the Second Schedule to the Act.

3.1 Without prejudice to any other permit required by any other authority or under any law, no person shall use the facilities without the prior authorisation of the Council or of the Administrator appointed by the Council. Use of facilities.

3.2 Equipment shall only be used for the purposes for which they are intended. Use of equipment.

4.1 The Council or the Administrator shall issue an authorisation for the use of any of the facilities after a written application is submitted by an applicant on the form prescribed in the First Schedule to these Bye-Laws: Application for the use of facilities.

Provided that the Council or the Administrator shall have the right to refuse to issue an authorisation in those circumstances and for any reason which the Council or the Administrator deems fit; so however that the Council or the Administrator shall within fifteen days from the date of application issue the authorisation or a refusal in writing, as the case may be.

4.2 Applications must be submitted to the Council or the Administrator by not later than one month and not earlier than two months before the date of the proposed activity. The decision of the Council or the Administrator shall be communicated to applicant as early as possible:

Provided that the Council may give a concession to vary these time-limits.

4.3 Where more than one application is received for an activity to be held in the same place and on the same date, the first application received shall be given priority. If applications are received

simultaneously, the applicant who resides in the locality shall be given preference. If all the applicants are from the locality, or if none of them resides in the locality, the Council or the Administrator shall draw by lot in the presence of the applicants.

Nature of activity.

5.1 No application submitted in terms of subsection 4.1 of these Bye-Laws shall be accepted if the nature of the activity is not of a sporting, educational, recreational, religious, cultural or philanthropic nature, or if such an activity is not approved by the Council.

5.2 No application submitted by a political party for the holding of any activity during a national electoral campaign or an electoral campaign for the Birkirkara Local Council.

5.3 The Council or the Administrator shall have the right to issue an authorisation for a specific period and for any activity during which stalls, tables and chairs may be used for commercial purposes.

6.1 (a) The authorisation shall be forwarded to applicant on the form prescribed in the First Schedule and subject to the terms and conditions stipulated in the Second Schedule to these Bye-Laws, including also any comments which the Council or the Administrator may deem necessary. A copy of the authorisation shall be kept by the Council or by the Administrator as the case may be.

(b) This procedure shall also apply in the case of a refusal. In this case the reason for such a refusal shall be included.

Authorisation not transferable.

6.2 An authorisation issued under these Bye-Laws shall not be transferable without the prior written consent of the Council or the Administrator, as the case may be.

Priority by Council for use of facilities.

6.3.1 The Council shall have priority for the use of the facilities.

6.3.2 Where an authorisation has already been issued under these Bye-Laws for an activity to be held on the same date and at the same place where the Council intends to hold its activity, the Council may withdraw the authorisation already issued by informing applicant in writing at least fifteen days before the date of the said activity. In such a case, the Council shall refund the fees paid by applicant, and all other expenses incurred in connection with the activity applied for subject to the production of receipts.

7. The applicant shall, on submission of the application, pay a fee as stipulated in the Third Schedule to these Bye-Laws according to the nature of the activity:

Fees for the use of facilities and equipment, and special concessions.

Provided that the Council may grant a special concession in the case of activities with a philanthropic purpose at no fee whatsoever.

8.1 The Council may delegate the management of any of the facilities to third parties after issuing a public call for tenders.

Tenders.

8.2 The person who is awarded the tender shall abide by the terms and conditions established in the Second Schedule to these Bye-Laws and any other conditions which the Council or the Administrator may impose.

Terms and conditions.

8.3 Where an applicant feels aggrieved by a decision taken by the Administrator, for not having abided by the provisions of these Bye-Laws, he may appeal from such decision to the Council, and the Council's decision shall be final.

Right of appeal by applicant.

9. The authorised person shall be held responsible for any damages caused to the facilities or to any of its equipment or for any other damages sustained by third parties within the facilities during the duration of the authorisation.

Responsibility for damages.

10.1 Without prejudice to the provisions of section 9 to these Bye-Laws, if an authorised person makes improper use of the facilities or breaches any of the terms and conditions stipulated in the authorisation, the Council or the Administrator as the case may be, may withdraw the authorisation and no refund of fees paid shall be reimbursed.

Improper use of facilities;
Breach of the terms and conditions.

10.2 It is in the discretion of the Council or the Administrator whether or not to issue any future authorisation to the authorised person whose authorisation is withdrawn as indicated in subsection 10.1 above.

11.1 Every person who is in breach of any of the provisions of these Bye-Laws, or who fails to abide by any condition of the authorisation given by virtue of these Bye-Laws, shall, on conviction be liable to a fine (*ammenda*) not exceeding thirty Maltese Liri (Lm 30) for such contravention.

Penalties.

11.2 The Council may, in addition to the penalties stipulated in subsection 11.1 above, order the person found guilty of a breach to

carry out the necessary repairs to the satisfaction of the Council. A fine (*ammenda*) of five Maltese Liri (Lm5) may also be imposed for any day during which such repairs are not carried out.

11.3 The Council shall have the right to carry out the repairs at the expense of the guilty person.

FIRST SCHEDULE

(Section 4.1)

Application for the Use of Facilities

Application No.: _____

Name and Surname of Applicant: _____

Identity Card No / Passport No.: _____

Position in Organisation (e.g. President, Secretary, Director or Authorised Official):

Name of Organisation (if applicable): _____

Official Address: _____

Telephone No.: _____

Fax No. _____

Facility applied for: _____

Days of Activity: From: _____ To: _____

Duration (Time): From: _____ To: _____

Approx. expected attendance: _____

Entrance Fee (if applicable): _____

Measures taken to indemnify the Council (attach documents): _____
(e.g. Insurance Policy, Bank Guarantee, etc.)Date: _____ Applicant's Signature: _____
-----**FOR OFFICIAL USE**

Fee Paid: _____ Receipt No.: _____

Date and Time when application is received: _____

Accepted / Refused (delete as applicable) Date: _____

Comments by Council (if applicable): _____

Signature: _____ Official Rubber Stamp:

Designation: _____

SECOND SCHEDULE

(Section 6.1)

Terms and Conditions for the Authorisation of the Use of the Facilities

1. The authorisation is valid for the duration as indicated in the application form prescribed in the First Schedule and subject to any further conditions stipulated by the Council on the authorisation form.
2. The Council has the right to revoke the authorisation at any time for any breach of any of these terms and conditions or any provisions of the Bye-Laws or any other conditions as laid down by the Council on the authorisation form. The Council also has the right to revoke the authorisation if the activity is deemed contrary to public decency or morals.
3. If the Council revokes the authorisation for any of the reasons mentioned in paragraph 2 above, the authorised person shall not be refunded the fee paid or any part thereof.
4. The authorisation is subject to any permit or licence necessary under any other law. It is the responsibility of the applicant to obtain such permit or licence.
5. The authorised person shall not carry out any activity which is not indicated in the authorisation.
6. The authorised person shall keep the facility clean at all times during the activity, and ensure that such place remains clean until the expiry of the authorisation.
7. The authorised person shall ensure that at the end of the authorisation the facility be restored to its original state.
8. The authorised person shall ensure that no inconvenience or nuisance is caused to the public during the duration of the authorisation.
9. Any noise shall cease by 11.00 p.m.
10. A copy of the authorisation shall be prominently displayed at all times at the entrance to the facility for the information of the public.

THIRD SCHEDULE

(Section 7)

Fees for the Use of Facilities**1. Fee for the Use of the Council Conference Hall:**

Educational activities approved by Council	- Lm 10 each activity
Cultural Activities	- Lm 30 each activity
Commercial Activities	- Lm 50 each activity

2. Putting up of Stalls or Tables for Commercial Purposes in any of the Facilities:

For every Stall	- Lm 7
For every Table	- Lm 7

3. Activities for a Philanthropic Purpose:

Free

4. Right of use of Exhibition space

Educational Exhibition	- Lm 8 each activity
Other Activities	- Lm 24 each activity