L.C.B.L. 57/3/2008

LOCAL COUNCILS ACT
(CAP. 363)

Use of Facilities (Santa Luċija Local Council) Bye-Laws, 2008

IN exercise of the powers conferred by articles 34, 35(8) and 60 of the Local Councils Act, the Santa Luċija Local Council has made the following Bye-Laws:-

Citation and commencement.

1.1 The title of these Bye-Laws is the Use of Facilities (Santa Luċija Local Council), Bye-Laws, 2008.

1.2 These Bye-Laws shall come into force one month after their publication in the Gazette.

Interpretation.

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

"the Act" means the Local Councils Act;

"the Administrator" means the person, club, association or society awarded the tender by the Council to manage the facility in terms of subarticle 8.1 of these Bye-Laws;

"advertisement" includes a notice;

"applicant" means the person, whether an individual, club, association or society, who applies to use the facility in accordance with these Bye-Laws;

"authorized person" means the person, club, association or society who has been granted authorisation by the Council or by the Administrator in terms of these Bye-Laws for the use of the facility;

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

"the Council" means the Santa Luċija Local Council;

"equipment", means anything put or fixed within the facility, including flower-pots, benches, litter bins, floodlights and other structure which may be included by the Council from time to time;

"the facility" means the 5-a-side Football Pitch situated in Triq Inez Soler and which is under the responsibility of the Council;

"Government" means the central government;

"the locality" means the Santa Luċija locality.

Use of facility.

3.1 Without prejudice to any other permit required by any other authority or under any law, no person shall use the facility or display, place or fix any advertisement on the wall or equipment in the facility without the prior authorisation of the Council.

Use of equipment.

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

Application for the use of the facility.

4.1 The Council shall issue an authorisation for the use of the facility after a written application is submitted by an applicant on the form prescribed in Schedule A to these Bye-Laws:

Provided that in the case of an advertisement the fee payable to the Council shall be that as established in Schedule C to these Bye-Laws:

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

4.2 The Council may grant authorisation to voluntary organisations that operate from the locality or non-govermental organisations listed in the Eighth Schedule to the Act, after the Council receives a written request so as to use the facility or advertise activities or public notices without payment.

4.3 Applications must be submitted by not later than one month and not earlier than two months before the date of the proposed activity.

Council's decision shall be communicated to applicant as early as possible:

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

4.4 Where more than one application is received for an activity to be held on the same date and at the same time, 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 applicants are from the locality, or if none of them resides in the locality, the Council shall draw by lot in the presence of the applicants.

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

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

6.1.2 This procedure shall also apply in the case of a refusal. In such case, the reason for such a refusal shall be included.

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. Authorisation not transferable.

6.3.1 The Council shall have priority for the use of the facility. Priority by Council for use of facility.

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.

Fees for the use of facilities and equipment.

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

Tenders.

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

Terms and conditions.

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

Right of appeal.

8.3 Where an applicant feels aggrieved by a decision taken by the Administrator, he may appeal from such decision to the Council, and the Council's decision shall be final.

Responsibility for damages.

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

Improper use of facility, breach of the terms and conditions.

10.1 Without prejudice to the provisions of article 9 to these Bye-Laws, if an authorised person makes improper use of the facility 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 fees paid shall be reimbursed.

10.2 Any advertisement for which an authorisation has been issued shall be removed within one week from the expiry date of the authorisation. In any case to the contrary, the person responsible for removing such advert shall be guilty of a contravention.

10.3 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 subarticle 10.1 above.

Penalties.

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 the Bye-Laws, shall, on conviction be liable to a fine (*ammenda*) not exceeding sixty-nine euro eighty-eight cents (€69.88) for such contravention and to a further fine (*ammenda*) of eleven euro sixty-five cents (€11.65) for everyday during which one of the provisions of these Bye-Laws or any condition of the authorisation is breached.

11.2 The Council may, in addition to the penalties stipulated in subarticle 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 eleven euro sixty-five cents (€11.65) 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.

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(Article 4.1)

SCHEDULE A

Application for the Use of the Facility

Application No. _____

Name and Surname of Applicant _____

Identity Card No. / Passport No. _____

Position in Organisation
(e.g. President, Secretary, etc.) _____

Name of Organisation (if applicable) _____

Official address _____

_____

Telephone No. _____ Fax No. _____

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 and Designation Official Rubber Stamp

(Article 6.1)

SCHEDULE B

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

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 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.

(Article 7)

SCHEDULE C

Fees for the Use of the Facility

Not more than € 24 per hour

Fees due for Advertisements in the Facility

Sizes	Fee due per Annum
Up to 0.5 square metre	€ 25
From 0.5 square metre to 2.0 square metres	€ 175
Exceeding 2.0 square metres	(not less than € 350)

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