

L.C.B.L 15/05/2017

**LOCAL COUNCILS ACT
(CAP. 363)**

Use of Facilities (Birżebbuġa Local Council) Bye-Laws, 2017

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

1. The title of the Bye-Laws is the Use of Facilities (Birżebbuġa Local Council) Bye-Laws, 2017.

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

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

"the Act" means the Local Councils Act; Cap. 363.

"Administrator" means the person, club, association or society awarded the tender by the Council to manage the facilities in terms of bye-law 9.1;

"applicant" means any person, whether an individual, club, association or society, who applies to use the facilities;

"authorised 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;

"the Council" means the Birżebbuġa Local Council;

"equipment" means anything put or fixed within the facilities;

"facilities" means the Council Conference Hall and Meeting Room within the Birżebbuġa Local Council Administrative Offices, and ancillary equipment in the facilities;

"locality" means the Birżebbuġa locality.

3. Without prejudice to any other permit that might be necessary from any authority or under any other law, no person shall make use of the facility for a particular activity without the prior written authorisation of the Council. Use of Facilities.

4. The Council shall grant authorisation for the use of the facilities after and application on the form established in Schedule A to these Bye-Laws is submitted: Application for the use of Facilities.

Provided that the Council shall have the right to refuse such

application in those circumstances and for any reason that the Council may deem reasonable, and the Council shall grant or refuse authorisation in writing in not less than five days before the activity is to be held

Time limits for applications.

5. Applications should reach the Council not later than a week from the date of the proposed activity. The decision of the Council shall be notified to the applicant in writing as soon as possible.

Priority of application.

6. When more than one application is filed requesting that an activity be held at the same place and on the same day, the first application received shall be given priority. If a number of applications are received at the same time, the applicant residing at the locality shall be given priority. If the applicants are all from the same locality or if none of them are from the locality, the Council shall cast lots in the presence of all applicants.

Nature of activity.

7.1.1 No application shall be accepted as provided in bye-law 4 if the nature of the activity is not related to sports, education, recreation, religion, culture or philanthropy or if the activity is not approved by the Council.

Authorisation.

7.1.2 Authorisation shall be given to the applicant on the form established in Schedule A and subject to those conditions established in Schedule B to these Bye-Laws, and should include any comments that the Council feels necessary. A copy of the authorisation shall be kept by the Council or the Administrator depending on circumstances.

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

Authorisation not transferable.

7.2 An authorisation granted under these Bye-laws is not transferable unless with the prior written permission by the Council or the Administrator, as the case may be.

Fees for the use of facilities.

8. The applicant shall, when submitting an application, pay a fee as stipulated in Schedule C to these Bye-Laws:

Provided that the Council may give a special concession renouncing to or reduce the fee for activities which have a philanthropic purpose.

Delegation of management.

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

Terms and conditions.

9.2 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.

9.3 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.

10. The person to whom the authorisation is granted shall be held responsible for all damages made to the facilities or the equipment or any other damages that third parties may suffer within the facilities during the period of the authorisation.

Responsibility
for damages.

11.1 Without prejudice to bye-law 9 of these Bye-Laws if an authorised person makes bad use of the facilities or does not observe the terms and conditions stated in the authorisation, the Council or the Administrator depending on circumstances may revoke the authorisation and the fee paid shall be forfeited.

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

11.2 The Council shall demand a deposit of not more than €200 (two hundred euro) from the person making use of the facility. This deposit shall be required in order to cater for any damages which may be caused.

11.3 An inventory, to be registered and signed by the Executive Secretary and by the applicant, shall be kept in the rented premises as relating to every article held therein.

11.4 When the authorisation about a facility is granted to the persons to whom the use is granted, the particulars of the person responsible shall be indicated.

12.1 Any person who contravenes any provision of these Bye-Laws or fails to honour any condition in the authorisation granted by virtue of these Bye-Laws shall, on conviction, be liable to a fine (*ammenda*) of not more than sixty-nine euro eighty-eight cents (€69.88) for such contravention.

Penalties.

12.2 The Council may, in addition to the penalties established in bye-law, order the person found guilty of a contravention to affect the repairs that will be necessary in the Council's opinion. Such person may also be condemned to pay a fine (*ammenda*) of eleven euro sixty-five cents (€11.65) for every day during which the repairs are not carried out.

12.3 The Council shall have the right to effect the necessary repairs at the expense of the person found guilty.

SCHEDULE A

(Bye-Law 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, etc.): _____

Name of Organisation (if applicable): _____

Official Address: _____

Telephone No: _____ Fax: _____

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: _____

SCHEDULE B
(Bye-Law 6.1)

Terms and Conditions for the Authorisation of the Use of Facilities

1. The authorisation is valid for the duration as indicated in the application form prescribed in Schedule A 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 11.00pm for the use of Council Facilities
 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.
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SCHEDULE C
(Bye-Law 8)

Fees for the Use of Facilities

1. Payment for the use of Council Hall: €75 for each activity
 2. Payment for the use of Board Room €50 for each activity:
 3. Payment for the use of equipment:
 - (i) PA System: €25 for each activity
 - (ii) Multimedia Projector: €25 for each activity
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