VERŻJONI ELETTRONIKA

L.C.B.L 32/03/2018

LOCAL COUNCILS ACT
(CAP. 363)

Use of Facilities (Ħal Lija Local Council) Bye-Laws, 2018

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

Citation.

1. The title of these *Bye-Laws* is the Use of Facilities (Ħal Lija Local Council) *Bye-Laws*, 2018.

Interpretation.

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

Cap. 363.

"the Act" means the Local Councils Act;

"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 Ħal Lija Local Council;

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

"facilities" means the Belvedere Tower in Transfiguration Avenue, the Mitħna in Triq San Liċinju corner with Triq Annibale Preca, the Ċentru Rikreattiv in Transfiguration Avenue and the garden near the Tal-Mirakli chapel, which are under the responsibility of the Council;

"locality" means the Ħal Lija locality.

Use of facilities.

3.1. 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 without the prior written authorisation of the Council following a Council decision.

3.2. The Council may receive any fee that covers the expense of opening, manning and closing the facilities during a visit.

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Application for the use of facilities.

4. The Council shall grant authorisation for the use of the facilities after an application on the form established in Schedule A is submitted:

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 within fifteen days from the date of application grant or refuse authorisation in writing.

Time limits for applications.

5. Applications should reach the Council not later than a week and not earlier than a month 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 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.

7.2 Authorisation shall be given to the applicant on the form established in Schedule A and subject to those conditions established in Schedule B, 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.

7.3 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.

7.4 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 using of facility.

8. The applicant shall, when submitting an application, pay a fee as stipulated in Schedule C:

Provided that the Council may give a special concession renouncing to the fee for activities which have a philanthropic purpose or those requested by local organisations.

Delegation of management.

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

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Terms and conditions.

9.2 The person who is awarded the tender shall abide by the terms and conditions established in Schedule B 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.

Responsibility for damages.

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.

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

11.2 Without prejudice to bye-law 9, 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.

11.3 The Council shall demand a deposit of:

- one thousand euro (€1 000) for the use of the Torri;

- two hundred euro (€200) for the use of the Mitħna;

- two hundred euro (€200) for the use of the Ċentru Rikreattiv; and

- two hundred euro (€200) for the use of the garden near the Tal-Mirakli chapel,

from the person making use of the facility.

11.4 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.

11.5 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.

Penalties.

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 seventy euro (€70) for such contravention.

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12.2 The Council may, in addition to the penalties established in bye-law 12.1, 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 fifteen euro (€15) 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.

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SCHEDULE A
(Bye-law 4.1)

Application for the Use of the Facilities

Application No. .....

Name and Surname of Applicant .....

Legally Valid Identification Document Number/Passport No. .....

Position in Organisation

(*e.g. President, Secretary, etc.*) .....

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

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SCHEDULE B
(Bye-law 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 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 all facilities unless a specific police permit has been acquired for such purpose and presented to the Council.

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 the Facilities

Payment for the use of the Torri Belvedere:	€200 - €500 per day
Payment for the use of the Mitħna:	€100 - €300 per day
Payment for the use of the Ċentru Rikreattiv:	€50 - €100 per day
Payment for the use of the garden near Tal-Mirakli chapel	€50 - €100 per day

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