L.C.B.L. 51/05/2019

LOCAL COUNCILS ACT
(CAP. 363)

Advertisements on Street Furniture and in Local Council's Football Pitch (Ħal Safi Local Council) Bye Laws, 2019

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

1. The title of these Bye-Laws is the Advertisements on Street Furniture and in Local Council's Football Pitch (Ħal Safi Local Council) Bye-Laws, 2019. Citation.

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

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

"advertisement" includes a notice;

"applicant" means the person who applies to the Council to display, fix or place any advertisement on street furniture under the provisions of Bye-Law 3.2;

"contractor" means the person who has been authorised by the Council to display, fix or place any advertisement on street furniture under the provisions of Bye-Law 3.1;

"Council" means the Ħal Safi Local Council;

"football pitch" refers to the five-a-side football pitch which is owned by the Council and is situated between the Ħal Safi Local Council premises and the Playing Field leading to '*Triq il-Ħajt Ruman*';

"street furniture" means any object, movable or immovable, which is the Council's property or is under its responsibility and which although not substantially forming part of the road, pavement, garden, Council premises or other public area, would be placed in such area or fixed to it, or even placed in it or on it, and includes dustbins, benches, planters, boundary walls, walls, balustrades, columns, roundabouts, central strips and traffic islands, and any other which may be included by the Council by means of a resolution.

Authorisation to place advertisements on street furniture.

3.1. Subject to any permit, authorisation, or licence required under any other law, no person shall display, fix or place any advertisement on any street furniture within the Ħal Safi locality boundary, or in the football pitch, without the written authorisation of the Council.

3.2. The authorisation may be granted either after a written application to the Council or else after a public call made by the Council for applications to be submitted:

Provided that the authorisation shall be deemed void if the applicant fails to comply with the requirements established in the guidelines issued or which may be issued from time to time by the Council in terms of article 33(1)(g) of the Act:

Provided also that the guidelines shall be incorporated in the contract document which shall regulate the authorisation granted by the Council to the contractor in terms of Bye-Law 3.3.

3.3. Following a public call by the Council, the authorisation of the Council shall take the form of a contract in accordance with the regulations and procedures applicable to Local Councils.

Such a contract shall be valid for a period of one year which may be renewed for a further one year period by means of a contract.

3.4. The Council may, on awarding the contract mentioned in Bye-Law 3.3, authorise the contractor to use the space where advertisements may be displayed on street furniture, even by selling the mentioned space to third parties. This also applies to the advertising-space within the Ħal Safi Football Pitch, however in such case no third party ownership will be given for this area. In such a case, advertisements may only be displayed following the written authorisation of the Council:

Provided that the contractor shall not use or sell the space for any advertisement that is prohibited by the contract, or at a higher price than that established by the Council by the contract.

3.5. For every authorisation granted by the Council according to these Bye-Laws a fee shall be paid as established in the Schedule:

Provided that for the authorisation granted by the Council following a public call, the fee entitled to be paid to the Council is that offered in the document of the accepted tender.

3.6. Notwithstanding the authorisation granted under these Bye-

Laws, the person to whom authorization is given is personally responsible for any permits or licences necessary under any other law.

3.7. The Council may grant authorization according to these Bye-Laws to voluntary organizations that operate from the locality, parish organizations or philanthropic societies after the Council receives a written request so as to advertise activities or public notices without payment.

3.8. Any authorization granted under these Bye-Laws is subject amongst other conditions to a condition that the advertisement shall be removed within one week from the expiry date of the authorization.

Penalties.

4. Every person who is in breach of one of the provisions of these Bye-Laws or any condition of the authorization given by virtue of these Bye-Laws, shall, on conviction, be liable to a fine (*ammenda*) of forty-six euro and fifty nine cents (€46.59) for such contravention, and to a further fine (*ammenda*) of not more than eleven euro and sixty five cents (€11.65) for every day during which one of the provisions of these Bye-Laws or any condition of the authorization is breached.

FIRST SCHEDULE
(Bye-Law 4.1)

Application for advertisements on street furniture and in the Safi Local Council's Football Pitch

Application Number:_____

Name and Surname of applicant:_____

Identity Card Number / Passport Number:_____

Role in group (ex., President, Secretary, etc.)_____

Name of Group (if applicable):_____

Official address:

_____

_____

_____

Telephone Number:_____ Fax Number:_____

Advertisement space being applied for:

_____

Days of display:

From:_____ To:_____

Date:_____ Signature of applicant: _____

_ _

For Office Use

Payment due: _____ Receipt Number.:_____

Date and time of application being received:_____

Accepted / Not Accepted (cross off where not applicable)

Date: _____

Comments from the Council (Where necessary):

_____

_____

Signature:_____Official stamp:

Office Designation :_____

SECOND SCHEDULE
(Bye-Law 6.1)

Terms and Conditions for the authorization to advertise on street furniture and the Local Council's football pitch

1. The authorization is valid for the stipulated time according to the application as stated in the First Schedule and subject to any conditions as stipulated by the Council in the authorization form.

2. The Council reserves the right to revoke all authorizations at any time in case of any breaches to these terms and conditions, or for any other breaches of the provisions of the Bye-Laws or any other condition made by the Council on the form of authorisation. The Council holds authority to revoke the authorisation if an advert is deemed to be against morals or public decency.

3. If the Council revokes authorizations for any reason stipulated in the second paragraph of this Schedule, the person displaying the advert and in breach of the conditions has no right to be paid back any amount of the fee paid for its display.

4. The authorisation is without any prejudice against any other permit or licence required as per any other law. The applicant has the duty to produce any such permits or licences necessary.

5. The authorized person cannot advertise any advert which is not authorized in written consent.

6. The authorized person must keep all adverts in a proper standard and make sure it causes no danger to any vehicles at any time and pedestrians in the case of street furniture, or of any users of the football pitch in the case of the display of adverts within the football pitch. The authorised person shall ensure that the advertising space shall remain clean and accessible until the expiry date of such authorisation.

7. A copy of the authorization must be displayed for the public's information in a prominent place that is available to the public.

THIRD SCHEDULE
(Bye-Law 7)

Fees to display adverts on street furniture and in Local Council's Football Pitch.

1. Fees to display adverts on street furniture:

Not more than one thousand euro (€1,000) per year.

2. Fees to display adverts on football pitch:

Not more than two thousand euro per year (€2,000).

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