



Bye-Law

Use of Facilities and Administration (Hamrun Local Council)

In exercise of the powers conferred by article 34 of the Local Government Act, the Hamrun Local Council has made the following Bye-Laws:-

1. The title of these Bye-Laws is the Use of Facilities and Administration (Hamrun Local Council) Bye-Laws, 2021.

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

"Act" means the Local Government Act;

"Applicant" means any person, whether an Individual, club, 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 in terms of the provisions of these Bye-Laws for the use of any of the facilities;

"Council" means the Hamrun Local Council;

"Equipment" means any property, whether movable or immovable, of the Local Council including but not limited to tools and machinery, clothing, mobility, internet or computer, street furniture, office or educational material;

"Facilities" means any place, buildings, equipment, or services property of, provided by or falling within the jurisdiction of the Local Council;

"Locality" means the locality of Hamrun as shown in the boundaries as defined in the Second Schedule to the Act.

3. Without any 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.

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

5.1 The Council 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:

Provided that the Council shall have the right to refuse to issue an authorization in those circumstances and for any reason which the Council deems fit, so however that the Council shall, within fifteen (15) days from the date of the application, issue the authorisation or a refusal in writing, as the case may be;

Provided further that if no authorisation is granted within fifteen (15) days, the application shall be deemed to have been refused.

5.2 Applications must be submitted by not later than one (1) month and not earlier than two (2) months before the date of the proposed activity. The Council's decision shall be communicated to applicant as early as possible:

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

5.3 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:

Provided that if applications are received simultaneously, the applicant who resides in the locality shall be given preference:

Provided further that if all the applicants are from the locality, or if none of them resides in the locality, the Council shall discuss the issue during the first local council meeting and if no agreement may be reached by the majority of the Council members, it shall draw by lot the application to be chosen in the presence of the applicants.

6. No application submitted in terms of bye-law 5.1 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.

7.1 The authorisation shall be forwarded to the applicant on the form prescribed in the First Schedule and subject to the terms and conditions stipulated in the Second Schedule, and to any other condition which the Council may impose. A copy of the authorisation shall be kept by the Council.

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

7.3 An authorisation issued under these Bye-Laws shall not be transferable to any other third party without the prior written consent of the Council.

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

8.2 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 the applicant in writing at least fifteen (15) days before the date of the said activity. In such a case, the Council shall refund the fees paid by the applicant and all other expenses incurred in connection with the activity applied for subject to the production of receipts.

9. The applicant shall, on submission of the application, pay a fees as stipulated in the Third Schedule according to the nature of the activity:

Provided that the Council may grant a special concession in the case of activities with a philanthropic purpose or local non-government organisations or if said activity is organised in collaboration with the Local Council.

10.1 The Council may lease any of its equipment or services, provided that such leasing is authorised by any other law in force in Malta.

10.2 The Council may put in place any online system to facilitate leasing of its equipment or services including the facilitation of transferring of payment for such leasing.

11.1 The Council shall keep a data record of such equipment leased, provided this record is kept in compliance with the Data Protection Act.

12.1 Any person visiting or making use of, or any other person to whom the authority is given by the Council to make use of the facilities within the property shall be held responsible for any damages cause 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.

12.2 Without prejudice to any of the provisions within these Bye-Laws, if an authorised person makes improper use of the facilities, equipment or breaches any of the terms and conditions stipulated in the authorisation, the Council may withdraw the authorisation and no fees paid shall be reimbursed. Provided that where a person contravenes any of the provisions of these Bye-Laws, such person shall be guilty of a contravention and shall be liable to a fine (ammenda) of not less than twenty euro (€20) but not exceeding one thousand five hundred euro(€1,500).

12.3 The Council may, in addition to the provisions established in bye-law 12.1 order the person found guilty of a breach to carry out the necessary repairs to the satisfaction of the Council: Provided that a fine (ammenda) of eleven euro and sixty-five cents (€11.65) may also be imposed for any day during which such repairs are not carried out and the Council may carry out such works at his expense.

12.4 Any breach of conditions or misuse shall be noted by the Council, and it shall be in the Council's discretion whether authorisation shall be issued in the future to a person who has had this authorisation revoked as provided in bye-law 12.2.

13.1 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 be liable to a fine (ammenda) not exceeding sixty-nine euro and eighty-eight cents(€69.88) for such contravention.

13.2 The Council may, in addition to the penalties stipulated in Bye-law 13.1, order the person to carry out the necessary repairs to the satisfaction of the Council. A fine (ammenda) of eleven euro and sixty-five cents (€11.65) may also be imposed for any day during which such repairs are not carried out.

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

FIRST SCHEDULE

Application for the Use of 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:

Tel. No.:

Mob. 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):
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(eg. 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 Stamp:

SECOND SCHEDULE

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

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.

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.

If the Council revoke the authorisation for any of the reasons mentioned in paragraph 2, the authorised person shall not be refunded the fee paid or any part thereof.

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.

The authorised person shall not carry out any activity which is not indicated in the authorisation.

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.

The authorised person shall ensure that at the end of the authorisation the facility be restored to its original state.

The authorised person shall ensure that no inconvenience or nuisance is caused to the public during the duration of the authorisation.

Any noise shall cease by 11.00pm.

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

Fees for the Use of Facilities:

- Payment for the use of Public Gardens/Square starts from €50.00 to a maximum of €500.00 per day.
- Payment for the use of a Hall starts from €5.00 to a maximum of €500.00 per day.
- Payment for the use of Machinery from €10.00 to a maximum of €500.00 per day.
- The Council may decide to make the payment free of charge in the case of any association or philanthropic activity.