



MOSSSEL BAY MUNICIPALITY:

COMMUNITY HALLS AND FACILITIES

USAGE POLICY

2023-2024

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1. PURPOSE

The purpose of this policy is to provide a framework for the management of Council's community halls and facilities.

The policy aims to ensure that a range of user groups have fair and equitable access to the facilities subject to Council's terms and conditions for use.

2. AVAILABLE FACILITIES

This policy applies to the following community halls and facilities

- Town Hall and Side Hall;
- Great Brak River Hall;
- Little Brak River Hall;
- Reebok Hall;
- D'Almeida Hall;
- KwaNonqaba Hall;
- Joe Slovo Hall;
- Sonskynvallei Hall;
- Brandwacht Hall;
- Dana Bay Hall;
- Asla Hall;
- Boggoms Bay Hall;
- Voortrekker Hall;
- Friemersheim Hall;
- Herbertsdale Library Hall;

3. DEFINITIONS

“Abuse” means using the facility for any other purpose as indicated on the booking form or not adhering to any of the terms and conditions;

“Authorised Official” means any person delegated by the Municipality to ensure compliance with this policy;

“Benefit of the community” means a meeting, workshop, information session, etcetera that is to the benefit of the broader community and for which no financial reward is received by the organisers, excluding organised sport activities;

“Block booking” means a standard booking made by an applicant for two (2) or more days per month for at least three (3) consecutive months;

“Community Safety Forum (CSF):” is an organisation or association contemplated in section 6(1) and accredited in terms of section 6(5) of the Western Cape Community Safety Act, No. 3 of 2013;

“Community Police Forum (CPF)” is an organisation promoting co-operation between the South African Police Service and the community in fulfilling the needs of the community regarding policing;

“Farm Watch” is a Neighbourhood Watch in rural areas, serving mainly the farming community as contemplated in section 6(1) and accredited in terms of section 6(5) of the Western Cape Community Safety Act, No. 3 of 2013;

“Neighbourhood Watch (NBHW)” is an organisation or association contemplated in section 6(1) and accredited in terms of section 6(5) of the Western Cape Community Safety Act, No. 3 of 2013;

“Director” means the Director: Community Services or his/her delegated official.

“Facility” means the Town Hall and any of the community halls and facilities managed and maintained by Council as set out in this policy;

“Facility usage general terms and conditions” means the rules and guidelines as determined by the Municipality for the use of its facilities, attached as Annexure A to this Policy and that may be amended from time to time for operational and administrative purposes;

“Prescribed Tariff” means the tariffs charged for usage of the facilities as annually reviewed by Council and set out in the Tariff List;

“Recognised Safety Structures” means organisations such as the South African Police Services, Community Safety Forums (CSF's), Community Police Forums (CPF's), accredited and associated Neighbourhood and Farm Watch Structures (NBHW's);

“Service and Welfare Organisations” means a non-profit organisation or a non-governmental organisation providing a community service and/or assistance on basic needs and/or emergency care to those in need and is dependent on fund raising to render such community services;

“Social function” means a vaguely specified social event such as an occasion organised where people can gather and have social interaction such as a party, celebration, ceremony, concert, etcetera;

“User” means the person or group whose application for usage of Council's facilities has been approved.

4. APPLICATIONS

- 4.1 Applications must be submitted on the prescribed form available from the Municipality's Community Services Department and on the official website and must be submitted at least 10 working days before the proposed utilisation to

- the delegated official. Internal bookings must be submitted at least 5 working days before the proposed utilisation.
- 4.2 The prescribed deposit as per the Tariff List approved by Council will be payable on application for use of the facility.
 - 4.3 Applications received as per paragraph 4.2 will be considered on a “first come first served” basis.
 - 4.4 Bookings will only be provisionally confirmed once the availability has been determined.
 - 4.5 After confirmation of availability the user will be liable for simultaneous payment of the full applicable deposit and tariff prior to access being granted to the facility.
 - 4.6 Entrance keys for the specific facility will not be made available to the user. The delegated official will only provide access to the facility on receipt of payment of the full applicable tariff and written acceptance of the terms and conditions of usage.
 - 4.7 The user may collect internal keys the morning of the event unless alternative arrangements have been made prior to the event with the booking office.
 - 4.8 The applicant will be informed should the application not be approved and reasons, therefore.
 - 4.9 Telephone bookings will be handled by officials, and where possible forms will be provided electronically.
 - 4.10 Payment must be done in terms of Paragraph 5.1. Refund of deposits will be dealt with in terms of Paragraph 5.

5. FEES, TARIFFS AND DEPOSITS

- 5.1 The Municipal Manager has the discretion to waive the payment of a refundable deposit if such a request with reasons has been received in writing and the Municipal Manager also has the discretion to, if required because of previous conduct, vandalism, abuse, etc determine an increased deposit than the amount as adopted in the Tariff List. Users will be notified in writing within three (3) working days after a booking has been made if an increased deposit is required. Failure to pay the increased deposit by the determined due date will result in the cancellation of the booking.
- 5.2 Fees, tariffs and deposits as contained in the Tariff List are annually determined during the Municipal Budget Process. National, Provincial and Local Government, being other Municipalities, are exempted from paying a deposit for once-off bookings. Agreements will be concluded for extended periods of use.
- 5.3 Should a booking be made before 1 July for an event taking place after 1 July the user will be required to pay the fees, tariffs and deposits that is applicable on the date of the event.
- 5.4 A user will forfeit his/her deposit should it be clear that another function is taking place than the one specified/applied for by the user. The user will also be required to pay the difference, should there be one, in the applicable fees, tariffs and deposits.

- 5.5 The tariff paid is for use of the facility as per the booking slot indicated in the Tariff List.
- 5.6 Approval for a refund of the deposit will be given upon confirmation that none of the terms and conditions of the utilisation of the venue has been contravened by a joint inspection by the parties after the event.
- 5.7 The deposit will be refunded via electronic funds transfer within ten (10) working days after confirmation.
- 5.8 Hour tariffs:
 - 5.8.1 Hour tariffs will only be applicable from Mondays to Thursdays, excluding Public Holidays.
 - 5.8.2 Any organisation or individual qualifies to apply for the hour tariff.
 - 5.8.3 Hour tariffs for the same organisation or individual may only be booked twice per week.
 - 5.8.4 Hour tariffs during the day (08:00 to 16:00) will be charged at 1/8 of the day tariff plus 20%. E.g. if the day tariff is R800, the hour tariff will be $R800/8 = R100 + R20 = R120$ per hour.
 - 5.8.5 Hour tariffs during the night (16:00 to 24:00) will be charged at 1/8 of the night tariff plus 20%. E.g. if the night tariff is R1 600, the hour tariff will be $R1\ 600/8 = R200 + R40 = R240$ per hour.
 - 5.8.6 Facilities booked in terms of the hour tariff will be cleaned, except for preparation and repetition exercises (refer to paragraph 7.1.13 of this Policy).
 - 5.8.7 The hour tariff is payable for full hours only and not any part of an hour. If a facility is required for 1 hour and 15 minutes, two (2) hours should be booked and paid for.
 - 5.8.8 No additional discount will be given on hour tariffs.

6. CANCELLATIONS

- 6.1 The Municipality reserves the right to cancel a booking for a facility should the premises be:
 - 6.1.1 Destroyed and/or damaged to such an extent that it is not usable; or
 - 6.1.2 Become unavailable for any other reason beyond the Municipality's control.
- 6.2 The Municipality will as soon as it is reasonably possible inform the user in writing should the circumstances occur in terms of paragraph 6.1.
- 6.3 Deposits for any cancelled bookings will be refunded on the following basis:
 - 6.3.1 Thirty (30) days and longer before the event – full refund of deposit received.
 - 6.3.2 More than fifteen (15) days but less than thirty (30) days prior to the event – refund of fifty percent (50%) of the deposit received.
 - 6.3.3 Cancellation fifteen (15) days or less prior to the event – no refund of deposit received.
- 6.4 Any deviation of paragraph 6.3 will be in the sole discretion of the Director upon application by the applicant.

7. SPECIAL AND DISCOUNTED TARIFFS

- 7.1 The following criteria as stipulated on the prescribed application form must be indicated where applicable for the application to be considered for special or discounted tariffs.
- 7.1.1 Description of the activity/event that will be to the benefit of the community.
 - 7.1.2 Events that benefit the community at large that are not directed at fundraising and where no entrance fee is charged.
 - 7.1.3 Activity is hosted by volunteers, who do not benefit from it personally and provides a service to the community.
 - 7.1.4 Booking is for neighbourhood or special interest groups to gather but is not a social function.
 - 7.1.5 Registered non-profit and non-governmental organisations, including fund raising events.
 - 7.1.6 Schools and pre-schools for official gatherings but is not a social function.
 - 7.1.7 South African Police Service (SAPS) for official community gatherings, meetings, planning sessions, training, and information sessions.
 - 7.1.8 Non-profit sport organisations, including fund raising events, but is not a social function.
 - 7.1.9 Registered charity organisations conducting charity work, including fund raising events, but is not a social function.
 - 7.1.10 Service and Welfare organisations, including fund raising events, but is not a social function.
 - 7.1.11 The Municipal Manager may approve a reduced or waived tariff and deposit for funeral ceremonies taking place between 09:00 and 13:00 on a Saturday morning. Applications must be received in writing.
 - 7.1.12 Should more than one application for a funeral ceremony be made for the same day and facility, the Director may shorten the timeframes for the ceremonies at his/her discretion or not approve any tariff reduction or only approve the first application. A death certificate, burial order or affidavit should accompany the application.
 - 7.1.13 Preparation and repetition exercises on Mondays to Thursdays:
 - During working hours (08:00 – 16:00) where the user requires no preparation or cleaning from the Municipality, the user can apply for the hour tariff.
 - After working hours (16:00 – 24:00) where the user requires no preparation or cleaning services from the Municipality, a discounted tariff of 50% of the applicable tariff will be payable.
 - 7.1.14 Paid bookings will always receive preference above special or discounted tariff bookings.
 - 7.1.15 If approved, special and discounted tariffs Monday to Thursdays will be 20% of the approved tariff, excluding hour tariffs and Public Holidays.
 - 7.1.16 Special and discounted tariffs will only be provided to any qualifying institution on Fridays and Saturdays, limited to once per month, excluding Public Holidays, at the discretion of the Director and the Director's decision will be final. If approved, special and discounted tariffs on Fridays and Saturdays will be 50% of the approved tariff, excluding hour tariffs.

7.1.17 Special tariffs for Sundays only for churches and only for sermons (not weddings, fundraising or any other function):

- One (1) booking per church is allowed for one of three (3) 4-hour slots.
- The slots are from 08:00 to 12:00, from 13:00 to 17:00 and from 18:00 to 22:00.
- The tariff per 4-hour slot would be 50% of the day (slots 1 and 2) or night (slot 3) tariff, plus 20% of the tariff. E.g. if the day tariff is R1 000, slots 1 and 2 would be R500 + R100 = R600 for the 4-hour slot. If the night tariff is R1 600, the fee payable for slot 3 would be R800 + R160 = R960.
- Bookings cannot be made more than 5 working days before the Sunday the booking is made for.
- Bookings will be accepted on a first come first served basis.
- As there is only one (1) hour reserved between the slots applicants are urged to vacate as soon as their slot time has lapsed.
- Only basic cleaning will be done between slots.

7.2 Special and discounted tariffs are applied in terms of the Municipality's Tariff List, as reviewed annually, at the discretion of the Director on meeting the above criteria with regard to type of organisation and purpose of the event.

7.3 Block bookings will not be done more than one (1) month in advance before the first block booking is made for applicants applying for special or discounted tariffs.

7.4 Users that regularly apply for block bookings may be requested to change a booked date in order to accommodate other paid bookings and municipal functions.

7.5 Discounts will not be considered in the following instances:

7.5.1 Business and trade activities.

7.5.2 Usage for personal gain.

7.5.3 Any social function (eg. Dances).

7.5.4 If municipal account of the applicant is in arrears, excluding applications for funerals.

7.5.5 User will gain an income from the function/event, except in instances of the event being hosted by a non-profit, non-government, recognised safety structure, or welfare organisation.

7.5.6 Hosting of music festivals.

7.5.7 Weddings and Receptions.

7.5.8 Conferences.

7.5.9 Political meetings.

7.6 Free usage will only be granted when the application is made by in the following instances, subject to the availability of a facility:

7.6.1 Ward Councillors once each quarter for ward meetings where relevant municipal officials must be present subject to Paragraph 8.13. Should no

municipal officials be present the normal tariff for usage of the facility will be payable.

- 7.6.2 Ward Councillors for consultation or feedback meetings where relevant municipal officials must be present subject to Paragraph 8.13.
- 7.6.3 Bookings made by municipal officials for a meeting, event or function arranged by the Municipality. No official may make a booking on behalf of an organisation or business for the organisation or business to qualify for a discounted tariff. A municipal official, not the caretaker, must always be present at the function, event or meeting. Functions, events or meetings organised by an external organisation or business does not qualify for free usage purely on the basis that a municipal official will attend.
- 7.6.4 Recognised safety and/or environmental structure meetings, training and planning sessions, excluding social functions.
- 7.6.5 Rate Payers Associations for official meetings once per quarter.
- 7.6.6 The Department of Health handing out medication, vaccination campaigns or blood transfusions.
- 7.6.7 The South African Social Security Agency (SASSA).
- 7.6.8 The Department of Home Affairs providing a service to the community.
- 7.6.9 Services rendered by any other Department stationed at the Thusong Service Centre, taking their services to the community.
- 7.6.10 The South African Revenue Service (SARS) providing a service to the community.
- 7.6.11 The Department of Labour providing a service to the community.
- 7.6.12 If a booking for free usage is made and is not taking place any longer and the booking is not cancelled 24 hours before the meeting, the person or organisation that made the booking or the official responsible may be held accountable for any costs incurred with regards to the booking.

8. GENERAL TERMS

- 8.1 A full inspection of the facility will be conducted by the authorised official and the user prior to handing over the facility for the event. An inspection control list will be completed and signed by both parties.
- 8.2 The facility must only be used for the event specified/applied for. The user may not make the facility available for use by any other party. The user will forfeit his/her deposit should this condition not be adhered to.
- 8.3 The user is required to make his/her own arrangements regarding additional furniture, equipment and/or any other item required for the event.
- 8.4 The tariff for the facility does not include the services of municipal personnel or any professional services.
- 8.5 Usage of the facility may not be publicly advertised by any person prior to receiving written approval of the application by the Municipality.
- 8.6 The maximum capacity of the facilities may not be exceeded during any event and the user must adhere to the Fire Brigade Services Act, No. 99 of 1987 and Safety at Sports and Recreational Events Act, No. 2 of 2010 in this regard.
- 8.7 The Facility Usage General Terms and Conditions, will be provided to the user upon application and must be fully signed as acceptance thereof and handed in with payment of the deposit and must be strictly adhered to.

- 8.8 The Facility Usage General Terms and Conditions may be reviewed by the Director as and when required.
- 8.9 The authorised official will have the right of free access to the facility for the duration of the applicant's hire to ensure that the Facility Usage General Terms and Conditions are complied with and adhered to.
- 8.10 Any deviation from the Facility Usage General Terms and Conditions must be rectified within one (1) hour of request by the authorised official prior to the event commencing. Should the applicant not adhere to the official's request / directive the applicant's deposit will be forfeited and used to rectify any damage caused to the premises.
- 8.11 The applicant must ensure that all permits and licences required to host the event are obtained and proof thereof submitted to the Municipality prior to the event. Should proof thereof not be submitted the Municipality reserves the right to cancel the booking. Refund of the deposit will be dealt with in terms of paragraph 6.
- 8.12 Special tariffs and discounts are applied in terms of the Municipality's Tariff List as reviewed annually.
- 8.13 Free usage of facilities by Ward Councillors must be recommended by the Speaker to the Municipal Manager for approval, subject to availability and subject to Paragraph 7.6.1 and 7.6.2.
- 8.14 The Director may, in consultation with the Municipal Manager
 - 8.14.1 refuse an applicant to hire any facility; or
 - 8.14.2 impose a restriction on the applicant for a specified period not exceeding six (6) months;
 - 8.14.3 impose any additional conditions if required should the applicant not adhere to the Facility Usage General Terms and Conditions.
- 8.15 The applicant must adhere to all applicable legislation, municipal by-laws and policies that apply to the facility and event taking place.

9. IMPLEMENTATION

This policy will be known as the Mossel Bay Municipality Community Halls and Facilities Usage Policy and will be implemented from 1 September 2023.

10. REVISION CONTROL

**Approved by Council on 28 April 2016 in terms of Resolution E74-04/2016;
Amended by Council on 28 June 2018 in terms of Resolution E117-06/2018;
As amended by Council on 31 August 2023 in terms of Resolution E223-08/2023.**

Annexure A

MOSSEL BAY MUNICIPALITY **FACILITY USAGE GENERAL TERMS AND CONDITIONS**

1. The maximum capacity of the facilities may not be exceeded during any event and the user must adhere to the Fire Brigade Services Act, No. 99 of 1987 and Safety at Sports and Recreational Events Act, No. 2 of 2010 in this regard.
2. If liquor is to be sold, a written application must be submitted to the Bookings Office and written permission must be obtained from the Director Community Services, in addition to the licence as required by the Western Cape Liquor Authority. A copy of the applicable licence issued in terms of the Liquor Act, Act 4 of 2008 must be submitted to the Booking Office at least 1 day before the event, failing which the sale of liquor on the premises will be prohibited and any consent provided shall be withdrawn without any further notice.
3. All conditions of the liquor license must be adhered to.
4. No nails, screws or rivets may be driven into wood, walls, floors and stage and no décor may be attached to the curtains in any hall.
5. Smoking, including the use of hookah pipes, is strictly prohibited in all community halls and facilities.
6. No cigarette butts may be deposited in flowerpots or toilets.
7. The Lessee will be responsible for the behaviour of event participants and for ensuring that activities and persons present, inside and outside the facility, adhere to all applicable legislation, municipal by-laws and policies that apply to the facility and event taking place
8. Fire/emergency exit doors must always be kept clear from obstruction.
9. Any damage to the building and/or ablution facilities will be the responsibility of and for the account of the user. If any damages occurred arrangements for repairs must be started within 24 hours by the lessee, in failing which the deposit will be utilised for this purpose. If the cost of repairs exceeds the deposit, the lessee will be required to pay the shortfall to the Municipality within seven (7) working days after receiving an invoice for the repairs.
10. All materials, including branches, tins, flowers, stones, trees, etc, used during the function must be removed by the user.
11. Set-up time of 45 min immediately prior to the start of the booking period and 45 min pack-up time immediately after the booking period will be provided free of charge. Any additional booking, set up and/or pack up time required will be charged as per the Council approved tariff rates.

12. All music must be within acceptable noise norms and must be stopped promptly at 23:45. A timer will automatically go off at 23:50 that will switch off all plugs to prevent music to go on after 24:00. The municipality will not be held liable for any damages to electrical or sound equipment. All sound must be kept within the permissible decibel level. Sound must be set up in such a way to avoid creating a noise or public nuisance, and live bands must reduce the base to minimum level.
 13. At the Town Hall the side door on the west side must remain closed, but not locked at all times during functions to reduce the creation of a noise nuisance.
 14. No equipment or fixtures, including curtains and lights, of the municipality may be removed during or after a function.
 15. All décor must be removed before 12:00 the following day unless permission is granted by prior arrangement. If not, a day fee as per the Tariff Policy will be payable.
 16. The user is responsible for tidying the hall and/or kitchen and/or bar area after the event.
 17. The user is responsible for keeping the bathrooms clean and tidy.
 18. All waste material, including food, must be removed in a proper manner.
 19. Council will not be held liable for any equipment of the user lost or damaged during functions.
 20. No vehicles will be permitted in a hall.
 21. No Fireworks may be used inside or outside any community halls.
 22. No confetti, glitter, rice or glitter balls may be used inside or outside any community halls.
 23. If a braai or spitbraai is held outside during a function the user must ensure that the area is cleaned and that all fat on the paving is properly washed away.
 24. The user is responsible for his own sound equipment and stage lighting.
 25. Tables and chairs must not be dragged over the wooden floors and must be packed away after the use of a facility.
 26. Walls must under no circumstances be dirtied.
 27. All equipment inside the facility must be switched off when not in use and upon vacating the facility.
 28. All lights must be switched off upon vacating the facility.
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