

Local Councils Department

Period covered:
1st January 2002 to 31 December 2002

Mission Statement

It is the responsibility of the Department to ensure that all Local Councils have the legislative authority to respond to local needs in accordance with the functions and responsibilities delegated to them in terms of the Local Councils Act.

Furthermore, in terms of s.81 of the Local Councils Act, the Director shall:-

(a) facilitate the effective and efficient functioning of Local Councils in full respect of the autonomy granted to Local Councils by this Act;

(b) assist the Minister in carrying out the functions assigned to him by this Act and for such purpose to issue forms, procedures, guidelines, directions or other instruments as may be necessary; and

(c) perform such other function, not being incompatible with the autonomy granted to Local Councils by this Act, as the Minister may from time to time direct.

Responsibilities

The Local Councils Department regulates the operation of Local Councils and also exercises, on behalf of the Ministry responsible for Local Government, a supportive and supervisory role.

In conducting this role, the Department is guided by the following legislation:

- (i) Local Councils Act (Cap. 363)
- (ii) Regulations issued in terms of the Act,
- (iii) Procedures enacted in terms of the Act,
- (iv) Other legislation which directly or indirectly refers to Local Councils,
- (v) The European Charter of Local Self-Government which Malta ratified on 6 September 1993.

Delegation of Functions to Local Councils

(i) Local Enforcement

After two years from the introduction of Local Wardens, the setting up of ten Local Tribunals and the delegation of law enforcement of certain legislation to Local Councils, the system continued to be monitored by the Department.

Groups of Local Councils were already showing their intention to work jointly to meet costs more effectively. Consequently the Department had various meetings with Local Councils on a separate agreement in order to pool their resources for the better management of law enforcement at local level. On 1 July 2002 the Gozo group of fourteen Local Councils signed this agreement so that all income and expenditure connected with law enforcement was to be undertaken by the Joint Committee with the result that no individual Local Council will suffer losses provided the whole group contains all costs. The signing of the new pooling agreement was further signed by 23 other Councils.

Action is also being taken by the Department to make the management of Local Tribunals more professional to meet present and future requirements. The intention is to decrease the number of Local Tribunals and to recruit full-time clerical staff with a view to decrease costs and yet manage Local Tribunals in a professional and efficient manner.

Local Councils continued to provide appropriate parking bays in residential areas and the Department also introduced a controlled parking scheme in Fontana and Rabat (Gozo) with the aim of increasing parking facilities for local residents, persons with special needs and the commercial community. Appropriate wall signs were affixed to indicate the allowed parking time depending on the zone. Permits for unlimited parking were sent to residents whose cars were exempt from this control. Cardboard clocks to be placed on car windscreens were posted to all households in Malta and Gozo.

Apart from the enforcement of traffic regulations the Department continued to insist with Local Councils to increase their effort on environmental enforcement, dumping and littering. Action was also taken with the Malta Environment and Planning Authority to enable Local Wardens to

report breaches of building permits including those in rural areas.

(ii) Devolution of Temporary Permits

With the enactment of legislation in December 2001 to make provisions for the regulation of commercial activities by the establishment of a trade regulatory authority and to transfer from the Police all licences which are not related to public order or security, certain permits of an occasional or temporary nature were to be issued by Local Councils in terms of prescribed regulations. Apart from acting as agents for the renewal or application for a commercial licence, as from 1 June 2002 Local Councils became the competent authorities to issue permits for public show, exhibition, small games, a fair, a tombola, any public entertainment or similar activities in any locality and on certain days. Regulations were published to this effect so that Local Councils would be in a position to process applications in a uniform manner and to control breaches of any condition laid down on such permits.

These activities include open air markets, Kiddie Ride and automatic vending machines, deposit of building and other material in a public place, use of cranes and heavy machinery, placing of tables and chairs on certain days, placement of kiosks and occasional entertainment. Regulations provide for the right of appeal for aggrieved applicants. The same tariffs previously applied by the Police were applied with the exception for the deposit or use of cranes and heavy machinery which was considerably decreased.

Local Councils were now in a position to act at front-office to collect fees and to receive new applications on a one-stop-basis and to control any activity in their locality which might disrupt the peaceful ambience of their residents.

(iii) Devolution of Government Property

Another major project of the Department is the Devolution of Public Property to Local Councils. Applications for Government property which was not properly used or which could be better managed at local level were processed by the Department. Feasibility studies submitted by Local Councils continued to be examined leading to discussions with the Government Property Division for their consideration of the granting of a lease agreement.

Since the start of the scheme in 1999, central government passed 33 sites or properties to Local Councils and there are 55 applications under consideration. Efforts are being made to induce Local Councils to enter into public-private partnerships with the commercial community ultimately for the benefit of their residents.

Public property devolved to Councils to date include, among others, a number of public gardens, underground grain silos, a civic centre, windmills, cart-ruts, a semaphore tower, a lime kiln, a war-time shelter, a two-storey parking area and other sites.

(iv) Management of Local Libraries

Agreements for Regional and Branch Libraries have been drawn up with the concurrence of the Local Councils Association and in collaboration with the Department of Libraries and Archives. A further 4 Local Councils have signed the agreement with the result that the locality library is now being managed at local government level. These libraries are now opening longer hours for the public and use a computerized system for the accession and issuing of books. Both the Department of Libraries and Archives and the Local Councils concerned donate an annual sum for the purchase of books. Since the start of this scheme in 1999 a total of 35 local and regional libraries have been passed to Local Councils.

(v) Devolution of Street Lighting

Following Cabinet's approval that all functions related to street lighting should be devolved to Local Councils with Enemalta retaining only its regulatory role, as from 1 June 2002 these functions were devolved to thirteen (13) Local Councils who joined forces to maintain existing Street Lighting and electricity poles, and to install new street lighting. Until the end of the year a further 15 Local Councils also received the delegation of these functions.

Discussions continued with the Local Councils Association and other groups of Local Councils who are willing to take over these functions for the benefit of their residents. Detailed documentation prepared by the Department and Enemalta Corporation include all specifications to regulate workmanship according to established international standards, details of all existing and

approved new lamps according to their type, and precautionary and safety standards to be adopted by the contractor. A model contract was also prepared to maintain uniformity by all localities. Financing modalities were also cleared with the Ministry of Finance and an adequate sum was and will be annually included in the allocation. This delegation of functions will not be imposed on those Councils who are still refusing it.

(vi) Bus Shelters

This project is being piloted by the Local Councils Association and an agreement was reached with third parties for the erection of modern bus shelters. Following an agreement between the Malta Transport Authority and the Local Councils Association, an adequate sum was included in the allocation of Local Councils for the maintenance of bus shelters and the erection of new bus shelters.

(vii) Electronic policy for Local Councils

The Department commenced the implementation of Government's electronic policy so that:

(a) all applications for services offered by Central Government will gradually be managed by Local Councils and this in a computerized and electronic format;

(b) ensure that all residents can access this electronic service through their Local Council and other public means;

(c) persons in every level of society will have the means to become computer literate.

To date Local Councils are already offering the services for:

(a) the collection of rent for government property, excluding property in Gozo, with all transaction data automatically updated in the records of the Government Property Division;

(b) the renewal of trading licences issued by the Regulatory Authorities using the computerized Licences Agency System;

(c) applications for social services offered by the Ministry for Social Policy which include the services for a Helper, Handyman, Telecare, Day Centres, Meals on Wheels, telephone discounts and

applications to enter into an Old People's Home or the St Vincent de Paule Residence;

(d) an on-line Customer Care System installed in all Local Councils, Government Departments and Corporations to monitor all complaints lodged by the public;

(e) professional websites at subsidized rates, free computer courses in State Schools and a Public Internet Access Point in every locality.

All Local Councils entered into an agreement with the Department and E-malta Commission to be responsible to offer these services from their Administrative Offices with an appropriate set-up of an efficient front-office. An E-Councillor was nominated in every locality to motivate these projects funded by an adequate sum according to the actual volume of work in the locality.

Local Councils also benefitted from free computers, state-of-the-art electronic infrastructure to cater for all computer services, Internet Centres at low prices but free for government services.

(viii) Further initiatives

- A Monitoring Unit was also set up to monitor the financial commitments of Local Councils particularly those Councils who ended their financial year in deficit, and also those Councils which featured in the annual report of the Auditor General. Action was also taken to publish regulations as recommended by the Public Accounts Committee in order to provide adequate monitoring measures by the Department for Councils not in conformity with local government financial Regulations and Procedures

- The Sebbah Pajjizek Competition was continued to involve the participation of residents and the commercial community.

The competition seeks to reward participants within a particular area for their effort to maintain general tidiness in the various categories involved or to improve and enhance localities by way of embellishments.

The success of the campaign was assured with the assistance of several business entities who contributed with their sponsorships. In fact, 12 Categories with prizes ranging from Lm200 to

Lm800 and totalling Lm8,500 were spread throughout the whole year to ensure that at any time of the year some activity was being organised.

- The technical staff of the Department continued to inspect all localities on their contract performances in order to compile regular four-monthly reports on the efficiency and effectiveness of Local Councils. These Inspection Reports have been modified to include a comparison of the marks obtained by every Council during the same period of the previous year and another comparison with the average overall mark obtained by all localities for the current period of the report.

- During the year the Department held the following seminars:-

January - Briefing session for e-Councillors

January to October - Various briefing sessions with separate groups on Street Lighting

March - Briefing on Residents Parking Schemes

April - Briefing session for e-Councillors

May - Information session on the Trading Licences Act

May - e-government Elderly Services

June - Information sessions on One Time Permits

July - Briefing session for e-Councillors

August - Information session on Trenching Permits

December - Information sessions on new financial regulations as recommended by the Public Accounts Committee.

- The Department participated in the bi-annual Steering Committee of Local and Regional Democracies (CDLR) of the Council of Europe in Strasbourg.

Participation in other sub-committees of the above Steering Committee were as follows:

(i) Draft Instrument on Regional Self-Government

(ii) Framework and Structure of local and regional authorities

The Department also participated in the following conferences overseas:

(i) Annual General Meeting of the Commonwealth Local Government Forum in London and Winchester;

(ii) Council of Europe meeting for Local Government Ministers held in Helsinki;

(iii) Visit to Cornwall and Neath-Port Talbot County Councils on EU funding for local government projects

(iv) Official visit to Cyprus with five Mayors and the President of the Local Councils Association

Amendments to Local Legislation

During the year the Department published the following legislation:

L.N. 48 of 2002 Amendment to Eleventh Schedule to the Local Councils Act

L.N. 67 of 2002 Control of Solid discharge by Horses, Regulations, 2002

L.N. 79 of 2002 Local Councils Act (Amendment of Tenth Schedule) Regulations, 2002

L.N. 83 of 2002 Delegation of Administration of Facilities (Safi Local Council)

L.N. 93 of 2002 Delegation of Function to Local Councils (Commercial Activities Regulations) Order, 2002

L.N. 102 of 2002 Trading Licences Regulations 2002

L.N. 114 of 2002 Delegation of Street Lighting Installations Order, 2002

L.N. 119 of 2002 Activities Requiring Permit by Local Councils Regulations, 2002

L.N. 137 of 2002 Local Councils

(Delegation of Enforcement) (Amendment)
Order 2002

L.N. 138 of 2002 Commissioner for
Justice Act (Schedule) (Amendment)
Regulations, 2002

L.N. 153 of 2002 Amendment of Eighth
Schedule Regulations, 2002

L.N. 195 of 2002
Local Councils (Amendment) Act, 2002,
Commencement Notice

Act No XII of 2002 An Act to amend the
Local Councils Act Cap. 363

L.N. 233 of 2002 Activities requiring
Permits by Local Councils (Amendment)
Regulations, 2002

L.N. 256 of 2002 Local Wardens Services
Regulations, 2002

L.N. 296 of 2002 Local Councils
(Delegation of Enforcement) (Amendment)
(No2) Order, 2002

L.N. 313 of 2002 Trenching Works requiring
Permit by Local Councils Regulations, 2002

L.N. 314 of 2002 Delegation of Functions to
Local Councils Regulations, 2002
(Trenching Works)

L.N. 315 of 2002 Local Councils
(Delegation of Enforcement) (Amendment)
(No 3) Order, 2002

L.N. 316 of 2002 Commissioners for
Justice Act (Schedule) (Amendment)
No. 2 Regulations, 2002

L.N. 320 of 2002 Local Councils
(Procedures) (Amendments) Regulations,
2002

L.N. 323 of 2002 Local Councils
(Procedures) (Amendments) (No 2)
Regulations, 2002

L.N. 324 of 2002 Local Councils
(Financial) (Amendment) (Regulation), 2002

L.N. 326 of 2002 Local Councils
(Delegation of Enforcement) (Amendment)
(No 3) Order, 2002

L.C.B.L. 24/1/2002 Bye-Laws for Protection
of Wied id-Dis Bridge (Gharghur)

L.C.B.L. 58/2/2002 Bye-Laws for
Advertisements on Street Furniture
(Sta Venera)

L.C.B.L. 51/3/2002 Bye-Laws for Use of
Facilities (Safi)

L.C.B.L. 62/4/2002 Bye-Laws for the
Organization of Courses (Tarxien)

L.C.B.L. 62/5/2002 Bye-Laws for
Advertisement on Street Furniture (Tarxien)

L.C.B.L. 27/6/2002 Bye-Laws for
Advertisement on Street Furniture (Hamrun)

L.C.B.L. 68/7/2002 Bye-Laws for
Organisation of Courses (Mtarfa)

L.C.B.L. 18/8/2002 Bye-Laws for
Advertisements on the Internet
(Floriana)

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Director (Local Councils)

23 January 2003