
Department for Local Government

ANNUAL REPORT 2004

MISSION STATEMENT

The Department for Local Government is responsible 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. The Department also acts as a stimulant to the devolution and decentralization processes.

OBJECTIVES

In carrying out its objective, the Department has three main roles: (a) a co-ordinative role – the co-ordination of all initiatives by other ministries and departments that directly or indirectly affect the functions and operations of Local Councils; (b) a guidance role – by issuing circulars to all Councils to guide them in their operations and to ensure that there is uniformity of application and implementation of legislation and procedures; and (c) a monitoring role – through a supervision of Councils' minutes, in particular on areas affecting expenditure, in order to ensure compliance with legislation.

SOURCES OF LEGISLATION

In the exercise of its operations, the Department is guided by the following sources of legislation:

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

ORGANIZATIONAL MATTERS

During 2004, the Department started a re-structuring process that focused on capacity building. This was done through a strategy comprising the engagement of more staff and competency-based training. During this period, the Department succeeded in engaging the services of nine new officials. These include an Assistant Director, three clerks, three seconded workers from the former Malta Shipyards, and 2 former PBS employees.

During the year under review, the Department has organised the first-ever in-house training that was based on generic competences. This training was carried out in the newly furnished Resource Centre that can be utilised both for reference purposes as well as a training centre.

In order to signify its commitment to acknowledge the autonomy of Local Councils as local government bodies, during the year under review, the department's designation has been changed from that of Local Councils Department to Department for Local Government.

The Department also undertook a number of other activities related both to its internal needs and to that of its clients, including:

- a thorough clean up, painting and refurbishment of the Department's Annexe building at 21 Archbishop Street, Valletta (with minimum expense through the use of IPSL workers loaned by Local Councils)
- the refurbishment of a new Resource Centre to serve both as training room and reference library
- the organization of the Swearing-In Ceremony for the newly elected Local Councillors in June 2004
- a restructuring of the Department's organization structure that included the new posts of IT Co-Ordinator and Customer Care Co-Ordinator.

DIRECTIVES AND GUIDANCE TO LOCAL COUNCILS

As part of its role of guiding Local Councils in their operations, the Department for Local Government issues, from time to time, various circulars to all Local Councils. During 2004, 35 such circulars were issued.

The Department also continued to give support to Local Councils in replying to various queries regarding financial, tendering and human resources matters.

The Department also assisted and vetted requests by Local Councils to obtain a Bank Loan for the purpose of acquiring new administrative offices.

The procedures adopted by Local Councils in appointing new Executive Secretaries or renewing the contracts of existing Executive Secretaries were also vetted by the Department prior to these being forwarded to the Minister for consultation

The Department also gave support in the following particular areas:

(a) Finance and Tendering

Besides answering Councils' queries regarding Finance and Tendering, the Department monitored the submission of financial statutory documents such as the Budget and Business Plans. It also assisted and vetted requests by Local Councils to obtain a Bank Loan for the purpose of acquiring new administrative offices;

(b) Human Resources

The procedures adopted by Local Councils in (i) appointing new Executive Secretaries (ii) or renewing the contracts of existing Executive Secretaries, were vetted by the Department prior to being forwarded to the Minister for consultation.

(c) Audit

The Department co-operated fully with the Auditor General on audit matters pertaining to Local Councils. Particular attention was given to the timely submission of the Audit Reports as stipulated by the law.

CONSULTATION MEETINGS

The Department held consultation meetings on a regular basis with the Local Councils Association and the Assocjazzjoni Segretarji Kunsilli Lokali Maltin (ASKLM).

The Director, accompanied by senior officials from the Department, also had meetings with Local Councillors at the Local Councils' Administrative Offices. During 2004, meetings were held with 31 Local Councils.

A Joint Committee made up of members from the Employment Training Corporation, the Department for Local Government and the Local Councils Association was set up to discuss possible participation in employment schemes eligible under the European Social Fund Programmes.

TRAINING AND SEMINARS

For the first time, an In-House training programmes was held for all the Department employees. The Programme was aimed at getting all the employees acquainted with the Department's mission, objectives and processes as well as to develop generic competences such as interpersonal skills.

The Department (through its Director and other senior officials) participated in the following seminars and conferences held abroad:

- Study visit to Northern Ireland by the Director (Local Government) and the Local Councils Executive Secretaries of Marsa and San Pawl il-Bahar – 21-26 March 2004;
- Steering Committee on Local and Regional Democracy (CDLR) of the Council of Europe, Strasbourg, 3-6 March 2004;
- Steering Committee on Local and Regional Democracy (CDLR) of the Council of Europe, Strasbourg, 16-20 May 2004;
- Monitoring Committee meeting of URBACT (European Union), Paris 21-23 June 2004;
- Steering Committee on Local and Regional Democracy (CDLR) of the Council of Europe, Strasbourg, 19-22 September 2004;
- Steering Committee on Local and Regional Democracy (CDLR) of the Council of Europe, Strasbourg, 7-11 November 2004;
- Conference on the Future of Democracy in Europe (Council of Europe), Barcelona, 16-20 November 2004; and
- High Level Meeting on Governance and the European Union (organized by the Dutch EU Presidency), The Hague, 8-11 December 2004

DELEGATION OF FUNCTIONS TO LOCAL COUNCILS

(a) Local Enforcement

During 2004, Mtarfa Local Council was given the delegation of local enforcement, whereas Gudja Local Council no longer formed part of the system.

In addition to CCTVs, which were introduced in 2003, during 2004 speed cameras were installed as part of the local enforcement system in order to control excessive driving.

During 2004, the payment of contravention fines by means of the on-line payment system (which is owned by the Department) increased.

The Department, by means of officials from the Devolution Section, continued to give customer assistance to persons on issues relating to local enforcement, including the payment of fines or contestation before the Local Tribunals. In this regard, the Department also co-ordinated with the Malta Tourism Authority on customer care issues relating to complaints or queries from tourists and foreigners.

(b) Devolution of Government Property

Since the start of the devolution of the administration of Government property policy to Local Councils was started, 52 requests have been granted, four of which have materialised during 2004. Through the devolution of public property mechanism, some Local Councils have succeeded in building new administrative offices and embellished such property and made use of such property for the benefit of the citizens of their locality. In addition, the devolution of public property policy has also been instrumental in encouraging Local Councils to embark on cultural, social and educational initiatives.

There were 4 devolution of public property to Local Councils during 2004, namely: the devolution of the *L-Istazzjon l-Antik* to Birkirkara Local Council (Council has invited an expression of interest from citizens of the locality); the devolution of part of the Qala Primary School to the Qala Local Council to develop into a Civic Centre, Council administrative offices, health clinic, library and Police Station; the devolution of public convenience to be developed into a Civic Centre comprising Council administrative offices and Community Hall; and the devolution of Paul Boffa Gardens to the Paola Local Council to be developed into Council administrative offices and refurbishment of the gardens.

(c) Management of Public Libraries

During the year under review, 3 Local Councils requested and were granted the devolution of Local Libraries within their locality. These were the Hamrun, Kercem (Gozo) and Zejtun Local Councils.

(d) Other Initiatives

The Department, through the Devolution Section, was also involved in activities/initiatives carried out jointly with Governmental bodies and other organizations.

During 2004, the Department was involved in the national campaign toward a public conscience on the protection of biodiversity, including the organization of a National Conference on Biodiversity carried out jointly with the Department of Biology, University of Malta.

The Department also liaised with the National Commission for the promotion of Equality for Men and Women on a national campaign for the promotion of women in the working life and participation in local politics.

MONITORING OF LOCAL COUNCILS' FUNCTIONS AND OPERATIONS

The Monitoring Unit continued in the process of monitoring Local Councils from various aspects such as illegal payments and excessive expenditure by scrutinizing the minutes of Local Councils' meetings. Special emphasis was also made on the financial commitments of the Local Councils particularly the ones that registered financial deficits throughout the current financial year.

During the year under review, this Unit was instrumental for the continuous follow-up action that the Department had to take with the aim that Local Councils adhered to the Financial Regulations and Procedures according to the Local Councils Act. Through the efforts of this unit, the number of Councils ending their financial year with a deficit was kept at a very low margin. In fact by the end of the Local Councils' financial year (31 March 2004) there were only seven Councils with a deficit in their working capital.

Through the efforts of this Unit, those Councils that had made payments not in accordance with the financial regulations had an equivalent amount deducted from their financial allocation as part of the zero tolerance policy.

FIELD SERVICES UNIT

During 2004, the Field Services Unit of the Department carried out the following activities:

(a) Data update

Data updating of asset inventory in respect of all the Councils' statutory functions was carried out within the 68 localities around Malta and Gozo. This included also the inclusion of mapping of traffic flow and bus shelters inventory on the Department's Geographic Information System (GIS). The data collection function is a crucial core operation that is necessary for the allocation of financial resources to Local Councils in terms of the funding formula established in the Local Councils Act (Chapter 363).

(b) Efficiency Reports

Inspections on the level of efficiency of Councils' statutory functions was also carried out by this Unit within all the 68 Local Councils.

The 'Efficiency Reports' carried out during 2004 were tabled in the House of Representatives accompanied by a comparative report.

(c) Other services

At the request of Government Ministries and Departments, the Department forwarded copies of A3 maps of 54 Local Councils.

TRAINING FOR LOCAL COUNCILLORS

On 18 March 2004, the Department organized an information seminar for Council Mayor and Executive Seminars on the subject of 'Data Protection and Local Councils'. This informative seminar dealt with the relevant provisions of the Data Protection Act and its relevance in the context of local administration.

NEW LEGISLATION

(a) Legislation affecting the operation of Local Councils

During 2004, the following main and subsidiary legislation affecting the operation of Local Councils were enacted:

1. Legal Notice 6 of 2004 (Local Councils Elections Order, 2004)
2. Legal Notice 36 of 2004 - Commissioners for Justice Act (Schedule) (Amendment) Regulations, 2004
3. Legal Notice 37 of 2004 - Activities Requiring Permits by Local Councils (Amendment) Regulations, 2004
4. Legal Notice 45 of 2004 - Local Councils (Delegation of Enforcement) (Amendment) Order, 2004
5. Legal Notice 106 of 2004 - Delegation of Administration of Facilities to Tarxien Local Council (Public Garden) Order, 2004
6. Legal Notice 135 of 2004 - Local Councils (Association) (Amendment) Regulations, 2004
7. Legal Notice 148 of 2004 - Delegation of Function to Local Councils (Amendment) (Road Construction) Order, 2004
8. Legal Notice 265 of 2004 - Delegation of Administration of Facilities to Tarxien Local Council (No 2) Order, 2004 (Dar tal-Kejka)
9. Legal Notice 266 of 2004 - Local Councils (Delegation of Enforcement) (Amendment) (No 2) Order, 2004
10. Act No III of 2004 - Amendment to article 72(2) of the Local Councils Act
11. Legal Notice 292 of 2004 - Commissioners for Justice Act (Schedule) (Amendment) (No 2) Regulations, 2004
12. Legal Notice 293 of 2004 - Local Councils (Delegation of Enforcement) (Amendment) (No 2) Order, 2004
13. Legal Notice 326 of 2004 - Local Councils Act (Amendment of Tenth Schedule) Regulations, 2004
14. Legal Notice 350 of 2004 - Commissioners for Justice Act, Service of Notice by Mail Regulations, 2004
15. Legal Notice 359 of 2004 - Mdina (Restriction of Access and Transit of Vehicles) Regulations, 2004
16. Legal Notice 401 of 2004 - Private Guards (Amendment) Regulations, 2004
17. Legal Notice 403 of 2004 - Local Councils (Procedures) Amendment Regulations, 2004

18. Legal Notice 408 of 2004 – Local Councils (Association) (Amendment) (No 2) Regulations, 2004
19. Legal Notice 430 of 2004 – Commissioners for Justice Act (Schedule) (Amendment) (No 3) Regulations, 2004
20. Legal Notice 431 of 2004 – Local Councils Act (Delegation of Enforcement) (Amendment) (No 4) Order, 2004
21. Legal Notice 456 of 2004 – Local Councils (Financial) (Amendment) Regulations, 2004
22. Legal Notice 457 of 2004 – Local Councils (Tendering) Regulations (Amendment) Regulations, 2004
23. Legal Notice 517 of 2004 – Commissioners for Justice Act (Schedule) (Amendment) (No 4) Regulations, 2004
24. Legal Notice 518 of 2004 – Local Councils (Delegation of Enforcement) (Amendment) (No 5) Order, 2004.

(b) Approved Bye-Laws enacted by Local Councils

During 2004, the following Bye-Laws, after approval by the Minister, were published:

1. LCBL 18/1/2004 – Control of Pigeons (Floriana Local Council) Bye-Laws
2. LCBL 24/2/2004 – Advertisements on Street Furniture (Gharghur Local Council) Bye-Laws
3. LCBL 38/3/2004 - Advertisements on Street Furniture (Mgarr Local Council) Bye-Laws
4. LCBL 24/4/2004 - Advertisements on Street Furniture (Pembroke Local Council) Bye-Laws
5. LCBL 39/5/2004 – Advertisements on Street Furniture (Mosta Local Council) Bye-Laws
6. LCBL 62/6/2004 – Use of Facilities (Tarxien Local Council) Bye-Laws
7. LCBL 52/7/2004 – Drinks in Glass Containers (San Giljan Local Council) Bye-Laws
8. LCBL 16/8/2004 - Advertisements on Street Furniture (Dingli Local Council) Bye-Laws
9. LCBL 47/9/2004 – Control of Pigeons (Pieta' Local Council) Bye-Laws
10. LCBL 49/10/2004 – Advertisements on Internet (Qrendi Local Council) Bye-Laws
11. LCBL 49/11/2004 – Publications (Qrendi Local Council) Bye-Laws

(b) Proposals for amendments to the Local Councils Act

The Department forwarded a number of proposals for amendments to the Local Councils Act, which were incorporated in Bill No 38 (proposing amendments to the Local Councils Act, Cap. 363).

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