

MALTA

SUMMARY

Malta is a unicameral parliamentary republic with two tiers of government: national and local. Local government is enshrined in Malta's constitution and is governed by the Local Councils Act 1993 (Chapter 363, Laws of Malta). Political responsibility for local government rests with the Parliamentary Secretary for Local Government and Communities. The Department for Local Government (Monitoring and Support) within the Local Government Division is responsible for monitoring the functions and operations of local government, to ensure that they operate within the powers allocated by law, as well as for supporting all local authorities. Malta has a single-tiered local government system with 68 councils: the island of Gozo has 14 councils while the island of Malta has 54, including a city council for the capital Valletta. There are also 16 subordinate administrative committees for the larger hamlets in a number of council areas. Following the 2015 local elections, 19% of elected councillors and 15% of mayors were female. In 2016, local government expenditure was 0.88% of total government expenditure. Local councils have revenue-raising powers; however over three-quarters of their revenue comes from national government transfers. Local councils in Malta are responsible for the maintenance of footways, road signs, playgrounds, gardens and leisure facilities, and must also be consulted by national authorities on traffic schemes; the upkeep, restoration, design or alteration of the facade of buildings; and other national schemes that affect the localities.

1. NATIONAL GOVERNMENT

Malta is a republic with a unicameral parliament.^{24.1a} The head of state is the president, indirectly elected for a five-year term from among and by the members of parliament (MPs) who together make up the House of Representatives. MPs are elected for a term of up to five years by a system of proportional representation using single transferable votes. Following the 2017 national election, 11.9% (8/67) of MPs were women.^{24.1b} The president appoints the prime minister, usually the leader of the majority party, who acts as the head of government, and then appoints a deputy prime minister and cabinet on the advice of the prime minister.

2. LEGAL BASIS FOR LOCAL GOVERNMENT

2.1 Constitutional provisions

Local government is enshrined in Malta's constitution^{24.2a} Article 115A of the constitution states that 'The State shall adopt a system of local government whereby the territory of Malta shall be divided into such number of localities as may by law be from time to time determined, each local authority to be administered by a local council elected by the residents of the locality and established and operating in terms of such laws as may from time to time be in force.' The functions, operations and legal powers of local government emanate from the Local Councils Act (Chapter 363, Laws of Malta).

2.2 Main legislative texts

The Local Councils Act 1993^{24.2b} is the main legislative text, together with its amendments Act XII 2002, Act XVI 2003, Act I 2005, Act II 2007, Act XVI 2009, Act V 2011, Acts VII and XVI 2014, and Acts XXIV and XL 2015.

2.3 Proposed legislative changes

A number of legislative amendments are under discussion, mainly emanating from the 2017 electoral manifesto of the Labour Party as well as amendments proposed to update current legislation (eg the financial and procurement regulations).

2.4 National urban policy

Whilst there is currently no specific national urban policy, Malta has adopted a Strategic Plan for the Environment and Development (SPED) (see section 10.2 for additional information). The SPED has a dedicated Section regarding Urban Areas. It falls under the Key Thematic Issues that deal with: Socio-Economic Development; the Environment; Climate Change; and Travel Patterns.

3. STRUCTURE OF LOCAL GOVERNMENT

3.1 Local government within the state

Malta's system of local government was set up in 1993. Malta also ratified the European Charter of Local Self-Government in the same year, as well as establishing local councils across the country. The Local Councils Act 1993 gave the minister responsible for local government the power to devolve functions to local authorities, and the last two decades have seen a gradual decentralisation of powers and services.

3.2 Ministerial oversight

Following the adoption of the 2003 amendment to the Local Councils Act, the Department for Local Government (DLG) (Monitoring and Support) (formerly known as the Department for Local Government) within the Ministry for Justice, Culture and Local Government has the responsibility for monitoring all local authorities (regional committees, local councils and administrative committees) to ensure that they operate within the law. It is also tasked



KEY FACTS

POPULATION (2017 estimate):
460,297

AREA:
316 sq km

CAPITAL:
Valletta

CURRENCY:
euro (EUR)

HEAD OF STATE:
President Marie Louise Coleiro Preca

HEAD OF GOVERNMENT:
Prime Minister Joseph Muscat

FORM OF GOVERNMENT:
republic

PARLIAMENTARY SYSTEM:
unicameral

STATE STRUCTURE:
unitary

LANGUAGES:
Maltese and English (official)

NATIONAL ELECTIONS:
last: June 2017, turnout: 92.1%; next: 2022

WOMEN IN PARLIAMENT (2007):
11.9%

LOCAL ELECTIONS:
last: 2015, turnout: 70.7%; next: 2018

WOMEN COUNCILLORS (2015):
~19%

LOCAL GOVERNMENT EXPENDITURE as a percentage of total government expenditure 2016:
0.88%

Table 22.1a Distribution of councils and population

Districts	Councils	Administrative committees	Population 2011 Census	Population 2017 est.	% rural 2017
Gozo	14	3	31,007	na	0
South Eastern Harbour	11	1	59,371	na	0
Southern Harbour	14	2	81,047	na	0
Western	10	2	57,038	na	0
Northern Harbour	13	6	119,332	na	0
Northern	6	2	57,167	na	0
TOTAL	68	16	404,962	460,297	0

Source: DLG communication with CLGF and Census 2011^{24,30}

with supporting them to function more effectively, and spearheading devolution and decentralisation. The department also administers statutory funding to local councils. The minister can devolve further powers to local authorities by means of an order in the Government Gazette and can also request information on any local authority's financial administration. The minister must approve the appointment and termination of employment of any council executive secretary (the paid head of the executive and administration). The minister can intervene and declare a council seat vacant if a councillor does not attend for six consecutive meetings or is absent for more than one-third of meetings within a six-month period. The minister exercises this power after the council has resolved that a councillor has failed to attend for such a period without reasonable grounds for absence. In serious cases of a council breaching its financial responsibilities, the president, acting on the advice of the prime minister, has the power to intervene and dissolve a council. In June 2009, a 'Code of Good Practice for Local Government' was issued and distributed to all members of local authorities. The code provides examples of good practice with respect to local governance and is primarily aimed at assisting councillors to provide the best service. It includes guidelines with respect to transparency in all spheres of operation; inclusivity of all spheres of society; integration and cooperation between council members; ethical behaviour; accountable behaviour; and the requirement for all council members to be competent and innovative in their approach. It also lays down recommended actions, such as the adoption of a local strategic plan, the adoption of a vision for the locality, mechanisms for taking informed and transparent decisions, and the personal development of council members and staff. In 2010, a Local Governance Board was set up under ad hoc legislation to investigate and give recommendations with respect to alleged administrative abuses or breaches of the code.

3.3 Council types

Malta has single-tiered local governance with five regional committees incorporating 68 local councils: 14 on the island of Gozo and 54 on the island of Malta, including a city council for the capital Valletta. Most of the population is concentrated in urban areas with a very limited number in non-urban areas. There are 16 subordinate administrative committees in areas where there is a hamlet making up more than 10% of the council area's population. Each council must have an annual meeting to set budgets, which is open to the public. Councils must have a finance committee. The election of local councillors is held every five years. Local councils may set up other committees and sub-committees and have the power to hold referenda. There are 16 administrative committees in 13 of the local councils. These administrative committees cover 10% or more of the population and are eligible for a pro-rata budget from the council. Each administrative committee is composed of five members who serve for a period of five years, one of whom is the chairperson and all of whom are elected by the residents of the locality. Decisions are taken by simple majority, with committees making recommendations that must then be ratified by the full council.

4. ELECTIONS

4.1 Recent local elections

The latest council elections took place in 2015⁶ and the next are due in 2019.

4.2 Voting system

Councillors are elected by universal suffrage using the single transferable vote proportional representation system. The term of office for local councillors is five years. The office of mayor in any local council is occupied by the elected councillor who at the last local election has obtained the highest number of votes in the first count amongst the candidates of the political party which at such elections obtained the absolute majority of councillors.

4.3 Elected representatives

The number of councillors in each council depends on its population: five councillors for up to 4,999 inhabitants; seven for 5,000–9,999, nine for 10,000–14,999, 11 for 15,000–19,999 and 13 for populations of 20,000 and over.

4.4 Women's representation

After the 2015 elections, ~19% of councillors were female, down from ~25% in 2013, but up from 17.6% in 2006. In 2005, 14.7% (5/34) of mayors were women, slightly up from 14.3% (5/35) in 2013 but down from 26.1% (6/23) following the 2006 local elections.

5. SYSTEMS FOR COMMUNITY INVOLVEMENT

5.1 Legal requirement

The Local Councils Act 1993 makes provision for all council meetings to be open to the public and facilitates the engagement of the media to report the proceedings. In addition, all council meetings are streamed online live. The Act also states that a council must hold a public consultation if either the council deems it appropriate, or a petition is submitted signed by one-fifth of the electorate of a council area of more than 3,000 registered voters (or one-quarter of the electorate in the case of a council area with less than 3,000 registered voters). In addition, each year every local council is legally bound to hold a locality meeting to discuss the financial estimates and a three-year work plan for the local area.

5.2 Implementation

Local authorities are encouraged to work with communities, other councils and national government to promote sustainable development in all its environmental, economic, social and cultural aspects. This includes the dissemination of information, and consultation with and involvement of local citizens. In this respect, national government, through the ministry responsible for local government, issues several grant schemes to assist councils to implement initiatives and projects that address the environmental, economic, social and cultural needs of localities.

5.3 ICT use in citizen engagement

A local government e-government strategy is currently being rolled out in line with national policies. This includes the introduction of online voting, and the introduction of a mobile app that facilitates interaction between local citizens and their local authority. All council meetings are live streamed online and a central customer care system allows for queries/complaints to be channelled to the relevant source and a reply given to the individual within a reasonable time.

Table 24.1b Wwomen councillors and mayors following the last three elections

Election	2006		2013		2015	
	#	%	#	%	#	%
Councillors						
Female councillors	na	17.6	na	-25	na	-19
Male councillors	na	82.4	na	-75	na	-81
Total councillors	na	100.0	na	100.0	na	100.0
Chairpersons						
Female Mayors	6	26.1	5	14.3	5	14.7
Male Mayors	17	73.9	30	85.7	29	85.3
Total Mayors	23	100.0	35	100.0	34	100.0

Source: Department for Local Government correspondence with CLGF

6. ORGANISED LOCAL GOVERNMENT

There are two associations of local government in Malta (described below), one representing the elected local representatives and the other the local authorities' executive secretaries. Both receive funding from national government.

6.1 National local government association

The Local Councils Association^{24,6} (LCA) was set up under the Local Councils Act 1993 to promote the common interests of local councils and represent them on international bodies concerned with local government. The association is recognised in law and membership is voluntary.

6.2 Other associations of local government

The National Association of Local Councils' Executive Secretaries (ANSEK) was set up in November 1994 as the association for local council executive secretaries. Its aim is to promote their interests and provide training and support for its members. Membership of ANSEK is also voluntary.

7. INTERGOVERNMENTAL RELATIONS

Interaction between national government and local government is both formal and informal. On a formal basis, local government is consulted on key issues that affect local government. Informally, the Local Government Good Governance (LGGG) Working Group, composed of representatives of all local government key stakeholders, meets on a regular basis to discuss issues relating to good governance, such as improving local government functions and operations in light of the deficiencies outlined in the National Audit Office's report^{24,7} on the workings of local councils.

8. MONITORING SYSTEMS

The Monitoring Unit (MU) of the Department for Local Government (Monitoring and Support) monitors the financial commitments of local councils, particularly those which have

ended their financial year in deficit and those which feature in the annual report of the auditor general. The MU screens for a range of activities from illegal payments to excessive expenditure. It also scrutinises council minutes. The unit is tasked with ensuring local councils adhere to the financial regulations and procedures outlined in the Local Councils Act 1993. An additional monitoring function is carried out, as required by law, by the local government auditors, who are appointed by the auditor general. In addition the ombudsman, set up under the Ombudsman Act 1995, is empowered to investigate complaints by individuals about alleged administrative breaches by local council officials.

9. FINANCE, STAFFING AND RESOURCES

9.1 Local government expenditure

Local government expenditure as a percentage of government expenditure 2016 was 0.88%, slightly up from the previous year but down from over 1.0% in 2012 and 2013 (table 22.2b).

9.2 Locally raised revenue

Local councils have revenue-raising powers through fees and licences, which can be implemented through by-laws. However there is, as yet, no tax revenue raised at the local level.

9.3 Transfers

Local government receives a yearly grant from national government (which constitutes the major financial income for local authorities, around 80%). The financial allocation to local government is made according to the terms of the Local Councils Act 1993. The amount of direct funds allocated to local authorities during 2017 was €40 million. This includes both allocations based on a national government funding formula as stipulated in Article 55 of the Local Councils Act (see 9.2 below) and payments under various financial grant schemes open to all councils. Any balance at the financial year end is retained by the council.

9.4 Loans

Local authorities are not authorised to borrow or loan money.

9.5 Local authority staff

Mayors are paid an allowance of up to two-thirds of the honorarium given to an MP. Other councillors are paid €1,200 per year. The executive secretary is the financial, administrative and executive head of the council. Appointment of executive secretaries requires ministerial approval and the Executive Secretary is deemed a public officer. For other positions local authorities recruit their own staff. Typically there is one council employee for every 2,500 residents. In some cases, national government staff may be seconded to local councils.

Table 24.2a Income and expenditure for local government 2016 (in EUR)

Income	2016	Expenditure	2016
Centre-local transfers		Administration	
Restricted	32,995,912	Staff	7,193,725
Unrestricted	0.00	Other administrative costs	14,275,435
Locally raised revenue		Services	
Property taxes	0.00	Operations and maintenance	17,123,198
Licences and fees	505,480	Other	132,223
By-laws	571,431		
EU funds	84,201		
Investments	5,302		
Other income	7,565,607		
TOTAL INCOME	41,727,933	TOTAL EXPENDITURE	38,724,581

Source: Department for Local Government correspondence with CLGF

Table 24.2b Local government expenditure as a percentage of total government expenditure 2012-2016

	2012	2013	2014	2015	2016
Total Government Expenditure	3,524,731,173	3,662,580,443	3,964,480,795	4,295,807,978	4,356,209,851
Total Local Government Expenditure.	36,755,447	37,312,597	37,827,991	37,128,548	38,329,380
Local government expenditure as a percentage of total government expenditure	1.04%	1.02%	0.95%	0.86%	0.88%

Source: Department for Local Government correspondence with CLGF

10. DISTRIBUTION OF SERVICE DELIVERY RESPONSIBILITY

10.1 Overview of local government service delivery responsibility

The functions and responsibilities of local councils emanate from the Local Councils Act. Local councils in Malta are responsible for: the maintenance and cleaning of public footways; refuse collection; maintenance of playgrounds, public gardens and leisure facilities; pedestrian and parking areas near schools; road signs and markings; health and rehabilitation centres; government dispensaries; health district offices; and homes for elderly citizens. Councils have a duty to provide advice and information to citizens, including information on consumer and welfare rights, and transport and tourist facilities. The public must be consulted on building schemes, plans and traffic schemes that affect their area and the council can issue guidelines on the upkeep and appearance of buildings.

10.2 ICT use in services delivery

The citizen can access local government services through various means, including an official local government website.^{24,10}

10.3 The role of local government in achieving the UN Sustainable Development Goals (SDGs)

Planning for achieving the SDGs comes under the responsibility of the Ministry for the Environment, Sustainable Development and Climate Change and implementation under the Strategic Plan for the Environment and Development (SPED) which was approved by the House of Representatives in July 2015. This is the official national document which addresses the spatial issues for the Maltese Islands in the coming years.

The SPED, which has replaced the 1990 Structure Plan for the Maltese Islands, is based on an integrated planning system that regulates the sustainable use and management of land and sea resources. This shift in the way strategic planning is carried out in the Maltese Islands from traditional land use planning to a more holistic spatial planning approach emerges from the Environment and Development Planning Act (EDPA) of 2010. The Plan provides a strategic spatial policy framework for both the environment and development up to 2020, complementing Government's social, economic and environmental direction for the same period. Local government's input towards the attainment of the Government's strategy and policy measures addressing challenges in the main structural and fiscal policy domains is given through regular updates to the Malta National Reform Programme. Each year, the Parliamentary Secretary responsible for local government issues grant schemes for 'ad hoc' projects, including a specific grant scheme issued in 2016 for Regional Committees to prepare Regional Economic, Social and Cultural Plans. The Regional Committees will be implementing the action plans that are identified in the Regional Plans that include SDG measures.

REFERENCES AND USEFUL WEBSITES

- 24.1a Government of Malta www.gov.mt
- 24.1b Women in national parliaments. Inter-Parliamentary Union <http://archive.ipu.org/wmn-e/classif.htm>
- 24.2a Constitution of Malta www.parliament.mt/constitution-of-malta
- 24.2b Local Councils Act 1993 www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8833
- 24.3a 2011 Census of Population and Housing, Final Report, National Statistics Office, Malta https://nso.gov.mt/en/publications/Publications_by_Unit/Documents/01_Methodology_and_Research/Census2011_FinalReport.pdf
- 24.3b Department for Local Government <https://localgovernment.gov.mt>
- 24.4 Malta Electoral Commission www.electoral.gov.mt
- 24.5 No reference for this section
- 24.6 Local Councils Association www.lca.org.mt
- 24.7 Report by the Auditor General on the Workings of Local Government <http://nao.gov.mt/en/recent-publications>
- 24.8 No reference for this section
- 24.9 Department for Local Government correspondence with CLGF
- 24.10 Local councils website www.lc.gov.mt
- 24.11a UN statistics surface area <http://unstats.un.org/unsd/demographic/products/dyb/dyb2006/Table03.pdf>
- 24.11b Commonwealth Local Government knowledge hub www.clgf.org.uk/resource-centre/knowledge-hub
- 24.11c UNDP HDR Malta country profile <http://hdr.undp.org/en/countries/profiles/MLT>

Annex 24a Summary of service provision in different spheres of government in Malta

Services	Delivering authority		Remarks
	National government	Local government	
GENERAL ADMINISTRATION			
Police	■		
Fire protection	■		
Civil protection	■		
Criminal justice	■		
Civil status register	■		
Statistical office	■		
Electoral register	■		
EDUCATION			
Pre-school (kindergarten and nursery)	■	■	
Primary	■		
Secondary	■		
Vocational and technical	■		
Higher education	■		
Adult education	■	■	
SOCIAL WELFARE			
Family welfare services	■		
Welfare homes	■	■	
Social security	■		
PUBLIC HEALTH			
Primary care	■		
Hospitals	■		
Health protection	■		
HOUSING AND TOWN PLANNING			
Housing	■		
Town planning	■		
Regional planning	■		
TRANSPORT			
Roads	■		
Transport	■	■	
Urban roads		■	
Urban rail	na	na	
Ports	■		
Airports	■		
ENVIRONMENT AND PUBLIC SANITATION			
Water and sanitation	■		
Refuse collection and disposal		■	
Cemeteries and crematoria	■		
Slaughterhouses	■		
Environmental protection	■	■	
Consumer protection	■	■	
CULTURE, LEISURE AND SPORTS			
Theatres and concerts	■	■	
Museums and libraries	■	■	
Parks and open spaces	■	■	
Sports and leisure facilities	■	■	
Religious facilities	■		
UTILITIES			
Gas services	■		
District heating	■		
Water supply	■		
Electricity	■		
ECONOMIC			
Agriculture, forests and fisheries	■		
Local economic development/promotion	■		
Trade and industry	■		
Tourism	■	■	

■ sole responsibility service ■ joint responsibility service ■ discretionary service