

The local government system in

Malta

**SUMMARY**

Malta is a parliamentary republic with two tiers of government: central and local. Local government is enshrined in Malta's constitution and is governed by the Local Councils Act 1993. The Department for Local Government (formerly Local Councils Department) was set up in the Ministry of Justice and Local Government and now resides in the Office of the Prime Minister. Its role is to monitor and support councils and spearhead devolution and decentralisation. Malta has a single-tiered local government system with 68 councils: 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 the council areas. Local councils have revenue-raising powers; however over three-quarters of their revenue comes from central government transfers. Local councils in Malta are responsible for the maintenance of footways, road signs, playgrounds, gardens and leisure facilities, and for refuse collection and a range of health service institutions.

1. CENTRAL GOVERNMENT

Malta is a republic with a unicameral parliament. The head of state is the president, indirectly elected for a five-year term by the 65 Members of Parliament (MPs) known as the House of Representatives. The MPs are elected for a term of up to five years by a system of proportional representation using Single Transferable Votes (STV). Following a national election, the president appoints the prime minister, usually the leader of the majority party, who acts as the head of government, and 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, which can only be amended by a two-thirds majority in parliament. As of April 2001, Article 115A of the constitution says: '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.'

2.2 Main legislative texts:

The Local Councils Act 1993, known also as Chapter 363 of the laws of Malta, with amendments Act XII 2002, Act XVI 2003, Act I 2005, Act II 2007 and Act XVI 2009. The latest Act introduced 50 new legislative amendments and by the end of 2009 approximately 90% of these amendments had been implemented.

3. STRUCTURE OF LOCAL GOVERNMENT**3.1 Local government within the state:**

Malta has a strong system of local government and ratified the European Charter of Local Self-Government in September 1993. The Local Councils Act 1993 gave the Minister for Justice and local government the power to devolve more functions to local authorities and the last



Table 1. Distribution of councils and population Census 2005

Districts	No. of councils	No. of administrative committees	Population (Census 2005)
Gozo	14	3	31,007
South Eastern Harbour	11	1	59,371
Southern Harbour	14	2	81,047
Western District	10	2	57,038
Northern Harbour	13	6	119,332
Northern	6	2	57,167
TOTAL	68	16	404,962
Largest	Birkirkara		21,903
Smallest	Mdina		398

two decades have seen a gradual decentralisation of powers and services.

3.2 Ministerial oversight:

Following the publication of the 2003 Act, the Department for Local Government (formerly Local Councils Department) was set up in the Ministry of Justice and Local Government and now resides in the Office of the Prime Minister. Its remit is to monitor councils to ensure that they operate within the law, support them to function more effectively, and to spearhead devolution and decentralisation. The Department of Local Government 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. He or she can also request information on the financial administration of councils and approve financial allocations. 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 has the power to intervene and dissolve a council.

In June 2009 a 'Code of Good Practice for Local Government' was published by the department and distributed to all councillors. 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.

3.3 COUNCIL TYPES

Malta has single-tiered local governance with 68 councils; 14 on Gozo and 54 councils the island of Malta, including a city council for the capital Valletta. Most of the population is concentrated in urban areas with a negligible number in non-urban areas. There are 16 subordinate administrative committees wherever a hamlet makes up more than 10% of the council area's population.

3.3.1 Councils: Each council must have an annual meeting to set budgets, which is open to the public. Councils must have a finance committee and a committee to administer the affairs of hamlets. They may set up other committees and sub-committees and have the power to hold referenda. The city and municipal councils have a different status from district councils which allows them a wider range of responsibilities and functions.

3.3.2 Administrative committees: 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, one of whom is the chairperson and all of whom are elected by the residents of the locale. 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:

Elections for 23 local councils were held on 6 June 2009, on the same day that the election for members of the European Parliament was held. The turnout was 77.1%. The next set of elections for local councils, for half of the 68 councils, is due to be held on 10 March 2012, and the remaining half in 2013. The term of office for councils is three years.

4.2 Voting system:

Councillors are elected by universal suffrage using STV, proportional representation system and serve for a three-year term. The councillors of each council elect their mayor and deputy mayor indirectly.

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, eleven for 15,000–19,999 and 13 for 20,000 and over.

4.4 Women's representation:

In the most recent elections, of the 459 councillors, 123 or 26.8% are female and one woman out of 23 has been appointed mayor. This compares with 17.6% of councillors and six female mayors 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 demands that the media be proactively encouraged to attend and report the proceedings. The Act also states that a council must hold a public consultation if either the council deems it appropriate, or a petition signed by one-fifth of the electorate of a council area of more than 3,000 registered voters or one-quarter of the electorate if the council area has less than 3,000 registered voters, is submitted.

5.2 Implementation:

Departmental policy encourages councils to work with communities, other councils and central government to promote sustainable development in environmental, economic, social and cultural areas. This includes the dissemination of information, consultation and involvement with local citizens.

5.3 E-government:

No information provided for this edition.

Table 2. Aggregate revenue and expenditure for local government 2005/2006

Revenue	€ (m)	Expenditure	€ (m)
Government transfers	10.7	Administration etc	2.0
Locally raised revenue	2.1	Purchase of fixed assets	3.7
Unconditional (2010 figures)	n/a	Personal emoluments	1.3
Charges for services	n/a	Operations and maintenance	4.8
TOTAL	12.8	TOTAL	11.8

6. ORGANISED LOCAL GOVERNMENT

There are two associations of local government in Malta, one representing councils and the other a professional organisation for executive secretaries. Both receive funding from central government.

6.1 National local government associations:

The Local Councils Association 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 Association of Local Councils' Executive Secretaries (Assocjazzjoni Segretarji Ezekuttiv Kunsilli Locali Malta or ASKLM) was formed in November 1994 as the professional association for executive secretaries. Its aim was to promote their interests and provide training and support for its members. Membership of ASKLM is also voluntary.

7. INTERGOVERNMENTAL RELATIONS

Both formal and informal meetings occur between the minister, department and local councils, including regular monthly meetings. Councils are consulted on all relevant statutory legislation.

8. MONITORING SYSTEMS FOR LOCAL GOVERNMENT

The Monitoring Unit (MU) of the Department of Local Government monitors the financial commitments of local councils; particularly those which end 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 and excessive expenditure through to scrutinising council minutes. The unit is tasked with ensuring local councils adhere to the financial regulations and procedures outlined in the Local Councils Act 1993. Action has also been taken to publish regulations as recommended by the public accounts. The Auditor General appoints auditors for local government under the Local Councils Act 1993. An ombudsman was established under the Ombudsman Act 1995 to adjudicate in cases

where a citizen is dissatisfied with the way they have been treated by a council.

9. FINANCE, STAFFING AND RESOURCES

Aggregate council revenue for 2005/2006 was €12.8m (US\$29.6m) and expenditure was €11.8m (US\$27.3m). Councils are not permitted to set deficit budgets.

9.1 Locally raised revenue:

Local councils have revenue-raising powers which can be implemented through by-laws. However, there is little direct tax revenue raised at the local level and any that is comes predominantly from law enforcement and investment.

9.2 Transfers:

In 2005/06, 80% of council funding came from central government following a funding formula mandated in the Local Councils Act 2003. Transfers are made annually. Any balance at the financial year end is retained by the council.

9.2.1 New grant schemes:

During 2009, 11 earmarked fund schemes for local councils were launched, with total transfers of €2,264,500 (US\$3,141,142). The Department of Local Government was involved in the preparation, adjudication (through an official on the Adjudication Board) and payment of funds for these schemes to the successful councils.

9.3 Local authority staff:

Mayors are paid an allowance of up to 33% of the honorarium given to an MP. The exact amount is decided by resolution of the council. Other councillors are paid €1,200 (US\$1,660) per year.

An executive secretary is appointed as head of the paid service to run the administrative and financial affairs of the council. Appointment of executive secretaries requires ministerial approval, and an executive secretary cannot be dismissed before the end of their contract without the approval of the minister. For other positions local authorities recruit their own staff. Typically there is one council employee for every 2,500 people locally registered. In some cases, central government staff may be seconded to work for local councils. Up to three

workers may be assigned to a council at the discretion of central government and at the request of the local council.

10. DISTRIBUTION OF SERVICE DELIVERY RESPONSIBILITY

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. For other functions, central government may delegate discretionary powers to councils, which may take action in areas where action is not being taken by any other authority.

References and useful websites

1. Malta Statistics Office www.nso.gov.mt/Census2005
www.nso.gov.mt/docs/Census2005_Vol1.pdf
2. UN statistics
<http://unstats.un.org/unsd/demographic/products/dyb/dyb2008/Table03.pdf>
3. IMF statistics www.imf.org/external/data.htm
4. Department for Local Government
www.localgovernment.gov.mt
5. Constitution of the republic of Malta
http://president.gov.mt/constitution_malta
6. Local Government Act 1993
www.maltdata.com/loc-act.pdf
7. Government of Malta website www.gov.mt
8. Local councils website www.lc.gov.mt
9. Local Councils Association website
www.lca.org.mt
10. UNDP Human Development Report 2010
www.hdr.undp.org
11. City mayors: local government in Malta
www.citymayors.com/government/malta-government.html



Annex A. Summary of service provision in different spheres of government

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

■ = Discretionary service by the local authority