



Strengthening the Local Enforcement System

*More Compliance
Less Fines
Better Citizens*

**Parliamentary Secretariat
Consumers, Fair Competition, Local Councils & Public Dialogue**
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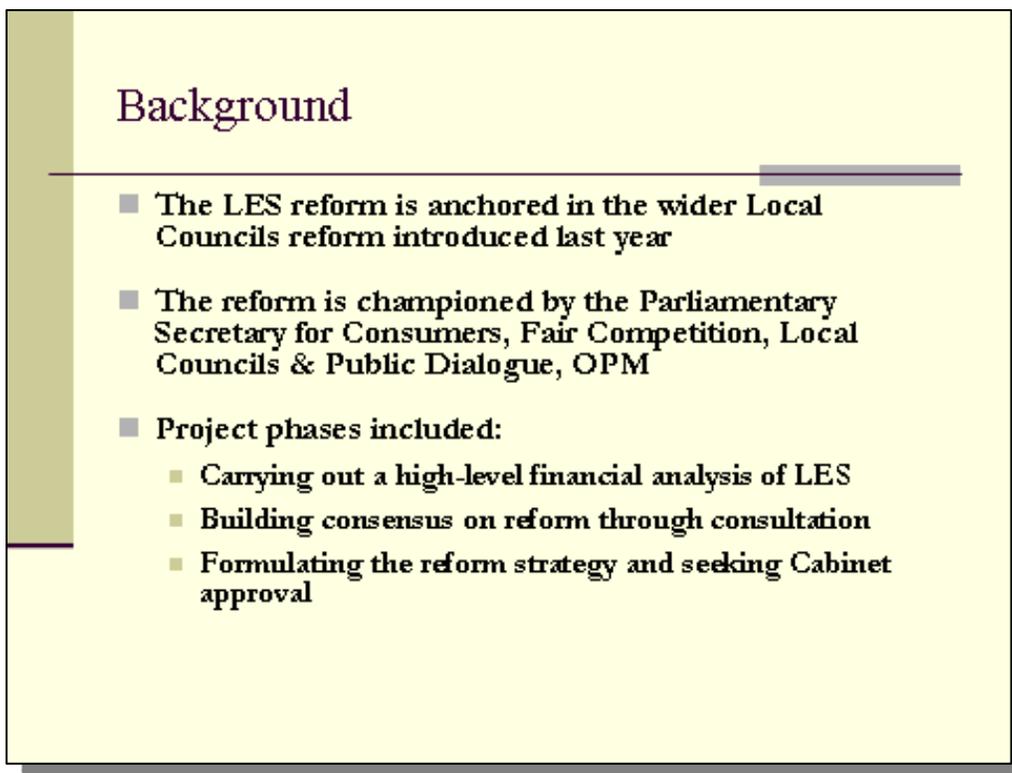
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1. Background

Since their inception, Local Councils have developed and progressed to become an integral link between central Government and the regions and communities they serve. With time, more and more responsibilities have been devolved from Central Government to Local Councils. This process has been regarded as a general success.

However, and after fifteen years, Government felt that it is time to assess the current state of affairs in Local Government and establish its general successes and areas for improvement as identified by the various stakeholders. Government, through the Parliamentary Secretary for Consumers, Fair Competition, Local Councils and Public Dialogue, embarked on an extensive consultation exercise involving both the general public and private entities concerned with the administration of the various facets of the Local Government.



Background

- **The LES reform is anchored in the wider Local Councils reform introduced last year**
- **The reform is championed by the Parliamentary Secretary for Consumers, Fair Competition, Local Councils & Public Dialogue, OPM**
- **Project phases included:**
 - **Carrying out a high-level financial analysis of LES**
 - **Building consensus on reform through consultation**
 - **Formulating the reform strategy and seeking Cabinet approval**

Central to this assessment was the analysis of the Local Enforcement System (LES) which was repeatedly raised by stakeholders and the public in general during the consultation process of the Local Councils reform. Following internal reviews of the LES, the project included a wide consensus-building process through consultation with the various LES stakeholders involved in LES operations. On the basis of the conclusions of these discussions, a number of recommendations for improving and strengthening the LES were identified by Government.

2. General overview of the Local Enforcement System

Upon their introduction, Local Councils were given limited responsibilities which over the years were expanded to cover a number of administrative areas. However, they did not have any executive powers where enforcement was concerned. It was eventually realized that the Local Councils could not perform such functions without direct involvement in enforcement procedures. The Local Enforcement System was the logical next step in the evolution of the concept of Local Government.

General overview of the LES

- **The key principles behind the system:**
 - **Central Government delegates the power and responsibility for the enforcement of selected minor offences to Local Councils**
 - **The primary purpose of LES is to educate and make the public aware of the harm and inconveniences that infringements cause to others**
 - **Where education fails, LES provides the enforcement machinery needed to administer justice and penalise offenders**
 - **Therefore, LES shields the law-abiding citizen from those who break the law**

Through the LES, Central Government could delegate the power and responsibility for the enforcement of selected minor offences to Local Councils knowing that such responsibility could be shouldered and effectively administered by the same. The primary scope of the LES is to educate and make the public aware of the harm and inconveniences that infringements cause to others. Where education fails, the LES provides the enforcement machinery needed to administer justice and penalize offenders.

Therefore, the main objective behind the introduction of Local Enforcement is to shield the law-abiding citizen from those who break the law, through the introduction of disciplinary measures. Local Enforcement provides the framework on the basis of which Local Councils exercise their powers and co-operate with neighbouring Local Councils in order to ensure full compliance with the law. In this scenario, Local Wardens have served to shoulder responsibilities previously within the domain of the Malta Police Force, thus allowing the latter to focus its efforts on newer and/or more complex forms of crime. This was done whilst still safeguarding the citizen against the more common forms of crime.

General overview of the LES - 2

- **Scope of local enforcement includes:**
 - **Inspection and reporting on trading licences**
 - **Transport (e.g. motor vehicle licensing)**
 - **Traffic management (e.g. on/off- street parking, parking permits, and other highway code offences)**
 - **Education (e.g. school absenteeism)**
 - **Environment (e.g. littering)**
 - **Planning (e.g. construction site management)**

Over the years, local enforcement has developed to cover not only on-street parking and other traffic management related offences but also vis-à-vis other locality-related offences related to various aspects of:

- Inspection and reporting on trading licences;
- Transport (e.g. motor vehicle licensing);
- Traffic management (e.g. on/off- street parking, parking permits, and other highway code offences);
- Education (e.g. school absenteeism);
- Environment (e.g. littering); and
- Planning (e.g. construction site management).

Presently, a number of stakeholders are associated or concerned with the LES system and these mainly include the:

- Department for Local Government (DLG) – which acts as the system regulator and which is responsible for the development of policy options which fall within the framework set by the Ministry responsible for Local Councils;
- nine (9) Joint Committees – which embody a group of Local Councils which decide to cluster and discharge their functions jointly – these being: Gozo, Tramuntana, Qormi, Zurrieq, Sliema, Birkirkara, Zejtun, Valletta, and Fgura;

- sixty-eight (68) Local Councils – which are responsible for the day-to-day management of the needs of the locality, including local enforcement (the latter is achieved through the Joint Committee formations which ensure economies of scale and a higher degree of co-operation and standardisation in tendering, engagement and operations of outsourced services);
- Authorised Officers – appointed by the Joint Committees to administer the system;

General overview of the LES - 3

- **The various players involved in the system:**
 - **Department for Local Government**
 - **Local Councils**
 - **Joint Committees**
 - **Authorised Officers**
 - **Prosecutors**
 - **Commissioners for Justice, Petitions Board and Local Tribunal**
 - **Service Providers – Warden Agencies; IT Service Provider; TM**

- three (3) main Service Providers:
 - Warden Agencies – which supply local warden (presently there are fifty-four (54) wardens on the beat) and other ancillary services;
 - IT Service Provider – which supplies the service and support requirements of the LES system whilst providing the technical infrastructure to sustain the LES process management;
 - Transport Malta (Licensing & Testing Department) – which mainly provides updates and notifications to the LES system through its eVERA IT system in respect of payments, license renewals, and vehicle data changes; and ensures that no road license is renewed if there are any outstanding payments in respect of fines and penalties adjudicated by a Local Tribunal;
- Prosecutors – who are appointed by the Local Councils to prosecute on their behalf against those offenders who have been accused of having committed a contravention within the boundaries of a particular Local Council; and

- Commissioners for Justice (in terms of the Local Enforcement System) – including a Petitions Board and the Local Tribunal. The Local Tribunal is an extension of the Law Courts and is responsible for ensuring that each citizen who is summoned receives a fair hearing through its Commissioner for Justice. This judiciary structure also includes a Registrar who is responsible to note down the judgement as delivered by the Commissioner for Justice.

General overview of the LES - 4

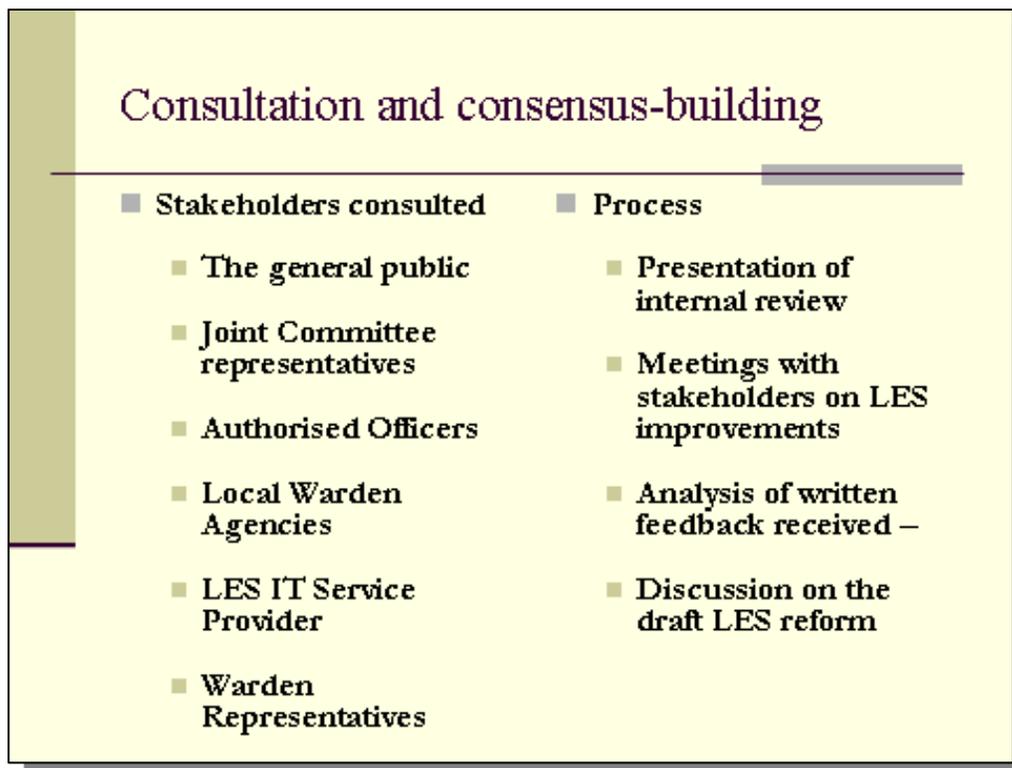
- **The key legal instruments:**
 - **Local Councils Act (CAP 363)**
 - **Private Guards and Local Wardens Act (CAP 389)**
 - **Commissioners of Justice Act (CAP 291)**
 - **Local Councils (Delegation of Enforcement Order) LN 32 of 2000** which caters for
 - **Bye-laws made by the same Local Councils**
 - **Contraventions for offences listed under the First Schedule of the same Order. These cross a number of regulatory areas which include transport, education, environment protection, and urban conservation/management**

3. Consultation and consensus-building

In a way, consultation and stakeholder input on LES started during the Local Councils reform process, where the initial views on the LES aspects were aired by a number of stakeholders and members of the general public. Therefore, the Local Councils reform process provided the source and germination of a more focused exercise on LES, so as to take stock of the situation and improve the system in general. Now that the Local Councils reform is being implemented, the next step was to initiate a process to review and improve LES, in a collaborative manner, through the involvement of all affected parties.

The Parliamentary Secretariat organised a number of stakeholder meetings with a view to elicit their views, opinions and recommendations for LES improvement. Consequent to these meetings, stakeholders were requested to submit their written proposals for consideration.

The key stakeholders consulted included: Joint Committee representatives; Authorised Officers; Local Warden agencies; LES ICT Services Provider; and Warden representatives.



Feedback from stakeholders generated a significant number of proposals on various areas related to the overall strategic approach, operations management, legal, warden, and financial aspects of LES. The main points on which there seemed to be consensus by the different parties involved included:

- Training;
- Public image;
- Special Services Wardens;
- Conditions of employment of wardens;

- Governance structures;
- Communication and consultation;
- EU funding opportunities;
- Payment methods; and
- Customer care.

Written feedback received was analysed and taken into consideration. A final presentation on the proposed LES reform was delivered to stakeholders with an ensuing discussion. The final feedback received was reviewed and considered.

The stakeholder groups commented positively on the consultation and consensus-building process as well as the measures being considered by Government. Government, not only listened and continues listening, to what stakeholders said and proposed, but also managed to get the different players together to come up with realistic, implementable and synergistic measures for LES improvement.

4. A Strategy for Strengthening the Local Enforcement System

The driving forces for strengthening LES

Government is recommending that the LES be strengthened, guided by Government's vision of nurturing better citizenship through education. Core to this process remain the core, original principles of LES – mutual respect, education, equity, the rule of law, and ultimately, the continuing development of a better society at large. Similarly, the proposed improvement rests on the principle of delegation to the Local Council, of the enforcement responsibilities for the range of offences covered.

It is expected that the renewed focus on education (the common long-term goal between stakeholders) would in turn lead to increased compliance, thus reducing the need for direct and indirect enforcement intervention, ultimately bettering the quality of life for local communities. In short: ***More Compliance, Less Fines, Better Citizens.***

Coupled with these core principles, any strategy needs to take into account the various driving factors, trends and developments whilst addressing problem areas. The key factors driving the future development of LES are summarised below:

- Government's continued belief in the Local Councils and the implementation the Local Councils reform;
- The increased importance of ensuring good governance in all aspects of the wider public administration;
- The need to make better value for public funds spent – more efficiency gains, better quality – and to consider the longer-term sustainability of Government initiatives;
- The contribution of such systems and Local Councils to economic growth and jobs;
- The cognizance that education is the long-term solution to ensuring good citizenship across-the-board;
- The increasing savvy of citizens and greater expectations for fairness, a proportionate treatment, and customer care;
- The importance of safety within the Local Council, on roads and also to wardens themselves;
- The information technology improvements which can bring about better quality, efficiency gains, improved customer service and transparency;
- The need to adapt legal instruments to reflect societal developments;
- The importance of the environment and cleaner localities;
- Mechanisms to strengthen operations, controls and improve overall management of LES for the greater benefit of citizens.

Vision and goals

- **Vision:**

More Compliance – Less Fines – Better Citizens

- **Goals:**

- **Consolidate governance and sustainability**
- **Facilitate citizen compliance**
- **Give back to the local community**
- **Develop skilled and motivated wardens**
- **Leverage modern ICT platform**

The strategy at a glance

In achieving its vision, Government has set the following objectives. These are to:

1. **Consolidate Governance and Sustainability** – Promoting good governance in all its aspects is at the core of Government’s agenda. Good governance within the LES context includes ensuring the rule of law, improving efficiency and accountability of the public service providers. The present governance structures need to be further consolidated so as to ensure the development of cohesive policies and continued financial sustainability of the LES. The continued consolidation of the present governance structures is also aimed at bringing about higher levels of transparency, accountability and faster decision-making processes.
2. **Facilitate Citizen Compliance** – the overarching aim of the LES is citizen education, that is, to promote more compliance. For this reason, the reform process places a strong emphasis on introducing new processes and systems whilst refining present ones, to facilitate citizens’ compliance efforts. Incremental penalty mechanisms, customer care and improved tribunal hearing processes are some of the reform’s target areas falling under this objective.
3. **Give Back to the Local Community** – the notion of social responsibility is another dimension tackled by the proposed reform. Social responsibility, as applied to the LES reform, espouses the view that the ultimate beneficiaries of the system should be local communities themselves, where the offence has been perpetrated. Passing on the benefits of compliance to the local communities ensures an equitable operation of the system.

4. **Develop Skilled and Motivated Wardens** – citizens should benefit from the highest service-levels possible. For this reason, investing in a skilled and motivated workforce represents a key objective of the LES revision process. Training, client relationship and improved conditions of employment represent the underlying foundations of this objective.
5. **Leverage a Modern ICT Platform** – through the refinement of the present technology-based systems and processes the introduction of new and modern technologies aimed at increasing the operational efficiency of the system.

The strategy map being proposed is therefore to invest in human resource and consolidate the ICT infrastructure and services. This investment should then be translated into better service delivery, increased compliance, changed behaviours, within a good governance framework.

Under each of the above key thrusts, Government is proposing several measures for implementation. It is positive to point out that the measures being put forward have been very positively received by the various LES stakeholders.

Consolidating governance and financial sustainability

Sound management structures are a key ingredient in the effective and efficient operation of high-performing enforcement structures. Government's key objectives in this area of LES reform are to improve accountability and policy cohesion whilst sustaining the financial performance of the entire system.

Consolidating governance and financial sustainability

<i>Objectives</i>	<ul style="list-style-type: none">■ Improve accountability and policies■ Sustain LES financially
<i>Key means</i>	<ul style="list-style-type: none">■ Consolidation of structures■ Independent audits■ Legal amendments■ Sustaining revenue inflows
<i>Key benefits</i>	<ul style="list-style-type: none">■ More cohesive policies■ Faster decision-making processes■ Increased economies of scale■ Improved transparency, accountability■ Better value-for-money

This will be achieved through various mechanisms such as consolidation of organisation structures, legal amendments and introducing independent audits of performance. In addition, a number of measures are being proposed to ensure the financial health of the LES.

Seen together these measures will realise further economies of scale, transparency and accountability of operations, within better policy frameworks. This augurs that Government and stakeholders attain better value for money spent on the LES.

The following set of measures aimed at strengthening governance is being put forward for implementation:

01. Establishment of an LES Management Committee

It is recommended that an executive and autonomous LES Management Committee is established with the aim of overseeing the operational aspects of the system, nationwide, and to provide direction and leadership. Such a Committee will invariably sustain an on-going process of communication and interaction with all LES stakeholders.

Measures to improve governance

- **Consolidate structures**
 - **Establish an LES Management Committee**
 - **Set up an advisory Stakeholders Committee**
- **Institutionalise Regional Committees** to increase economies of scale and efficiency
- **Systematic independent audits** of the performance of Regional Committees
- **Legal amendments** to include delegated offences which are not appropriately reflected in the Commissioners for Justice Act

The following structures are being proposed:

- **LES Management Committee** (executive role)
 - Chairperson; and
 - Four (4) members appointed by the Minister responsible for Local Government.
- **Stakeholders Committee** (acting in an advisory role, providing recommendations to the LES Management Committee), comprising representatives from:
 - (a) Unions;
 - (b) Datatrak;
 - (c) Authorised Officers;
 - (d) Agencies;
 - (e) Police;
 - (f) Local Councils Association; and
 - (g) Five (5) Regional Committees Representatives.

Through the establishment of a strong central structure, the LES should benefit from the development of increasingly cohesive policies and an improved decision making process. Higher levels of accountability should also be a direct consequence of an improved central lead and co-ordinating body.

02. Institutionalisation of Regional Committees

The present Joint Committees shall be replaced by Regional Committees which shall embody a defined number of Local Councils. Each Regional Committee shall be composed as follows:

- (a) Chairperson; and
- (b) a representative from every Local Council forming the respective Regional Committee.

Moreover, each Regional Committee shall have the capacity to appoint an operational committee. In addition, it is recommended that the present pooling system be extended throughout all the new Regional Committees. It is foreseen that the proposed set-up should bring about additional economies of scale whilst improving the operational efficiency of the system.

03. Systematic Independent Audits

The reformed LES will strengthen the focus on overall performance. With the purpose of increasing operational efficiency, improving performance and decreasing complaints, it is proposed that systematic independent audits measuring performance, compliance and operational quality be undertaken on the operations of the new Regional Committees. These audits should be carried out by an independent body against the policies set by the proposed central LES Management Committee and reported on regularly. It is further proposed that such auditing procedures are similar to those adopted for Local Councils.

04. Legal Amendments

The Schedule to the Commissioners for Justice Act (CJA) needs to be amended to include offences which have been delegated but not appropriately reflected in the CJA schedule or others that will be delegated in the future. Amongst others these include legal texts relating to:

- (a) construction site management;
- (b) swimming zones;
- (c) littering offences;
- (d) heavy vehicles;
- (e) public transport;
- (f) noise pollution; and
- (g) animal welfare.

Moreover, there are a number of contraventions falling under Chapter 65 - Traffic Regulation Ordinance, most particularly offences contained in the Motor Vehicle Regulations (Subsidiary Legislation 65.11) which could be effectively delegated to the Local Tribunals.

Furthermore, the legal amendments effected after notice have pointed out that certain regulations in the Motor Vehicle Regulations (Legal Notice 476/2004) were erroneously omitted by virtue of new regulations. These have now been amended and a new legal notice delegating the function of enforcement has been prepared.

In addition, Government is putting forward for implementation, the following set of measures related to continuing financial sustainability of the LES:

05. Sustaining Revenue Inflows

It is Government's intention to reduce the present annual rate of outstanding payments, which dues have an impact on the system's revenue inflow. The IT services supplier has an important role in implementing a suitable debt collection strategy.

Sustaining financial performance

- **Sustain revenue inflows**
 - **Debt collection strategy**
 - **Penalties Enforcement Registry** to ensure the collection of unpaid fines
- **Automating the issue of repeated tickets for failing to renew a car license** until such registration is renewed or the vehicle drawn from road circulation
- **Linking Car License Renewal to an individual's ID Card**
- **Addressing Vicarious Liability**
- **Explore further options to increase the scope of enforcement**, by providing services to other Government authorities

Pursuant to the above, it is proposed that an automated Penalties Enforcement Registry (PER) be implemented. Such a system would ensure the collection of unpaid fines, through the following outline process which is typical of a standard PER system:

- (a) Once an outstanding fine passes through all the applicable legal, appeals and petitions processes, and all decisions regarding payments are carried out, the payment collection process is shifted onto the PER system.
- (b) The PER triggers an enforcement order which is issued to the offender at the last known address. The enforcement order gives the offender a number of payment options, including:
 - (i) full settlement of contravention; or
 - (ii) payment by instalments.

Moreover, the LES Management Committee will explore the option of undertaking unpaid community services in lieu of monetary payment, in addition to the above options.

- (c) In the event that an offender fails to settle a contravention within a prescribed settlement period, the PER issues a reminder notice whereby the offender is advised of further enforcement actions contemplated in pursuance of the outstanding payment. Such enforcement actions could attach to them additional fees and may include:

- (i) suspending the offender's vehicle license; and/or
- (ii) suspending the offender's driving license.

06. Reducing the Cost of Tendering

With the aim of increasing cost effectiveness of LES procurement processes, it is being recommended that the tendering process allows for prospective bidders to supply quotes either in bundle format or as individual items (e.g. distinguishing between the provision of warden services and speeding cameras services). This will allow opportunities for a better 'mix and match' against requirements and hence, making better use of financial resources available.

07. Automating the issue of Un-renewed Tickets

This measure relates to the issuing of repeated tickets for failure to have one's car license renewed. In such a scenario, it is proposed that this ticket-type is issued automatically when the renewal date elapses. Following the issue of the original ticket, if a flagged vehicle is subsequently not taken off the road through the normal ADT procedures and some period of grace elapses, the system shall automatically generate a ticket at regular intervals (for instance monthly) until such registration is renewed or the vehicle is drawn from road circulation.

08. Linking the Car License Renewal to an Individual's I.D. Card

The current traffic offences system operates by linking an issued contravention to the Vehicle Registration Number (VRN). Issued contraventions have to be paid up before an offender's vehicle license is renewed. An issue with this procedure is that the described restriction is imposed on the vehicle only once there has been a "guilty" tribunal decision effecting that vehicle. Should a transfer of ownership of the vehicle be effected in an interim period (i.e. between the issue of a ticket and a "guilty" tribunal verdict), the contravention may lawfully remain unpaid since there was no restriction imposed at the time of transfer. Linking a traffic offence contravention with an individual's ID card would rectify this operational anomaly.

09. Addressing Vicarious Liability

It is proposed that amendments are made to certain provisions affecting the liability (through the notion of vicarious or imputed liability) of car hire companies, specifically on long-lease contracts.

Precisely, it is proposed that whenever a contravention is attached to a vehicle which is subject to a long-lease contract between a leasing/car hire company and a third-party (the lessee), the Regional Committee (the boundaries wherein which the infringement took place) is supplied with a copy of the lease agreement within seven (7) days of the issuing of the contravention. This will enable that the necessary legal and administrative steps be taken against the offending lessee rather than the car hire company.

Such amendments would effectively tackle the present problem whereby legal proceedings are taken against the car hire companies through the notion of vicarious liability, rather than directly with the offending party, i.e. the lessee of the vehicle. The above measure addresses the principle of equity which in turn should increase the level of trust of citizens as well as the commercial community, in the operation of the system.

10. Scope of Enforcement

It is clear that the current LES setup has the potential to grow and expand its scope of enforcement across other Government Authorities such as the ADT, MEPA, and the MMA, and also in the provision of beach and tourism zone(s) wardens. This will maximise economies of scale and will consequently improve the sustainability of the LES. It is therefore recommended to explore such options, where justified, in line with Government's direction on enforcement regimes.

Facilitating citizen compliance

The overarching aim of the LES is citizen education, to encourage good citizenship and to further increase compliance with law. On the other hand, being a public service, the importance of customer service and care, cannot but not be emphasised. Citizens deserve the best service and LES is no exception. Work must continue to build up on the foundations established but also improve the image of the entire system through improved customer service.

Facilitating citizen compliance	
<i>Objectives</i>	<ul style="list-style-type: none">■ Citizen education■ Better customer care
<i>Key means</i>	<ul style="list-style-type: none">■ Customer care service■ Incremental penalty mechanism, warnings■ Tribunal hearings■ On-the-spot payments
<i>Key benefits</i>	<ul style="list-style-type: none">■ Safer, cleaner environment■ Better service delivery■ A better and proportionate treatment to offenders■ Changing behaviours and attitudes of would-be offenders

With these aspirations in mind, the measures included under this pillar are aimed at refining present systems and processes and introducing new ones, which facilitate citizens' compliance with the legal and regulatory requirements of the LES.

The proposals span a number of areas including incremental penalty mechanisms, customer care and relationship with the citizen, the introduction of warning tickets, and other measures, which generally facilitate citizens' efforts to attain a safe and clean environment. The proposed measures also would result in a better and proportionate treatment of offenders, whilst hoping to further change behaviours and attitudes of would-be offenders. These measures are:

11. Establishment of a Central Customer Care Unit

There shall be established a central Customer Care Unit which will receive and handle all complaints/enquiries raised by citizens in respect of the operations of the LES system. It is recommended that a single centralised free phone number be assigned to this customer handling system.

12. Tribunal Hearings

To facilitate the tribunal hearings procedures, it is being proposed that an *affidavit* system for Local Wardens is introduced. Such a mechanism would complement the present system whereby Local Wardens are required to provide an official deposition during tribunal hearings. The proposed *affidavit* system would only apply in particular scenarios such as in the case of speeding tickets and illegal parking, in both cases of which photographic evidence of contravention may be easily produced.

It is further proposed that the adequate administrative arrangements are undertaken so that tribunal hearings are also carried out after 17.00hrs.

Mechanisms which raise the level of consistency of tribunal judgements are also advocated.

The foreseen benefits of this recommendation are two-pronged:

- (a) a speedier tribunal hearing process through the complementary introduction of the *affidavit* system for local wardens in relation to the deposition of evidence by the same during tribunal hearings; and
- (b) increased convenience for citizens to attend hearings through the introduction of late-hearings-procedure (i.e. after 17.00hrs.)

Measures to facilitate citizen compliance

- **Setting up of a customer care unit**
- **Improving tribunal hearings and consistency of judgements**
- **Introducing 'on-the-spot' payment**
- **Improving ticket quality**, minimising errors by introducing further checks at the point of issue
- **Incremental penalty mechanism**, whereby the fine increases on subsequent convictions of the same offence in selected scenarios by the same offender
- **Introduction of warning tickets**, to certain specific contraventions and only to first-time offenders

13. 'On-the-Spot' Payment

In addition to the present methods of payment, it is proposed that an 'on-the-spot' payment option be introduced. Citizens or foreign nationals favouring such a payment option could avail themselves of a debit or credit card swipe facility. 'On-the-spot' payment can be made exclusively by card. Cash is not accepted. It is further proposed that a reduced contravention monetary value shall apply to offenders opting to pay on-the-spot using such credit/debit cards. This will allow for a faster cash collection cycle and reduce the chance of outstanding fines (where justified).

14. Improving Ticket Quality

Another measure being put forward is to increase checks at the point of issue of a ticket so as to reduce errors. For instance, in the case of a ticket issued to a stationary vehicle, the enforcement officer could be required to enter the 'license reference number' which is then verified against the 'car registration number'. This measure will provide increased data accuracy, quality, and service.

15. Incremental Penalty Mechanism

The system should operate in a manner which prompts compliance and deters infringement. For this reason it is proposed that the present system of issuing fixed fines having minimum and maximum monetary values, be complemented by an 'incremental penalty mechanism'. The principle behind this mechanism is that a fine increases on subsequent convictions of the same offence by the same offender. This measure is also intended to change the attitude and behaviour of would-be offenders and to promote more safety and environmental consciousness.

16. Warning Tickets

Government is putting forward the introduction of 'warning tickets'. This shall only apply to certain specific contraventions and in any case only to first-time offenders.

It is hoped to reinforce the principles of equity and proportionality within the LES system, by distinguishing between first-time and repeat offenders in Measures 15 above. The proposed mechanism 'takes into consideration' first-time offenders of their general compliance through the issuing of fines that have a lower monetary value than those issued to repeat offenders of the same infringement. In the same way, the system of warning tickets complements the incremental penalty mechanism by cautioning would-be offenders by targeting their behaviour and attitudes rather than issuing a fine in the first instance.

Giving back to the local community

This pillar deals with the notion of social responsibility, that is, the view and belief that the ultimate beneficiaries of the LES should be the local community. For this reason, the measures falling under this pillar focus on directing in a positive manner, the consequences of non-compliance to the community itself. As a result, it is expected that the LES would become a more equitable system. In the process, the LES Management Committee will ensure that the education aspirations are reached and that the overall image of the system improves.

Giving back to the local community

<i>Objectives</i>	■ Redirect consequences of non-compliance back to the community where the offence occurred
<i>Key means</i>	■ Education Committee ■ Exploring community work in lieu of payment of fines ■ Outreach programme ■ Greater presence of wardens in risk areas and areas frequently attended by children and youths
<i>Key benefits</i>	■ A more equitable system ■ Better image of the LES system ■ Increased awareness of safety and cleanliness in local communities

17. Establishment of an Education Committee

Education-related tickets shall be handled by a Tribunal having a specific focus on education-related cases. Funds collected therein shall be managed by Local Councils through Regional Committees and will be used for engaging in initiatives aimed at improving school absenteeism levels.

18. Exploring the possibility of performance of community work in lieu of payments of fines

The LES Management Committee will explore the option of performance of community work in lieu of payment of fines. This is particularly being considered in the event that persons who are not in a position to pay the full amount of an issued contravention, such individuals shall be allowed to pay monthly contributions or otherwise sanctioned to perform community work in lieu of the payment of the issued fine(s).

In the case of self-employed and/or other contractors which have fees due and remain in default, these will be required to perform infrastructural community work or otherwise provide such community services in convergence with their line of work.

At the moment these are exploratory ideas which need to be studied carefully so as to ensure realistic implementation and careful consideration of all implications. The LES Management Committee will be expected to study such an option and present its recommendations to Government.

Measures to give back to the community

- **Setting up of an Education Committee**
 - Education-related tickets shall be handled by a specific tribunal on education-related cases
 - Funds collected shall be managed by Local Councils and will be used for engaging in initiatives aimed at reducing school absenteeism
- **Exploration of performance of community work in lieu of payment of fines**
- **Community outreach programme**, to educate the general public on ways of achieving safer, cleaner and more supportive local communities
- **Greater presence of wardens near risk areas and other areas frequented attended by children and youths**

19. Community Outreach Programmes

It is recommended that the LES Committee engages in appropriately designed and focused community outreach programmes aimed at educating the general public on ways of achieving safer, cleaner and more supportive local communities, and heightening the communities' awareness of the operations of the local enforcement system, its aims and objectives, and its associated operating costs.

20. Greater presence of wardens near risk areas and other areas frequently attended by children and youths

Taking cognisance of the importance of safety for children and youths, local wardens will increasingly be deployed in areas frequently attended by children and youths during appropriate times, e.g., schools, youth centres, open spaces, training centres, religious centres, playing fields, sports centres, etc. This presence will reduce risks associated with these age groups. Similarly, local warden presence will increase in potentially risk areas, e.g., cranes near frequently-populated areas. The safety and wellbeing of local communities is a basic human need and a valued-service for Government.

Developing skilled and motivated wardens

Having a highly-skilled, knowledgeable and motivated workforce is a critical success factor of any organization, public or private. LES is no exception. It is therefore imperative that the LES reform places as one of its primary objectives the professional development of the local wardens; all this within the context and the necessary pre-conditions for a safe and secure working environment and adequate conditions of employment. The human resource elements considered under this pillar include:

- (a) training and continued professional development;
- (b) customer-service and handling;
- (c) employee motivation and conditions of employment; and
- (d) public image.

Having skilled and motivated wardens brings positive benefits to a number of stakeholders, such as:

- (a) the **general public** – will be dealt with more courteously and will receive a better service, improved ticket quality, and more informed and knowledgeable wardens;
- (b) the **warden agencies (the employers)** – a higher performing workforce ultimately translates to a higher-performing organisation. It is therefore in the interest of the warden services providers to engage in activities which raise the professionalism, motivation and skills of their workforce;
- (c) the **local wardens** – training and skills development encourage motivation, work commitment and pride in the performance of duties. All this translates into a higher performing individual and an improved public image and recognition by the employer and the general public.

Developing skilled and motivated wardens

<i>Objectives</i>	<ul style="list-style-type: none">■ Improve service delivery■ Motivation
<i>Key means</i>	<ul style="list-style-type: none">■ Training in the approach to the customer, technology use■ Improving conditions of employment of wardens■ Ensuring health and safety on the beat
<i>Key benefits</i>	<ul style="list-style-type: none">■ Better professional service and efficiency■ Image■ Improved overall performance

21. Training

Wardens should be adequately trained with the aim of increasing overall service levels and minimise citizen complaints (where justified). Training areas would target:

- (a) raising the level of tickets – improving data quality;
- (b) use of new technology; and
- (c) customer-service and handling, i.e. increasing the wardens' courteousness, professionalism in dealing with the public, etc, i.e. essentially client relationship elements.

It is further proposed that the training curriculum and the examination standards should be developed and enforced by a central structure such as the proposed LES Management Committee. Additionally, wardens would be examined by an independent Board of Examiners before being licensed.

Finally, the system should take full advantage of existing European funds which are devoted to training.

Measures to develop skilled and motivated wardens

- **Training and certification**
- **Improve image through information campaigns and day-to-day behaviour**
- **Synergies with the Malta Police Force**
- **Improve conditions of employment of wardens.** Various measures proposed vis-à-vis:
 - **Salaries, career progression, benefits and employment conditions**
 - **Employment security, health and safety**

Notwithstanding all of the above, it is also the responsibility of each individual warden, as well as the employing warden agency, to seek forms of self-improvement through the identification of suitable training courses which would enhance their continued professional development.

22. Public Image

Central Government is committed to enhance the image of the local warden. Consequently, Government shall embark on targeted information campaigns aimed at improving the image of the local warden - these should be seen and promoted as 'educational agents'. Naturally, the aforementioned in no way detracts from the obligations of warden agencies (the private operators) and the individual wardens to retain the trust of citizens and improve the public image of the LES on a day-to-day basis.

23. Local Councils' Offices to act as Operational Bases for Local Wardens

Apart from serving their primary intended roles, it is proposed that Local Councils' Offices also act as operational bases for Local Wardens in the performance of their duties.

Conditions of Employment

Improving wardens' conditions of employment is essential to improve recruitment and retention levels. The wardens' level of commitment and motivation - hence their work performance - are also directly linked with their conditions of employment. The factors being considered here are:

- (a) salaries, career progression, benefits and other employment conditions;
- (b) employment security; and
- (c) health and safety.

24. Structured Career Progression

Wardens should benefit from a clearly structured career progression system. There needs to be structured levels of salaries with a minimum threshold being guaranteed, i.e. ascertaining that local wardens are not paid below an agreed-upon Government grade. Such a threshold would be communicated to all operators thereby ensuring salary protection.

25. Minimum Wage

There exists a discrepancy between the warden's minimum salary stipulated in the 'Wage Regulation Order' and that stipulated within the 'Warden Agencies Collective Agreement'. It is proposed that the Wage Regulation Order be amended with the minimum wage described therein being raised to the minimum of the first scale of the Collective Agreement. All this without prejudice to the salaries negotiated with the Agencies independently and/or any conditions relating to minimum wages which may be prescribed by Government within issued tender documents.

26. Normalised Working Hours

It is advocated that local wardens work normalised working hours. To this end, it is being proposed that the Regional Committees would not be allowed to commission local wardens on abnormal working patterns which may lead to split-shifts and atypical working hours. Eight (8)-hour working shifts/days on a forty (40)-hour week are advocated (apart from overtime and other detailing as may be necessary), with the Regions being made to buy working hours in multiples of forty (40). It is further proposed that 'core hours' are identified within which local wardens work 8-hour days. The introduction of core hours will

limit situations wherein wardens work five (5)-six (6)-hour days to maintain a forty (40)-hour week.

27. Employment Security

It is proposed that wardens do not have to renew their license annually, but that these are granted permanent licenses. Provided that the LES Management Committee will establish a Disciplinary Board to deal with alleged warden complaints or incidents and which shall have the power to remove from service local wardens.

28. Health & Safety

It is foreseen that the leadership of policy formulation in this area will rest within the proposed central LES Management Committee. The following health & safety areas shall be considered:

- in performing its role, the Management Committee shall ensure a high level of co-operation with the Malta Police Force, with Police Stations representing a safe haven for the local wardens;
- introducing an operating policy which prohibits an individual warden working unaccompanied after sunset;
- introducing an operating policy which requires that more than one warden is assigned to traffic management duties;
- ensuring the inspection of facilities and other equipment (e.g. vehicles, etc.) with the aim of ensuring the proper operational function and safety of such assets; and
- introducing and enforcing harsher penalties in the case of a physical assault/aggression on a local warden.

29. Pricing and Remuneration

In the case where the price of traffic management is fixed at law, it is proposed that the necessary legal amendments are undertaken so as to avoid scenarios wherein warden agencies can not increase their pricing schedule thereby limiting the level at which local wardens can be remunerated.

30. New Service Providers

Government is committed to ensure that every operator within the LES system achieves high levels of working standards. Consequently, the appropriate Government intervention is advocated in respect of operators which may engage in working practices of lower standards in order to start operating within the system.

31. Conditions of Work to be Declared within Tenders/Application for Services

It is proposed that Government establishes a minimum of work conditions whenever a tender is issued. This would include Government requesting to declare the pay levels of their employees and ideally agree on the same with the Union(s) representing those employees. The latter would have a direct bearing on the selection of the winning tender.

32. Special Services (Wardens)

It is proposed that 'Special Services' Wardens are fully equipped and qualified wardens similar to those on patrol, having the power to issue relevant contraventions.

33. Route & Traffic Management Wardens

It is proposed that the distinction between Route Wardens and Traffic Management Wardens is removed, with one 'Warden' role made responsible for a wide range of operational requirements.

34. Eco Wardens

The introduction of Eco Wardens is proposed. The roles and responsibilities of Eco Wardens shall revolve around environmental enforcement. The Eco Warden's role is purely focused on the environmental and cleanliness aspect of the locality, with two major responsibilities:

- (a) to enforce littering regulations and report on dumping; and
- (b) oversee that the cleaning activities contracted by the Local Council are being delivered effectively.

Every Local Council shall have the authority to engage an Eco Warden. Moreover, a rotation deployment strategy is proposed in this respect.

Leveraging a modern ICT platform for delivery

The operational efficiency of the system is invariably and increasingly dependent on technology. A technologically robust and modern technical platform is thus a key determinant of system efficiency and functionality. One must say that Government will be building on the strong ICT foundations established to date, leveraging them to attain the goals of the proposed reform.

Leveraging a modern ICT platform for delivery

Objectives

- Improved efficiency and resource utilisation
- Better data quality
- Contribute to sustain financial performance

Key means

- Mobile CCTV
- PDAs with integrated cameras
- Online services

Key benefits

- Better information for operations management
- Improved customer service
- Improved overall performance

For these reasons, the improvement of present ICT and technology-based systems, and the introduction of new technologies are proposed under a separate pillar.

35. Implementing an accounting package

It is recommended that the Sage accounting package is implemented by the present IT Services Provider as soon as possible. Such an implementation would lead to a higher degree of LES system transparency and would be in conformity with the accounting procedures adopted by the Local Councils.

36. Implementation of PDA-s with Integrated Cameras

It is recommended that Local Councils implement the use of PDA-s having in-built integrated cameras. This will improve the proof-quality of the 'Primi Noti' as they would include photos of the alleged offence.

37. Mobile CCTV

The introduction of mobile CCTV is recommended for the following scenarios:

- targeting contraventions around schools and other high-risk areas;
- enforcing timed parking;
- addressing irresponsible behaviour such as using mobile phones while driving or not wearing seatbelts; and
- tackling environmental crimes such as dumping.

Measures to further develop a modern ICT platform

- **Mobile CCTV** for various scenarios, e.g., near schools, high-risk areas, enforced timed parking, mobile phone driving, dumping, etc.
- **PDAs with integrated cameras** to improve the quality of 'Primi Noti' by capturing an image of the alleged offence
- **Enhanced online services**, e.g., user registration, online acceptance of summons delivery, more details on relevant contraventions, etc.
- **Accounting package**
- **Enhancements aimed at special target groups**, e.g., car hire companies, foreign nationals owning foreign-registered vehicles

38. Enhanced Online Services

It is proposed that the LES online website (www.les.gov.mt) is upgraded with a number of facilities for the benefit of the end user. Specifically, the implementation of a registration facility is advocated (i.e. users may register with the online portal). Such a system would allow users to log into their personal account to view all details of relevant contraventions, whilst also allowing users to update personal information and opting to subscribe to a number of facilities such as an online acceptance of a summons delivery.

39. Enhancements Aimed at Special Target Groups

Enhancements particularly aimed at car hire companies and foreign nationals owning foreign-registered vehicles/plates are also recommended. In the latter case, to ensure that a foreign national pays all fess due to Government prior to leaving Malta. In the case of car hire companies, the LES system should immediately and automatically alert such companies of a contravention issued to an offender hiring/leasing one of their cars, so that such companies may take the appropriate action to ensure final settlement of outstanding fines as part of the rental charge.

5. Way forward

The implementation of the Local Councils reform triggered off a review of the Local Enforcement System to respond to developments and trends in Maltese society. Following internal reviews of the LES, a wide consensus-building process through consultation with the various LES actors involved was carried out. It must be said that Government has listened and continues to listen, to these stakeholders. On the basis of the discussions had, a number of measures for improving and strengthening the LES were identified by Government.

The LES will retain its core focus on citizen education and will uphold its originating principles of mutual respect, good citizenship, rule of law, and equity. The proposed system development, which is anchored, in delegating to Local Councils such enforcement powers will address societal developments and build on the work done to date. The strategy is aimed at increasing compliance through education and enforcement, less fines and ultimately better citizenship.

In order to attain Government's vision for Local Enforcement, the strategy put forward is investing in the key human resource – local wardens – and in technology. Such investment will lead to increased quality of service, citizen relationship, efficiency, and introduction of new services/mechanisms. The strategy is also putting forward mechanisms aimed at the citizen and the local community, both of whom should be the final beneficiaries of the LES. Finally, the strategy is proposing concrete measures to strengthen governance, management and sustainability.

Encouraged by the feedback attained to date from stakeholders, and the fact that this strategy is owned by the different players who were involved in the consensus-building workshops, Government is now launching implementation of the strategy. Indeed, the first task of the newly-appointed LES Management Committee will be to draft an Action Plan to implement these measures.