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LESA AGENCY

Local Enforcement System Agency

Mr. Joseph Borg
Assistance Director
Corporate services - MJCL

Subject: Annual Report - 2016

Marzu 2019

Reference made to requested report, your attention is invited to note the following. Report being submitted covers period 1st October 2015 to end of December 2016.

Introduction

A certain degree of duty and responsibility vis a vis road enforcement have always existed. This pre-exists the advent of motor vehicle on our roads. The control over herds, carts, horses and other other animals used as means of transport, saw the initiation of various laws and regulations to better control enforcement: laws that not only served a regulatory purpose but also served a disciplinary purpose, linked to penalties and punishment to cater for all types of crimes and offences.

For two hundred years this responsibility fell exclusively on the Police Force which was vested with several executive duties. It was only after the election of 1971 that Public Transport was set up by an ad hoc Board which was known as the General Transport Union. Afterwards, on 17 November 1977, Transport was re-organised under the new designation "Public Transport Association". Today, the setting up of the Transport Authority in 2010, better known as Transport Malta, responsible for all transport including air and sea transport. Over time, road enforcement in the streets has increased, as have the number of registered motor vehicles - reaching a staggering 360K vehicles of different size and make.

It was Act 389 of 1996 as amended in year 2002 with the introduction of Local Wardens which established the primary functions of regulation controls together with the enforcement of several traffic laws. Today this enforcement has increased its scope to a wide range of road-traffic and other environmental issues which all offer great challenges to enforcement and to maintaining law and order. The principle purpose for setting up the Local Enforcement System Agency (LESA) was for the Agency to carry out the functions and duties relating to the enforcement of any law, regulation or order, which

enforcement was delegated to regional committees, local councils or to those other local or regional authorities as outlined in the Local Councils Act. (Reference Legal Notice 153/2015)

It is the agency which is to secure the enforcement of any bye- laws and any other legislation which may be entrusted to local councils or Regional Committee by delegation or agreement as stipulated in the Local Councils and Regional Committees (Delegation of Enforcement) order. Besides and as clearly article (3) of the Legal Notice 153/2015, there shall be an Agency, to be known as the Local Enforcement System Agency, which shall carry out the functions and duties of public administration in the following matters: - (a) providing for the enforcement of any regulation or bye- law (b) collecting penalties and managing and distributing any excesses between local councils, (c) reviewing the work of the local enforcement, (d) ensuring the coordination of local enforcement activities, (e) other ancillary matters (f) the general regulating of its proceedings, unless these violate the provisions of any other law.

The agency had immediately started its duties heading with a mission to drive vehicular enforcement with a difference, referring to an increase of the education campaign together with the understanding of responsibilities.

Summing up points refers to some key issues the agency had taken together with other initiatives and objectives being studied prior implimentation



Ray Zammit
CEO – LESA

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The Agency Operations

The First period in operation October 2015 to December 2016

What follows is a summing up and record of accountability as well as information on all operations carried out at LESA during the first 15 months since its inception (Legal notice number 153/2015 followed by Public Administration Act - Establishment as an Agency - May 2015). This could only have happened once all levels were adhered to and with the introduction of the 'white paper' as well as the Local Enforcement System Reform (2014).

(2015-2016) The first initiative was finding offices from where the Agency could operate. Several locations and sites were pinpointed and surveys carried out. Finally the former premises of the Malta Broadcasting Authority (PBS) were chosen. This was regarded as the most viable and ideal option primarily because the building is very central and easily accessible to the public. All the remedial works consisting in painting, plastering, pointing, membrane, repair of furniture, doors, a new IT system, a face-lift in the reception area along with works in the parking area, sewing of curtains were all completed in the shortest possible time. The works lasted for ten whole weeks.

Much of the above mentioned work of servicing and repairs was carried out by residents of the Correctional Facility of Corradino. It is worth mentioning that this work was done as part of a programme which residents of CCF participate in throughout the year, which served as part of a rehabilitation program. Thanks to this, thousands of Euros were saved. As a recognition for the work performed by these residents, a small sum of money as a donation, was passed on to the management of CCF, specifically to go toward the residents' family needs. A certificate attesting to the discipline and respect shown to the authorities during their work outside the Facility was also awarded. The then Parliamentary Secretary Dr. Stefan Bountempo presided the ceremony.

Following this and on the 11th October 2015 and in order for operations to begin, LESA agency was inaugurated by the Honorable Minister Dr. Owen Bonnici LL.D. responsible for Culture, Justice and Local Government, in the presence of the then Parliamentary Secretary Dr. Stefan Bountempo responsible for Local Councils. One hundred days later, on 8 January 2016, the Agency was officially inaugurated in the presence of several guests. Since, the Agency has continued to move forward. A summing up of all the work that has been conducted over the last 15 months is being presented in this document.

Accommodation

Considering that the agency had started its operations to serve as a regulator, (later as a regulator and as an operator) quick accommodation was designed to accommodate a number of posts including that of CEO, Director Responsible for Operations, Enforcement Advisor, six Regional Enforcement officers (REO's), Legal Advisor, Customer Care Unit, Accounts section along with that of Administrative Secretary. Besides, it was quickly observed that the level of education and duties performed by the local wardens (later community officers) were lacking and deserved quick remedies. Noticing this urgency a lecture room designed in the form of a courtroom or Tribunal was made ready , offering a number of informative lectures to all officers. This training had is proved useful especially on how to conduct themselves when attending Tribunals / Court sittings. Other meetings organized for all the staff were also held.

LESA Employees

As far as LESA employees are concerned, it is worth noting that during the first year there was only two principal positions - that of CEO and Director. This was done to keep expenses to a minimum due to the fact that the Agency began its operations without any money allocated to it. I confess that this step was not an easy one but I can vouch for its success.

As far as Regional Enforcement Officers, (REO) currently in office, this came about as a result of an agreement with the main contractor responsible for Wardens. In fact five (5) officers who were employed with the main contractor were loaned to the Agency for a period of six months, ex gratia. This period was renewed for a further period of six months with the difference that this time the Agency made good on the salaries owed. This period served these officials well, in preparation for their role. It was only after this one year period that a direct call was made to JOBS PLUS and interviews for the position began for the vacancies, five (5) in total which were finally approved. Many applicants expressed an interest in the post which bodes well for enforcement. Few months later the position of Administrative Secretary was also filled up. Following this and gradually the Agency as a regulator had reached its full capacity with a number of twenty employees.

Study on responsibilities

With regard to those responsibilities that the Agency was given under L.N. 153/15, offers different perspectives all aimed at providing a better service to society.. A study was carried out in order that these responsibilities translate in beneficial terms and target everybody in the same way. Among these responsibilities, one finds for the providing for the enforcement of any law, regulation or bye-law, the enforcement of which has been delegated to regional committees, or local councils; which administer and distribute between local councils any net surpluses resulting from enforcement operations; Reviewing the workings of local enforcement; ensuring coordination of local activities, regulate its own procedures unless these violate the provision of any other law; ensuring consultations with the Minister and with the Permanent Secretary for the establishment of an advisory Board. (Ref. L.N. 153/2015 (3) (4)).

Duties related to officers Job Description.

Ascertaining the exact duties of local wardens was the next step. For this purpose a number of talks were held within the agency administration as well as a review of the Warden Act Ref: 389/2000.

The functions and duties of local wardens, particularly where collisions are concerned, were also looked at. It is worth mentioning that in this area there have been substantial improvements ever since this was structured in such a way that wardens working on certain routes are now able to assist their peers in the event of collisions, thereby reducing the waiting time considerably. Other topics discussed were the closing and handling of roads during construction, the processing of permits as well as the issuing of fines. A number of changes were made, among the increasing of the number of officers to cater better in such area. Moreover a study on a number of laws that in any way address local wardens or Local Councils was carried out so that, where necessary replacement or enhancement can be effected. The process never ends

Duties linked with Regional Enforcement Officers

As far as those responsibilities associated with 'Regional Enforcement Officers, these are expected to analyse the daily work load of all the regions that fall within their remit, in order to ensure that the distribution of wardens is both on track and giving results. Moreover, establishing a close rapport with wardens is sine qua non for them to be able to assist were required and to ensure that the best service is given to the citizen. They must strive to ensure that wardens combine education with equity and not issue fines haphazardly and illogically. Bad decisions, taken hastily and flippantly in the past served only to elicit strong contempt from the public. I have no qualms stating that such contempt is passed down and strengthens from year to year, and at times, it is still strongly prevalent today. This is something which the Agency addressed from day one of its management. Admittedly it is not easy to change a mentality built on a misguided culture - one which was well inculcated into society, from the political class to the normal citizen, a system which came to be known, famously as, 'a money making machine' - on account of the infamous 'quota' which had to be reached. Each sector for which wardens are responsible is being given due importance to ensure that where there is a need for revision or review, the necessary steps are taken including changing routes and times. This issue focuses on the revolution that had to take place forthwith and which would eventually win the day. This was the only way for enforcement to gradually make way for greater responsibility and discipline, and where the citizen could begin to accept that perhaps he was to blame and not the warden.

Once again this step has served to better address the infamous 'quota' It would not go amiss to very briefly explain what the 'quota' means. It is not difficult to realise what I am talking about and just as easy to understand the way the system had been run prior to the Agency's inception. The system was so strong that it was still being practiced on a daily basis and even led to instances of abuse were the officers were being threatened if they did not issue a number of fines every day.

Remember well my first days as head of this Agency where I spent quite some time analyzing this system. I'd frequently be confused, yet amused, listening to several officials observe and compare the technical performance sheets of individual wardens where every hour of work performed was rated against figures indicated the number of fines per hour issued. If the figures were not

satisfactory, the warden was alerted to this and told to issue more fines in order that the numbers add up. Bottom line is that the quota was very much alive and well. All this had come to a halt, following strict directives to one and all, stating that enforcement should be carried out more carefully and respectfully, a system where the officer himself starts to practise what he preaches and commands the full respect of ordinary citizens. With the quota in mind the officers were psychology effected, turning afraid for being the family bread winner s/he will turn at fault.

Similar measures were taken in respect the then authorised officers employed with the regions. Their personal contracts had to be terminated with immediate effect. This was not a retaliatory action or pique, but in keeping with established procedure. It was understood that with the establishment of the new agency every contract still currently in force had to be terminated. It was these changes which led to an agreement being reached between the Agency and the Operator to loan five officials to the Agency as already explained. However no compunction is added. The door was never shut on these to said Officers. It was for reasons out of the Agency's control that these officials chose to sever all contact with the Agency, which decision was respected. The infamous quota which was a source of mockery and contempt was, as many have described it, daylight robbery. The termination of the quota served to liberate wardens from years of aggression and hostility which for years they had no choice but to kowtow to. It was not acceptable for the Agency to have officials who for years were in total control of a system to be put in a situation where their service could lead to a total system collapse

Enforcement System Advisor

To ensure that road enforcement is being conducted as it should be, a veteran was appointed to the task of assisting and ensuring that the routes which require more warden supervision be studied and that any changes deemed necessary be clearly communicated to the wardens and to other officials. Other tasks associated with this office were regular billing inspection (along with Regional Officers) to better address level of duties performed. From a survey carried out it is clear that this work was not being done, or if it was, it was not reaping the desired results in that the monitoring of wardens did not take place according to the needs of particular localities within local councils. The upshot of this was unnecessary fines, more complaints from citizens and the growing stigmatization toward duties provided by Wardens. This office started operating immediately and has yielded positive results bringing various complaints raised by the public to attention of the administration.

Introduction to the Traffic Education Campaign

The initiative in the Introduction to the Traffic Education Campaign was also another key factor in the increase of safer driving on the road. The campaign is aimed for school children , ages between 3yrs to 13yrs, to youths up to 18 yrs and to grown ups who have or are on the doorstep to aquire a driving licence. During the first year of this introduction. Not less than 2,000 school children have been addressed. The campaign was also spread within the local councils where a number of locals including young/old persons were also invited to attend.

Increasing efficiency within the Collision squad.

Considered to be one of the busiest unit within the agency where not less than 30 collisions are dealt with daily, another initiative taken by the agency was in the upgrading of the Collision Squad. Jointly efforts were made together with G4S company where an increase in both the number of members serving in this unit, together with an additional of vehicles and equipment. ¹

Encouraging better performance

A further step taken was in the encouraging a number of officers employed on traffic management ² to issue charges in writing when on site of construction site. This is being said so, due that officers on such duties were not or better where ignoring traffic irregularities observed. Officers deployed on these duties had always been misguided in carrying better traffic management, including the increasing better observation on the flow of traffic. During the same period a number of guidelines were drafted, thus giving the agency in a achieving better results in a number of areas. Among the particular areas referring to are, the set up of the disciplinary board, preparing drafts ethics and procedures programmes.

Upgrading duties procedures when dealing with and at construction sites

Due that a number of local wardens are more often than not deployed on construction sites, a number of measures among road security measures had to be addressed. Roads closure, traffic management within the area of a construction site, permits issued by the local councils or other required departments are some of the issues the agency had to face with no delays. To this effect a number of meetings were held, both at ministerial level together with a number of other stake holders dealing in the building industry , among the (MDA) Malta Developers Association. Following the meetings some strong suggestions were given more light, followed by the drafting of a short but interesting regulations memo, addressing better of how traffic management can

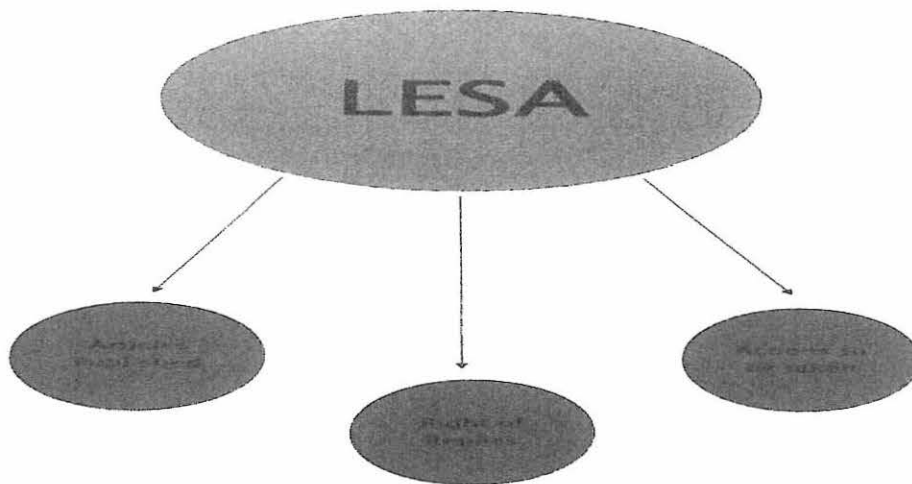
¹ Following update of initiative taken as reported in 2017 report

² Officers deployed on construction sites management better referring to (TM) also forms part from the rest of the enforcement officers , enjoying the same license issued by the Commissioner of police.

be improved, including the safety of the general public. To secure the whole issue officers dealing in this area were given a number of lectures and taught of how they can improve both their performance and also serve as an example.

Increasing work procedures

The aim in increasing work proceedings was in having a better set up in the running of the agency. Honestly reporting, the agency had to built all new procedures. This was due that non of the staff lready employed with the agency had lack of experience and knowledge. Noticing all this a number fo issues were given light among, having all staff with a decent plain clothes uniform, wearing of security staff identifications, log books to register all use of fuel, use of the vacation leave form, introduction of a roster, introduction of the nominal roll, the daily morning report, keeping os the sick leave records, introduction of the inspection book when visting officers on duty, and not the least the filing system together with the articles being published.



Proposed pilot projects shared between two or more Local Councils.

The idea of putting together a small number of Local Councils in the fight against illegal dumping had achieved positive results. Among the first local councils selected were those of Ikin, Attard, Balzan and Lija respectively. As a micro pilot project all parties agreed to increase enforcement on illegal dumping and all other environmental illegalities. Agreed to proceed with such proposal, a number of local wardens (later community officers) were assigned on the project with encouraging results received.



Introduction of notice for the towing services


Considered to be part of the agency duties, the scattering of derelict vehicles and other objects in a number of areas in particular and around rural areas, the agency had decided to also implement a copy of Legal notice No 94 of 1997. To this effect a number of copies were made and referred to all Regional Officers for strict implementation. For better records separate notices representing the five individual regions were made. Due that for the time being the agency has not yet contracted the services for towing services, assistance from Transport Malta or the police department is sought.³

³ On a number of occasions the call submitted by the agency for a contract for service has not been concluded. However same issue is to continue until progress is registered.

LESA
Local Enforcement System Agency

RX 071

**AVVIZ TAL-AGENZJA RESPONSABBLI
GHALL-INTURZAR LOKALI**
LESA Local Enforcement System Agency



Il-motur: _____

Għal- l-impet ta' l-Artikoli 8A, ta' l-Avviż Legali 93 ta' 1997 kif emendat bl-Legislazzjoni
Sussidjarja 63.13 (Regolazzjoni dwar l-Bkkanjar u l-Tnebbija ta' Vanturi bil-mutur u oġġetti
ta' ingombri), din il-vevura qiegħda tigi ssoqsqa b'fala venura abbaqgħata.

Twinija: Jekk din il-vevura ma tinfexxet minn haqq il-zona ta' (A) għen mid-data ta'
dan l-avviż, din il-vevura ser tnebbja mill-Agenzja għall-ispjegazzjoni.

Is-sid legittimu ta' din il-vevura sa deff (3) jgħid has warru għall-vevura għall-vevura jgħid
is-sid venura u jgħid jgħid ta' l-avviż tagħha warru li jgħid id-dmli deff u għid il-vevura.

Twinija: Kull min jgħid jgħid jgħid den l-avviż jgħid jgħid jgħid jgħid jgħid jgħid.

NOTICE OF THE LOCAL ENFORCEMENT SYSTEM AGENCY
LESA

Today: _____

In virtue of Section 8A, of Legal Notice 94 of 1997 as amended with Subsidiary Legislation
63.13 (Clamping and Removal of Motor Vehicles and Encumbering Objects Regulations),
this vehicle is being considered as a derelict vehicle.

Warning: If this vehicle is not removed from this place within eight (8) days from the date
of this notice, the vehicle shall be removed by the Agency at the expense of the owner.

The legitimate owner of this vehicle may within three (3) days only after its removal request
the release of the vehicle and may obtain its release only after the relevant fee according to
law has been paid.

Warning: Whoever attempts to remove, or removes this notice may be committing an
offence.

New office space for use as tribunal in Gozo

Following a number of visits made during Tribunal hearings, it was learned that sittings held in Gozo were not being run at an appropriate level. It was revealed that the sittings were being shared with a number of other entities within an NGO's hall, To this effect it was for the agency to seek other office for use and to allocate the tribunal sittings in a more and at a higher level of security. However, due a number of reasons the issue was not concluded during the year of reporting, same is still on the 2017 agenda for continuation.

New office space for the local wardens stationed in Gozo

On a similar situation stands the office in use by the local wardens found assigned in Gozo. Following meetings held with the staff, it was held that they too are sharing a small office space with other employees from G4S Company. Adding insults to injury the office lack adequate facilities, no lockers, no IT equipment, and alike. Once again the agency has felt the responsibility are to be shouldered and

Way forward

After this first period of nonstop work the Agency is determined not to stop here. There is still much to do. The Agency is looking at various other avenues where it feels it can be of service in the future as part of its duties. In addition LESA will continue to strengthen its operations both in terms of the necessary tools as well as in terms of human resources. The road to success is not always straightforward. You will encounter bumpy roads and 'failures' along the way; detours that are called confusion; red lights that are 'the enemy'. flashing light of friends and family, and the constant of work. Where there is determination one will arrive at one's destination



Raymond G Zammit
CEO – LESA.