

CODE OF ETHICS

For employees and appointees of the MALTA ENVIRONMENT AND PLANNING AUTHORITY

1 INTRODUCTION AND DEFINITIONS

1.1 This Code of Ethics is applicable to all employees and appointees of the Malta Environment and Planning Authority (MEPA) unless otherwise indicated.

1.2 In this Code, unless the context otherwise implies:

Active in politics means the active involvement of the person concerned in the administration and/or representation of a political party both on a national as well as at locality level.

Appointee of MEPA means any person appointed to a post, board or committee listed in Appendix I to this Code.

Audit Officer means the Audit Officer appointed in terms of Article 17C(1) of the Development Planning Act (Cap 356)

The Authority has the same meaning assigned to it by the Development Planning Act (Cap 356)

Code means this Code of Ethics

Declaration of interests means the declaration submitted by employees and/or appointees in terms of Section 3 and as per format in Appendix III to this Code.

Development Control Commission means the Development Control Commission established under Article 13 of the Development Planning Act (Cap 356).

Employee of MEPA means a full or part-time employee of the Malta Environment and Planning Authority irrespective of grade or nature of contract.

Ethics Committee means the Ethics Committee established as per Chapter 12 of this Code,

Locality has the same meaning assigned to it by the Local Councils Act (Cap 363).

MEPA means the Authority.

MEPA Chairman means the Chairman of the Malta Environment and Planning Authority appointed in terms of Article 3 of the Development Planning Act (Cap 356).

Secretary to the Authority means the person appointed as MEPA Secretary in terms of Article 6(4) of the Development Planning Act (Cap 356).

- 1.3 This Code complements existing legislation and regulations and amplifies the *Code of Ethics for Employees in the Public Sector* and the *Code of Ethics for Board Directors' Public Sector* published in October and November 1994 respectively by the Cabinet Office at the Office of the Prime Minister. It also complements the Code of Ethics which is included as Schedule I in the Public Administration Bill. Should there be requirements in this code which are in conflict with the above mentioned codes, the latter will take precedence.
- 1.4 The public has a right to expect that the business of MEPA is conducted with efficiency, fairness, impartiality and integrity, treating all citizens fairly, reasonably, equitably and promptly. The appointment to any of the posts, boards or committees listed in Appendix I as well as employment with MEPA carries with it a unique obligation to the public and this demands that all employees and appointees attain standards of professional and personal behaviour which will maintain public confidence and trust.
- 1.5 A number of the obligations and standards set out in this Code are also to be found in legislation. Therefore in *some* cases a breach of the provisions of this *Code* may involve a criminal offence whilst in other cases it may amount to serious breaches of discipline and the possibility of removal from appointments or dismissal from employment, the latter subject to the relative provisions of the Collective Agreements in force at MEPA and/or contracts of service.
- 1.6 This Code determines a number of responsibilities to the members of the Authority. Unless specifically stated in this Code, the Authority shall not delegate any of its responsibilities arising out of this Code to any person, board, committee or sub-committee.
- 1.7 All employees and appointees shall be handed a copy of this Code: employees upon engagement and appointees upon appointment.

2 VALUES

- 2.1 This Code of Ethics rests upon a number of values which require that employees and appointees behave with:
- Integrity
 - Honesty
 - Loyalty to the public interest
 - Impartiality
 - Conscientiousness
 - Equity
 - Transparency
 - Accountability
- 2.2 All employees and appointees should ensure that their private activities are not likely to influence in one way or another their public duties.
- 2.3 Employees and appointees shall make a proper use of the opportunities, presented by MEPA and should not use these opportunities for improper advantage. They shall not allow their personal interests to conflict with those of MEPA or its clients nor shall they misapply MEPA's assets. .

3 REGISTRATION OF INTERESTS

- 3.1 All employees and appointees shall avoid being in a situation which gives rise to a conflict between their duties towards MEPA and their interests. In particular they shall avoid any financial or other interest or undertaking that could directly or indirectly compromise the performance of their duties.
- 3.2(i) Since it is generally only the employee or appointee who is aware of the potential conflict of interest, the onus is on the employee or appointee to report, if a potential or actual conflict of interest arises.
- (ii) All appointees listed in Appendix I to this Code, as well as all employees having appointments in the Grades listed in Appendix II to this Code shall disclose in writing to the Secretary of the Ethics Committee a declaration of interests on the form prescribed in Appendix III to this Code The declaration should include those interests that could impinge, or be perceived to impinge, whether positively or negatively, on their public duties with MEPA and this should include albeit not exhaustively:
- a) Any profession or employment, whether full or part time.
 - b) Any directorship, partnership, agency or any shareholding,
 - c) Any interest in goods or services supplied to MEPA.
 - d) Membership of the directing body of any organization.

e) Any interest in property or investment

- 3.3 MEPA employees who are seconded to carry out duties elsewhere shall not be exempted from submitting the declaration of interests as per section 3.2 above.
- 3.4 The Secretary of the Ethics Committee shall transmit all declarations of interests received to the said Ethics Committee and shall thereafter place in safekeeping. Except as is otherwise provided in section 11.7 of this Code, these declarations of interests shall remain confidential. The Authority shall only permit access to a declaration of interest submitted if such access is reasonably required for the purposes of an investigation by a body competent at law. When the Authority decides to permit access to a declaration of interests, it shall notify the employee or appointee concerned immediately of its decision.
- 3.5 An employee or appointee shall, when drawing up the declaration as per Appendix III, include the interests of his/her partner and minor children.
- 3.6 It is stated for clarity's sake that whilst a declaration of interests as per this Code is being limited to the interests of an employee/appointee and the members of his household (partner and minor children), this does not mean that other interests which the employee/appointee might have are being ignored. The declaration of interests deals only with registrable interests. Other interests which may exist and which are generally only known to the employee/appointee should be acted upon when the circumstances so warrant.
- 3.7 The declaration of interests in the form established at Appendix iii to this Code shall be submitted within two months of appointment or employment. A fresh submission of the declaration of interests duly updated shall be made yearly by not later than the last working day of March.
- 3.8 If a conflict of interest is identified in respect of a new employee or appointee this should be resolved before employment or appointment respectively.

4 UNDUE PRESSURE

- 4.1 All employees or appointees are duty bound to reject totally and immediately any undue pressure that is brought to bear on them in order to influence them in their behaviour or decisions. Undue pressure is considered to take place if a person demands a specific line of action in relation to an application (or other planning matter), in particular if such demand is accompanied by a form of threat or promise of reward, implicit or explicit, and/or where there is persistence by the person in seeking a particular outcome. The same applies to administrative matters.
- 4.2 The nature of planning is such that contact between MEPA employees and holders of political office is inevitable. Public consultation takes place for development applications and drafting of policy documents amongst others. Holders of political office have the right to participate in such public consultation exercises like everyone else. Notwithstanding, employees and appointees are duty bound to reject undue pressure brought to bear on them by holders of political office where such pressure is exerted by reason of the political office the politician holds.
- 4.3 The MEPA Chairman shall be immediately informed by an employee or appointee if an attempt, as per section 4.1 and 4.2 above, has been made. The MEPA Chairman shall thereafter, at the first opportunity, inform the Authority. The matter shall be recorded in the minutes of the Authority and appropriate action taken or initiated.

5 GIFTS AND IMPROPER OFFERS

- 5.1 No employee or appointee should accept a gift or benefit, including sponsored travel and hospitality, if considering the circumstances it could be interpreted as intended or likely to cause the employee or appointee to do his or her job in a particular way or to deviate from the proper course of duty. This includes the acceptance of frequent invitations to social activities, lunches or similar functions where the presence of the employee or appointee may give rise to the breeding of familiarity with clients of MEPA and eventually blurring the dividing line between what is acceptable and unacceptable behaviour.
- 5.2 A gift could be interpreted as an inducement or a reward simply because of intrinsic value, and therefore only token gifts may be accepted.
- 5.3 The principles in sections 5.1 and 5.2 shall apply not only to employees or appointees, but also to their partners and minor children.

- 5.4 If an employee or appointee is offered an undue advantage he/she should take the following steps to protect himself or herself:
- a) refuse the undue advantage,
 - b) avoid lengthy contacts,
 - c) report in writing the attempt as soon as possible to his or her supervisor or board chairperson, the Ethics Committee or directly to the appropriate law enforcement authority. In the case of employees, his/her supervisor will decide whether he will continue on that task or whether to assign the task to someone else.

6 MEETINGS

- 6.1 An employee or appointee shall, when participating in a meeting of any body board, committee or sub-committee within MEPA, declare his/her interests relative to the matter under consideration, if such interests exist. The declaration shall be registered in the minutes. The individual shall withdraw from the meeting when the matter in which he/she has the declared interests, is being considered. If in the opinion of the members present at the meeting the declared interest does not merit an exclusion, the individual member may be asked to reconsider.
- 6.2 The Secretary to the Authority shall be informed of each case when an interest has been registered in the minutes of the meetings. If it results to the said Secretary that an employee/appointee is being faced with frequent cases of conflict of interest, or if the interests registered are such that the meetings of the body, board or committee within MEPA is being hampered, then he shall draw the attention of the Authority in order that appropriate action be taken.
- 6.3 Except for the Chairperson, no member of the DCC shall discuss with applicants/interested parties any pending application, except during the meetings of the said DCC. Where the Chairperson meets an applicant/interested party, it would be preferable if the case officer or his superior is also present but if this is not possible another official of the Directorate is to be present.
- 6.4 Appointees shall not have access to MEPA files or documents unless authorized by the Authority. In particular, privileged access to documents and files shall be limited to those files and documents relative to matters being discussed in the board, committee or subcommittee of which the appointee forms part and is intended for his/her information.

7 PERSONAL AND PROFESSIONAL BEHAVIOUR

7.1 Employees and appointees should perform all duties associated with their position, diligently, impartially and conscientiously, to the best of their ability. They must:

- a) strive to obtain the best value for public money spent and avoid waste and extravagance in the use of public resources;
- b) not take or seek to take improper advantage of any official information gained in the course of their term of office or employment;
- c) not wilfully nor negligently supply anyone with incorrect or misleading information;
- d) not indulge in favoritism or nepotism;
- e) ensure that the advice given is objective and impartial in all instances, based on fact and the relevant policies and in line with their technical competence; and in doing so, not attempt to curry favour with their superiors by giving advice they want to hear.
- f) treat members of the public and other staff members with courtesy and sensitivity to their rights.

7.2 (a) In the performance of their duties, employees are expected to give full support to current policy once this is approved by the appropriate authorities. The views and beliefs of the employee should not take precedence over those explicit or implicit in current approved policy. When faced with having to implement a policy which is at variance with his/her view an employee should discuss the matter with an appropriate superior, depending on the nature of the matter, to resolve the issue.

(b) Appointees are expected to give full support to current policy once this is approved by the appropriate authorities. The values and beliefs of the appointee should not take precedence over those explicit or implicit in the current approved policy. When faced with having to implement a policy which is at variance with his/her view, an appointee is to make known his views to the other appointees on the board and, use his or her discretion, to consider carefully the respective weighting that he/she shall give to that policy within the overall policy context.

7.3 Employees and appointees should not harass or permit harassment of other employees, appointees, or clients of MEPA nor discriminate on the grounds of gender, marital status, pregnancy, age, race, colour, nationality, physical or intellectual impairment, sexual orientation, or religious, political or other convictions/ allegiances. In determining what constitutes harassment, MEPA will be guided by the document *The Public Service: Guidelines on What Constitutes Sexual Harassment and on The Procedures to be Adopted in cases of Sexual Harassment* issued by the Management and Personnel Office. Employees and appointees shall ensure that legal requirements

regarding the employment of disabled persons are observed by their organisation.

- 7.4 Employees and appointees are individually required to act honestly and in good faith seeking the best interest of *MEPA* and shall exercise the care, diligence and skill that a prudent person would exercise in comparable circumstances.
- 7.5 All employees and appointees are encouraged to report to the Ethics Committee (vide Section 11 below) any unethical behaviour which is detrimental to the credibility and impartiality of *MEPA* observed during the course of their duties. *MEPA* should take steps to ensure that an employee or appointee who reports unethical behaviour or any other wrong doing is not victimized.
- 7.6 *MEPA* shall take steps to protect the confidential information to which employees and appointees have access during the course of their duties. Appointees shall be required to bind themselves in writing, on appointment, not to divulge to unauthorized third parties such confidential information. Likewise *MEPA* shall bind all its employees with a condition in their contract of service through which they shall declare that they will not divulge to third parties, nor make unauthorized use of confidential information to which they shall have been privy during their employment. Provisions compatible with this Section shall be included in the Collective Agreements applicable at *MEPA* at the first opportunity.
- 7.7 Membership in an organisation including political organisation and unions does not exonerate employees from their responsibility of not divulging official information unless specifically authorized.
- 7.8 Membership in a secret society is incompatible with the duties of employees and appointees.

8 PROCUREMENT

- 8.1 Employees and appointees should seek to ensure the best value for money in drawing up the specifications and the conditions of procurement and in the adjudication of the offer or offers. Specifications are not to be restrictive in such a manner as to exclude a number of potential bidders. Tenders issued are to be in line with Government's "green" procurement policy.
- 8.2 In all procurement practices, including the setting out of procedures for tendering, employees and appointees must bear in mind that the expenditure involved is being incurred out of public funds.

- 8.3 The highest possible level of accountability and transparency should be reflected in every stage of the decision making process of procurement.

9 CONSTRAINTS ON POLITICAL ACTIVITY AND THE MEDIA

- 9.1 Employees and appointees should act in a politically neutral manner and ensure that their political interest does not compromise the conduct and public perception of the duties of their office.
- 9.2 To this end, employees and appointees should:
- a) avoid political activity at MEPA run premises and the use of MEPA owned equipment or material for such activities; and
 - b) avoid activities from which MEPA's employees, suppliers and clients might reasonably infer a requirement to support a particular party.
- 9.3 It shall not be compatible with their duties for employees listed in Appendix II to this Code to seek elected public office. Moreover for employees at senior planning officer or upwards, it shall not be compatible with their duties for employees to actively participate in a political activity, although "passive" attendance to political activities is not considered as incompatible.
- 9.4 In order to avoid the perception of conflict of interest, with the exception of the provisions of Article 3(3) of the Development Planning Act, no person shall be eligible for appointment to any of the boards, committees or posts listed in Appendix I to this Code before two years have elapsed from his/her seeking elected public office or from being active in politics.
- 9.5 Employees shall not involve themselves in the media unless specific prior written permission is obtained from the MEPA Chairman. In such cases, comments made by MEPA employees shall be confined to factual information and shall not express opinion on policy or decisions taken.
- 9.6 All appointees shall handle with care their contributions to the media, both printed and broadcast. In particular they shall avoid contributions dealing with their areas of responsibility in order to avoid transmitting conflicting messages to the public.

10 EMPLOYMENT WITH THIRD PARTIES

- 10.1 Subject to the Collective Agreements in force, written permission is required before MEPA employees may engage in any form of business or employment outside their official duties.
- 10.2 In all cases when part-time employment is considered, MEPA employees should give their MEPA employment first consideration and avoid situations which could give rise to, or the appearance of, a conflict of interest. Where such situations are predicted it shall be reasonable to withhold permission.
- 10.3 Former employees are not allowed to be involved in any application or planning issue in which they were previously involved in as MEPA officers. Nor are they allowed to divulge to third parties, nor make any use of confidential information to which they were previously privy during their MEPA employment. Former MEPA employees should ensure that they do not accept employment or engage in activities which may cast doubts on their own integrity or that of MEPA.

11 ETHICS COMMITTEE

- 11.1 MEPA shall appoint an Ethics Committee which shall have the following terms of reference:
- a) to examine all declarations submitted in term of section 3.02 of this Code, as well as to note the non-submission or late submission of declarations;
 - b) to advise the Authority and/or the Minister responsible for MEPA of any action required to be taken as a result of the examination of the declarations submitted, not submitted, or submitted after the deadlines established by this Code in terms of the said section 3.7 of this Code,
 - c) to consider all ethical matters arising in MEPA and to advise the Authority thereon, including to advise on any allegations of breach of the provisions of this Code,
 - d) to monitor the operation of this Code and recommend amendments when the need for these arise.
 - e) to consider reports made of unethical behaviour and in particular to ensure that persons who submit reports are not victimized or discriminated.
- 11.2 The Ethics Committee shall consist of members appointed as follows: Three members appointed by the Minister. A non-voting secretary shall also be appointed by the Minister.

- 11.3 The Ethics Committee shall conduct its business in the presence of a quorum which shall consist the Chairman and one member. Where the Chairperson is unavoidably absent, one of the other members shall sit in as Chairperson.
- 11.4 The Ethics Committee shall determine its own procedures but it shall not delegate any of its functions and responsibilities.
- 11.5 The Ethics Committee shall keep a register of all declarations received. Part A or the Register shall contain declarations submitted by appointees, as well as those of the Director General, Director of Planning, Director of Environment Protection, and the Director for Corporate Services and Assistant Directors, whilst Part B of the said register shall contain declarations submitted by employees excluding those already included in Part A.
- 11.6 Part A of the Register shall be available for inspection by Ethics Committee and MEPA board. Part B available to be viewed to be viewed by the Ethics Committee only.

12 TRANSITORY PROVISIONS

- 12.1 This Code shall apply immediately to all employees and appointees subject to the exceptions listed in this section.
- 12.2 Declarations of interests by current employees and appointees, shall be submitted within two months of the coming into force of this Code, and thereafter in accordance to the provisions of this Code.
- 12.3 Employees who are currently occupying posts of elected public office shall serve their current term and may contest for further terms. Upon loosing political office they thereafter shall conform to section 9.3 of this code.

Employees currently holding public office shall ensure that their participation in political activities does not bring them into conflict with their role as an employee and that it shall not in any way undermine the impartiality and the credibility of MEPA. If a conflict of roles does arise, the employee shall stop participating in that political activity which is giving rise to the conflict.

- 12.4 All employees currently in employment and all appointees currently appointed to one of the posts, boards or committees listed in Appendix I to this Code shall be handed a copy of this Code within one week of its coming into force.

13 SANCTIONS

- 13.1 Sanctions may be applied if MEPA employees are involved in breaches of this Code of Ethics. The sanctions applied shall depend on the seriousness and nature of the breaches and may entail formal disciplinary action as applicable. Whenever appropriate, counselling by a supervisor or members of senior management may also be given.

APPENDIX I

MEPA Appointees to whom this Code of Ethics shall apply (Section 1.1 of this Code)

Members of MEPA (*Article 3 of the Development Planning Act*)

Secretary to the Authority (*Article 6(4) of the Development Planning Act*)

Members of the DEVELOPMENT CONTROL COMMISSION Divisions A, B, & C (*Section 3 of the Development Planning Act*)

Members of the HERITAGE ADVISORY COMMITTEE (both Panels) (*Article 8(5) of the Development Planning Act*)

Members of the PLANNING CONSULTATIVE COMMITTEE (*Article 12 of the Development Planning Act*)

Members of the USERS' COMMITTEE (*Article 17 A of the Development Planning Act*)

Members of the MINERALS ADVISORY BOARD (*Structure Plan Policy MIN 3*)

Members of the IPPC COMMITTEE (*Schedule 6 of Legal Notice 234/2002*)

Members of the ORNIS COMMITTEE (*Legal Notice 146/1993, as amended*)

Members of the BIO-SAFETY COMMITTEE (*Legal Notice 290/2002, as amended*)

Chairman of the ETHICS COMMITTEE (*Appointed in terms of Article 0.02 of this Code of Ethics*)

Audit Officer Appointed in terms of Article 17C or the Development Planning Act

APPENDIX II

MEPA Employees who shall submit a *Declaration of Interest* in terms of Section 3.2 (ii) of the Code

Director General

Director of Planning (Appointed in terms of Article 6(1) of the Development Planning Act)

Director of Environmental Protection

Director for Corporate Services

Assistant Directors

All members of Staff at the Audit Office

Officers occupying Grades 4, 5, 6, 7 and 8

Officers occupying Grades A, B, C, D, and E

APPENDIX III

**CODE OF ETHICS
DECLARATION OF INTERESTS**

Name, address and ID No

Role in MEPA during preceding year

Employment or profession if exercised separately or in addition to above

Involvement in private companies or agency that may result in a conflict of interest with the role at MEPA

Shareholding that may result in a conflict of interest with the role at MEPA

Interest in Property

Other Investments that may result in a conflict of interest with the role at MEPA

Interest in goods and services supplied to MEPA

Director or Board member on public sector agency (other than MEPA)

Names of Partner and of Minor children

DECLARATION

I, the undersigned ID..... hereby declare that the above information submitted in terms of the provision of the MEPA Code of Ethics is a true record of my interest as on 31 December

.....
Signature

.....
Date