

PUBLIC PRIVATE PLATFORM AGAINST CORRUPTION

Report on building and land use permits in local authorities

1. Introduction

The recommendations of the Sub-Committee on Permits and Licences in Local Authorities was presented to the Public Private Platform Against Corruption (PPPAC) at its meeting of 14 June 2016. The PPPAC requested that actions be initiated for the implementation of the recommendations made.

2. Methodology

A meeting was held with the Chief Executives of the twelve Local Authorities and the Ministry of Local Government. The objectives were to:

- Present the approach used by the Sub-Committee;
- Take cognizance of the implementation of Corruption Prevention Review (2008)
- Apprise the Chief Executives on the finding and recommendations of the sub-committee;
- Discuss and agree on actions which needs to be undertaken;
- Agree on an implementation plan.

3. Discussions

Implementation of the Corruption Prevention Review (CPR)

In 2008, ICAC carried out a CPR on the allocation of Building and Land Use Permits (BLP) in four Local Authorities namely:

- The Municipal Council of Vacoas-Phoenix
- The Municipal Council of Beau Bassin – Rose Hill
- District Council of Flacq
- District Council of Moka

The Ministry of Local Government requested that the recommendation proposed by ICAC be implemented in all Local Authorities. Further to discussions, status is as follows:

Main findings	Status	Update
No documented procedures for receiving applications by Information Desk Officers	Implemented	Guidelines are not being properly used. There is need for more public awareness campaigns through radio or TV.
Effective date application was not stated/ wrongly stated in the application form	Implemented	Implementation of an on-the-spot assessment checklist filed by a Technical Officer may be considered
Awareness on systems and procedures were seen to be insufficient.	Implemented	Concerns were raised on illegal developments
Reasons for rejected objection from a contiguous neighbour are not communicated to the objectors	Implemented	Mandatory
Lack of supervision on operation of information desks	In progress	Training/ rotating planners where data input are considered inadequate or not up to speed may be considered

Main findings	Status	Update
No inspection checklists are available	In progress	Checklist has been implemented in a few Local Authorities. To consider circulating checklist across all Councils.
Monitoring and enforcement functions are not adequately supervised	In progress	Site Movement Book has already implemented by some Councils. Same has to be replicated across all Local Authorities.
No proper complaints management system	In progress	List of complaints should be generated and a Root Cause Analysis should be carried out. Corrective and preventive measures to be implemented.

Recommendations of the Sub-Committee on Permits and Licences in Local Authorities

The following recommendations were agreed by the Local Authorities:

- i. Undertaking private work can result in conflict of interest, bribery & unfairness**
 - a. Adopt code of conduct
 - b. Swearing an oath in the Supreme Court by all officers involved in licensing (Permit Business and Monitoring Committee (PBMC) and Executive Committee)
 - c. Favour the use of online application systems which reduce human intervention hence risk of corruption. Mandatory use of BLP online system (floor area > 150 m²). Publicize use of the online system.
 - d. More awareness on provision of POCA.
 - e. Consider the use of pre-approved standard plans free-of-charge.

- ii. Illegal Constructions (risk of bribery in enforcement)**
 - a. Review legislation - pull down order in case of illegal construction to restore to initial stage within a defined time frame.
 - b. Ex-post control - more rigorous enforcement at initial stage of construction
 - c. Construction supervised by a private engineer/ architect and inspectors carry out risk-based inspections – improvement of quality of construction
 - d. Redefinition of exempt development (home-based activities)

iii. Processing of applications

- a. For large projects, a pre-application meeting can be organized where a Public Relation Office will guide the applicant as to his application.
- b. Enforce separation of duties with checks and balances.
- c. Setting up of the Council of planners and draughtsman.
- d. Implementation of the Public Sector Anti-Corruption Framework in all Local Authorities
- e. Merging PBMC and Executive Committee into a single committee. Given that the Executive Committee can put pressure on the PBMC, it was proposed that the PBMC and the Executive Committee be merged into a single committee – *policy recommendation*.
- f. Enforce 14 working day rule for all determination of BLUP.
- g. Favour the use of GIS in all Local Authorities.
- h. Access to Land Administration, Valuation and Information Management System (LAVIMS) and deeds module of Mauritius eRegistry Project (MeRP).

iv. Communication between citizens and Local Authorities

- a. Publication of a Customer Charter
- b. Raise awareness on citizen's rights and responsibilities
- c. Implementation of a Complaints Management System in each Local Authority
- d. Information desk in local councils to be manned by experienced and trained officers to properly guide members of the public.

v. Training

Training of technical cadres of Local Authorities on provisions of POCA