

# Weak capacities of the inspection services in the municipalities



# WEAK CAPACITIES OF THE INSPECTION SERVICES IN THE MUNICIPALITIES

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## KEY FINDINGS

- In each of the analyzed municipalities the job positions in the inspection supervision sectors are not completely filled and in some of the municipalities even half of the planned staff is lacking in the corresponding organizational units – inspection service, and some of the management positions are also empty.
- None of the municipalities have prepared a risk assessment methodology.
- Only two of the municipalities respect the legal obligation to prepare semi-annual reports on the work of the inspection service as part of the municipality and publish them on their web-page.
- Huge discrepancies among the municipalities have been noted regarding the number of issued warnings and decisions by the inspection services; in some municipalities there are 1,000 annually and others have issued none or only one warning or decision. This situation creates doubt as to the inefficiency of the services and corruption.
- The fact that none of the municipalities have adopted an anti-corruption program for the inspection service or an internal procedure for prevention of conflicts of interests is particularly worrying.
- The number of conducted inspection supervisions in the municipalities by the State Administrative Inspectorate varies from municipality to municipality; there are also municipalities where supervisions have not been conducted for a longer period of time.
- The municipalities which have been subject to supervision by the State Administrative Inspectorate do not disclose the Inspectorate's findings on their web-pages.

## GOAL OF THE RESEARCH

The goal of the research is to understand the situation with the inspection supervision in the local self-government units. The research is motivated by the risks of corruption connected to inspection supervision which impose the necessity of analyzing the existing practices, detecting the problems and preparing appropriate recommendations in order to increase the transparency and integrity of these procedures.

The National Strategy for Prevention of Corruption and Conflict of Interest 2021-2025 identified the inspection supervision as one of the key five horizontal areas where strong risks of corruption are generated. In accordance with the Strategy, and in order to consistently conduct the regulation, it is necessary to strengthen the mechanisms for control and inspection, to improve the legal framework and to strengthen the human and material resources of the supervision bodies, as well as to constantly upgrade the knowledge skills and integrity of the employees and their resilience to corruption. The insufficiently functional inspection supervision in the local self-government is noted as one of the priority problems as regards the law enforcement agencies. In accordance with the Strategy, the decentralization process in the Republic of North Macedonia introduces the category "authorized municipal inspectors" in the local self-government units who have the status of administrative officers. At the same time, there is no harmonization of jurisdictions of the state and municipal inspectors. A large number of the municipalities have a small administrative service which is why the responsibilities of

the inspection supervision are performed by people authorized by the mayors who do not possess appropriate qualifications and knowledge. The Law on Construction, the environmental protection laws and the Law on Local Self-Government do not ensure the independence and autonomy of the authorized inspectors in their actions and adopting of acts, and there is a strong influence in their actions by the mayors and other interested parties. In order to improve the system of inspection supervision on local level it is necessary to strengthen the integrity of the inspection services and fill them with professional staff.

This research was conducted in eight municipalities (Bitola, Kicevo, Kumanovo, Negotino, Tetovo, Strumica, Cair and Stip), but it has to be emphasized that the Municipality of Negotino, despite all efforts to provide appropriate data, remained unresponsive and is not included in this research simply because the municipality did not respond to the request for free access to public information and the data which are subject of this research remained undisclosed.

In order to provide the information regarding the inspection supervision in the municipalities, the Center for Civil Communications together with the non-governmental organizations involved in the conducting of the project "Safeguards against Corruption" (Youth Cultural Center – Bitola, Rural Coalition, Center for Intercultural Dialogue, Ecological Association Vila Zora Veles, Citizen's Association Research and Analysis Centre NOVUS

Strumica, Association Multikultura, Citizens' Association ZIP Institute for Politics and Good Governance and EHO Educational-Humanitarian Organization) submitted identical requests for public information to the eight municipalities included in the project. Data was requested on the number of employed licensed inspectors in the municipalities according to areas, categories and levels of the inspectors' jobs for 2019 and 2023, as well as the number of planned jobs for inspectors in accordance with the systematization of jobs in the municipality. Additionally, the risk assessment methodologies adopted by the heads of inspection services were requested, as well as the semi-annual reports on the work of the inspection service in 2023 and the links to their publications on the municipalities' web-pages, data on the number of issued warnings and decisions to remove irregularities and deficiencies reported by the inspection service in 2023, the number of requests for initiation of misdemeanor or criminal proceedings in 2023, the anti-corruption program of the inspection service, the written procedures for prevention of conflict of interest for inspectors, the number of inspection supervisions conducted in the municipality by the State Administrative Inspectorate in the period 2021-2023 and what irregularities the inspectors found during the performed inspection supervisions.

## NUMBER OF EMPLOYED INSPECTORS IN THE MUNICIPALITIES

- In each of the analyzed municipalities, the job positions for the inspection supervision in the organizational units are not completely filled and some of the management positions in these organizational units (i.e. inspection service) are also empty.

An inspection supervision is conducted in order to supervise the implementation of the laws and other regulations and general acts in the work of the supervisions bodies. The inspection services in the local self-government units are organized as organizational units for inspection supervision.

In each of the analyzed municipalities, the planned positions for the municipal inspectors are partially filled. In accordance with the systematization of the seven analyzed municipalities, there are a total of 118 positions planned and only 74 or 63% are filled.

The Municipality of Cair has the most unfilled positions or 50% of the planned positions are unfilled, whereas the Municipality of Tetovo has the highest percentage of filled positions or 72%.

Number of employed and planned inspectors in the municipalities

Municipality	Number of employed	Number of planned	Occupancy rate
Tetovo	23	32	72%
Stip	9	14	64%
Kumanovo	12	19	63%
Bitola	11	18	61%
Kicevo	5	9	56%
Strumica	11	20	55%
Cair	3	6	50%
Negotino	The municipality did not submit the requested information.		

According to areas, the majority are communal inspectors or 21, then inspectors for construction and urbanism or 14 and environment. On the other hand, the majority of unfilled positions are from the area of roads and traffic or 9, construction and urbanism or 7 and housing 5.

In some of the municipalities there are some management positions which are not filled. As a result, in the Municipality of Bitola the Head of Department for Communal Inspection and Environmental Inspection and the Head of Department for Inspection of Income, Tourism, Hospitality, Education and Sports are not filled. In the Municipality of Strumica the Head of Department for Inspection of Finances, Education, Sports, Hospitality, Tourism and other inspections in the jurisdiction of the municipality are not filled and in the Municipality of Stip the Head of Department for Urbanism and Construction Supervision and Traffic and Roads Supervision is not filled.

## RISK ASSESSMENT METHODOLOGY

- **None of the municipalities have prepared a risk assessment methodology.**

According to Art. 32 paragraph 4 of the Law on Inspection Supervision, risk assessment entails analyzes, management and reporting on risk and a risk assessment methodology is conducted which is adopted by the head of the inspection service after the previous opinion of the Compliance Council.

The municipalities were asked to submit the methodology, but none of them had the specific document.

In the response to the request for free access to public information, the Municipality of Strumica disclaimed its legal obligation by referring to Article 32 paragraph 4 where it is stated that the risk assessment methodology is adopted by the head of the inspection service from Article 26 paragraph 1 point 1 (bodies within the ministries – state inspectorates for separate areas) and point 2 2 (organizational units for inspection supervision within the bodies of the state administration). In other words, the Municipality of Strumica interprets that the municipalities do not have an obligation to adopt risk assessment methodologies because Article 32 paragraph 4 does not state that a methodology is also adopted by the heads of the inspection services from Article 26 paragraph 1 point 3 (organizational units of the inspection supervision as part of the municipalities, the municipalities in the City

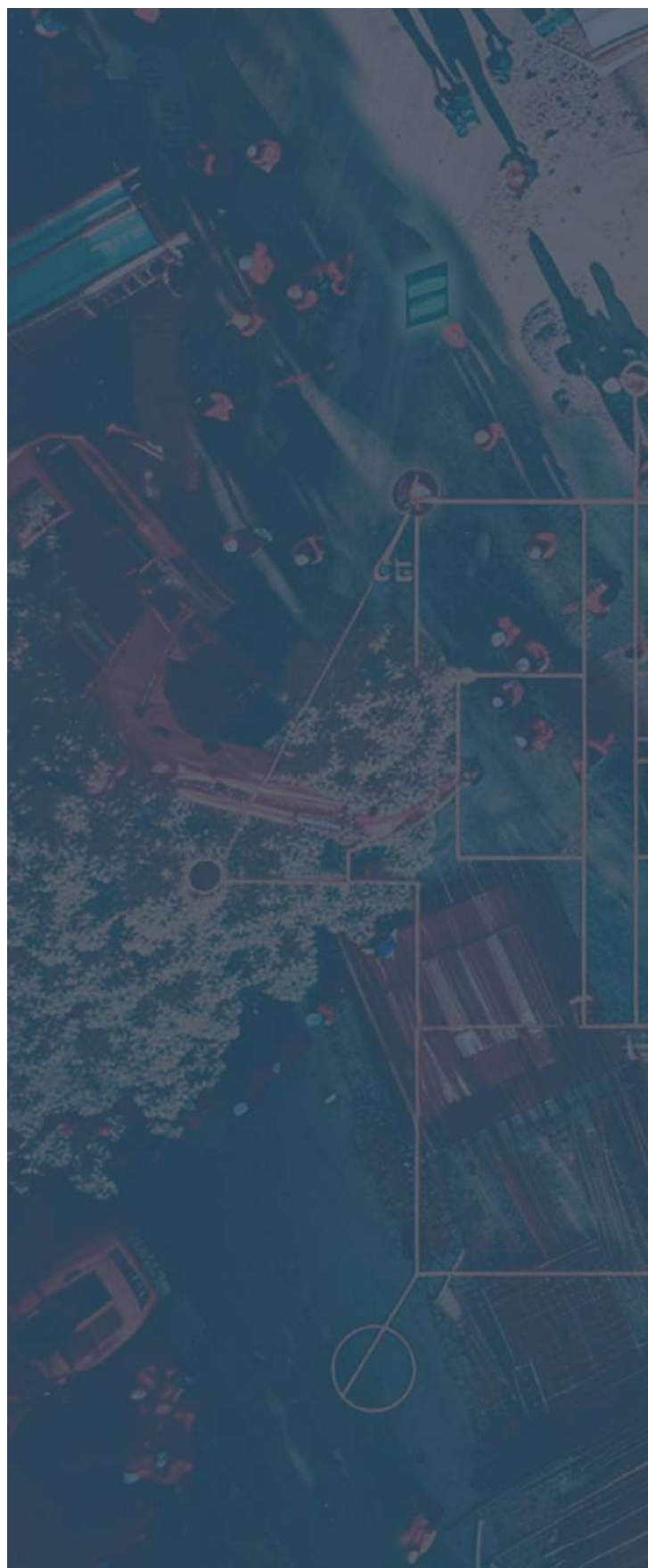
of Skopje and the City of Skopje). It is a fact that Article 32 paragraph 4 does not explicitly mention the municipalities when stipulating the obligation to adopt risk assessment methodologies. But it should also be considered that narrow interpretations of the laws lead to illogical factual situations. Firstly, how would the municipalities conduct a risk assessment if they do not have a methodology? Secondly, even if they do not have an explicit obligation to adopt a risk assessment methodology, the municipalities will have no harm if they, in fact, adopt a methodology. Thirdly, the Law on Inspection Supervision does not differentiate between the municipal inspectorates and the other inspection services in almost any way which is why it is illogical for there to be a different treatment only when it comes to the adoption of a risk assessment methodology. Actually, the Law on Inspection Supervision in Article 2 explicitly states that its provisions are also to do with the municipal inspectorates. Hence, the narrow interpretation that (due to the fact that Article 32 paragraph 4 does not refer to Article 26 paragraph 1 point 3) the municipalities do not have an obligation to adopt a risk assessment methodology is illogical – since they, like any other inspectorate, should conduct a risk assessment, they should also have a methodology for it.

The Municipality of Kumanovo responded that the Sector for Inspection Supervision at the municipality has adopted a Decision for determining the complexity coefficient of the inspection supervision which is determined based on legal criteria, the conditions in



which the inspection supervision is conducted and the exposure of inspectors to possible influences on their health and life, the number of entities which are subject to inspection supervision, the number of regulations on the basis of which the inspection is carried out, the time needed to conduct the inspection supervision and also that a register of risks is being developed.

In their response, the Municipality of Bitola only mentions the legal obligation to adopt a methodology without actually submitting it, whereas the Municipality of Cair refers to a rulebook prepared by the State Inspectorate for Local Self-Government regarding a risk assessment methodology. The Municipality of Tetovo is in the procedure of adopting a methodology. The municipalities of Kicevo and of Stip stated that they do not have such a methodology.



## SEMI-ANNUAL REPORTS ON THE WORK OF THE INSPECTION SERVICE

- Only two of the municipalities respect the legal obligation to prepare semi-annual reports on the work of the inspection services in the municipalities and publish them on their web-pages.

The municipalities were also asked to submit information on the number of issued warnings and decisions to remove irregularities and deficiencies reported by the inspection service, as well as the number of requests for initiation of misdemeanor or criminal proceedings, and the number of such requests which were rejected in 2023.

According to Article 35 from the Law on Inspection Supervision, the head of the inspection service is obligated to adopt a six-month report by 15 July the latest for the period January-June for the ongoing year, i.e. 15 January the latest for the period July-December for the previous year which are published on the inspection service's web-page.

Only the municipalities of Bitola and Kumanovo submitted specific semi-annual reports on the work of the inspection service which are also published on the municipalities' web-pages. In their response, the Municipality of Tetovo stated data regarding the work of the inspection service, but did not submit semi-annual reports nor can they be found on the municipality's web-page. The municipalities of Kicevo, Strumica, Cair and Stip do not respect the legal obligation to prepare such reports.

## DATA ON THE WORK OF THE INSPECTION SERVICE FOR 2023

Pursuant to the Law on Inspection Supervision, the goal of the inspection supervision is preventive action or taking measures to prevent or remove the consequences on protected goods, rights or interests, as well as imposing inspection measures to remove determined irregularities and deficiencies.

The inspection supervision is conducted in accordance with the monthly work plan of each inspector or by written order from the director or the head of the authority, i.e. the mayor, which includes the inspection service, as well as by order issued by the Council. The inspection supervision can be regular, extraordinary and control.

When conducting inspection supervisions, the inspector issues a warning with a decision and determines a deadline in which the subject of inspection supervision is obligated to remove the irregularities and deficiencies determined by the minutes. The inspector makes an exception, in cases when they assess that the determined irregularities and deficiencies can cause or are causing immediate danger to the life and health of people or financial danger or damage to property of greater value or endanger the environment or public interest and with a decision impose another inspection measure, such as an obligation, order, prohibition and other measures, if it is stipulated by a separate law which will most appropriately achieve the goal of the inspection supervision.

Data from the work of the inspection supervision

Municipality	Number of warnings and decisions	Number of requests for initiation of criminal or misdemeanor proceedings	Number of rejected requests for initiation of criminal or misdemeanor proceedings
Kumanovo	1,282	51	No data
Bitola	591	3	0
Stip	456	No data	No data
Tetovo	268	0	0
Strumica	191	63	0
Kicevo	29	0	0
Cair	0	0	0
Negotino	The municipality did not submit the requested information.		

According to the received data, most warnings and decisions were issued by the inspection service of the Municipality of Kumanovo or 1,282, then the Municipality of Bitola with 591 and the Municipality of Stip with 456, whereas in the Municipality of Cair there are no issued warnings or decisions. This raises particular suspicions of corruption since it is incomprehensible how during an entire calendar year there has not been a single issued warning or decision. On the other hand, the Municipality of Strumica has submitted the most requests for initiating criminal or misdemeanor procedures.

## ANTI-CORRUPTION PROGRAM AND WRITTEN PROCEDURES

- Not a single municipality has adopted an anti-corruption program for the inspection service or an internal procedure for prevention of conflict of interest.

The anti-corruption programs of the inspection services as well as the internal procedures for prevention of conflict of interest were requested from the municipalities which are subject to this research. It is worrying that not one of these municipalities has adopted an anti-corruption program for the inspection service or an internal procedure for prevention of conflict of interest.

The Municipality of Bitola only adopts a plan for prevention of corruption and prevention of conflict of interest and refers to respecting the legal regulation which encompasses the area of prevention of conflict of interest. The Municipality of Cair refers to the Code of Ethics for Inspectors adopted by the State Communal Inspectorate as a leading anti-corruption program, whereas in their response the Municipality of Strumica states that the procedure for conflict of interest is regulated with Article 25 from the LGAP.





## INSPECTION SUPERVISION BY THE STATE ADMINISTRATIVE INSPECTORATE

Pursuant to the Law on Administrative Inspection, the State Administrative Inspectorate within its jurisdictions also supervises the implementation of the Law on Inspection Supervision.

From the data received from the municipalities it can be noticed that the number of inspection supervisions that the municipalities were subject to in the period 2021-2023 varies from 1 to 55. Hence it can be concluded that the State Administrative Inspectorate does not conduct supervisions in all the municipalities or the number of the conducted supervisions is disproportionately high with some municipalities compared to others.

Regrading the determined irregularities, only two municipalities gave a specific answer: the Municipality of Kicevo which states that there are no determined irregularities and the Municipality of Kumanovo which states that there are determined exceedings of established deadlines during the preparation of inspection acts. The exceeding of deadlines is a violation of the procedural rules which can result in annulment of inspection acts if the subject of supervision files a complaint to the State Commission for Decision-Making in the Second Degree in the Area of Inspection Supervision and Misdemeanor Procedure.

Number of inspection supervisions by the  
State Administrative Inspectorate in the period  
2021-2023

Municipality	Number of inspection supervisions
Cair	55
Stip	42
Tetovo	12
Kumanovo	11
Kicevo	10
Bitola	0
Strumica	No data
Negotino	The municipality did not submit the requested information.



## RECOMMENDATIONS

- The municipalities should fill the vacant job positions in the sectors for inspection supervision with appropriate professional staff whose help will increase the intensity and quality of the inspection supervisions and with it the implementation of the laws, as well as the technical equipment of the inspection services.
- All municipalities should adopt risk assessment methodologies.
- Adopt six-month reports on the work of the inspection services in the municipalities in which the conducted supervisions and findings will be presented in detail.
- Transparent publication of issued warnings and decisions from the inspection services, as well as final decisions from misdemeanor and criminal proceedings which will increase awareness and reduce the number of misdemeanors and at the same time will increase the citizens' trust in the work of the inspection services.
- Adopt appropriate anti-corruption programs and internal written procedures for prevention of conflict of interest.
- The State Administrative Inspectorate should conduct supervisions in accordance with its jurisdictions in all municipalities, and the findings should be made public by both the Inspectorate and municipalities.
- Conducting periodic surveys and examinations with the subjects of supervisions regarding corruption of inspectors, a periodic rotation of inspectors on the territories where supervisions are conducted and introducing a mandatory section in the exam for inspectors that will encompass integrity and ethics.



