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## Good Administration and Performance of Local Public Administration

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### Abstract

At first glance, defining good administration seems easy to be done, but it is not always like that. As a quite new concept, promoted by the supporters of the new public management, good administration is a fundamental right of the European Union and, at the same time, a principle established by the European Court of Justice or a concept used in the administrative sciences. To characterize the way an administration works, good administration is an indicator of performance in public administration. For this reason, as a concept, it was developed by the doctrine. As a concept, good administration is a model of administration. As a principle, good administration outlines the boundaries inside which the public administration activity should take place, by establishing, on the one hand, a set of ethical rules of behaviour, and on the other hand, standards to be taken into account by the public administration activity. Thus, the public administration activity should be developed efficiently, effectively and economically. This article aims to analyse all the three aspects, which the good administration is found in - concept, principle, and right. In analysing the good administration, we shall use the experience of the European countries - Sweden, Great Britain, and other countries in the European Community. At the end, we shall present the results from a study developed in the Brasov City about the way the citizens of Brasov perceive the proper administration of their community.

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### 1. Introduction

The concept of good administration of local communities reflects the way a modern administration understands to manage the local needs and interests. This involves the performance of a due diligence activity of the local authorities for and in the interest of the citizen. As we noted also in the specialty literature, we have no uniform regulation for good administration, as it is defined by the jurisprudence of the European Court of Justice

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(Tizziano, 2011, p28-41), of the European Charter on Human Rights, by the European Code of Good Conduct or as a concept subject of political sciences, a right defended and promoted by the European Ombudsman (Danwitz, 2010, p.8). The difficulty of understanding and application of good administration is that this right contains more independent rights and on the other hand is constituted in procedural warranties for the citizen but also the fact that, by the ethical rules it imposes, it characterizes a model of administration.

### ***1.2 Good local governance and public performance***

In Romania, the legislator regulates the principle of good administration and the concept of good administration in different ways. Thus, while the principle of good administration is established at communitarian level by contribution of jurisprudence, the Romanian legislator established the principle of good administration as a model for administration operation. It must develop its activity with efficiency and economy (Matei L., 2006, p. 194). The legal regulation also imposes the development of local public administration activity to execute the general interest by promoting therefore the general interest in the detriment of private interest. As a matter of fact, the specialty literature also noted the conflict generated by the will to have a performing and efficient administration with the need to promote ethics and integrity for the purpose of achieving the common welfare. The concept of good administration is relatively recently regulated and characterizes a mean of administration by imposing a due diligence and prudence from the one exercising it. The constitutional provisions referring to equality of rights, free access to justice, right to defence, right to information, right to petition, and right of injured person to a public authority establish the entitlement to a good administration indirectly. We can see that the right to a good administration has within its content a series of this right as an "umbrella" right. (Mendes J; 2009, pp. 7-8). As a matter of fact, studies (Statskontoret, 2005; Matei and Matei, 2012) made in the field revealed that at European independent rights (Kaňska ; 2004), fact that determined the authors in the field to characterize level, there is a set of principles common to the concept of good administration, applied by constitutional norms or by special laws, but also the fact that the application of these principles depends on the administrative tradition of the respective country. Another aspect resulted from the researches regarding the good administration, is that of administrative procedures importance. The good administration promotes the power of procedures. The administrative procedures must be a mean to fight bureaucracy and corruption, and not to encourage them, therefore we consider necessary that in its activity, the administration to consider that balance indicated in the foreign doctrine and jurisprudence, and namely between protecting the private and public interest. The way this concept is regulated, allows an amalgamation between the two approaches - the judicial one and the administrative one - without existing a conflict between the management and observing the right to good administration. (Matei et al.2009; Matei and Enescu, 2012)

### ***1.3 An empirical research in the municipality Brasov***

In order to be able to analyse the way in which the good administration serves or not to the interest of citizens, we made an analysis of the main departments within the Mayoralty of Brasov, which we correlated with an empiric research made at Brasov City's level. The analysis of the activity of the two public departments included a period considered relevant for their activity and had as purpose the way the transparency and public access of citizens to information, and also the operating costs of these public departments in achieving the good administration, are observed. Before analysing the activity of these two departments, we must make some remarks regarding the activity of public servants within the Mayoralty of the City of Brasov. Their activity is developed by some rules included in the Internal Regulations of the specialty department of the Mayor of the City of Brasov and the Conduct Code for the employees of the Mayoralty of the City of Brasov. The Employees Conduct Code, according to art. 4 of the code, has the purpose to increase the quality of services and to perform a good administration in achieving the public interest. The activity of the Conduct Code is based on the principles of transparency of law supremacy, but also of achieving the public interest. By these regulations, the public servants must have a conduct based on correctness, respect, kindness, impartiality to ensure a quality public service, but

also to observe a series of general norms of professional conduct pertaining to the loyalty for the institution, as well as the obligations in performing their job, which prevent behaviours that could favour corruption. The Mayorality of Brasov established in 2005 the Citizens Information Centre (C.I.C.), which is the interface between the Mayorality of the City of Brasov and the citizens, a department within the Mayorality of the City of Brasov subordinated directly to the mayor. The department ensures the interface between the citizens and the mayorality. In the case of the Citizens Information Centre we ascertain the following conclusions: the number of registered documents increased proportionally with the decrease of employees' number, the time granted to the citizens increased proportionally with the number of requests and the department's employees was optimized as the personnel number corresponding to the number of requests. The Public Information and Mass Media Office is responsible to ensure the transparency and access of citizens to the public interest information, as well as for the relation of the municipality with the mass media means. Regarding the activity, we can see an increase of the petitions filed with the office, a decrease of the redirected requests and an increased use of the Internet. Regarded thru two indexes considered relevant - the access to public information and transparency - the activity of the two offices reveals an increase of the number of requests addressed by the citizens with respect to access to public information, as well as a significant percentage of the number of recommendations from citizens that were included in the normative documents projects. From the costs point of view, they were reduced but unfortunately also the income dropped constantly, making us believe that the departments activities involved a large number of persons, which, by the quantum of salaries added with the costs for editing the informative bulletins, periodic reports, displays, lead to spending some amounts disproportionate with the value that the institution collected for the services performed to the taxpayers.

The empiric research made at the level of the City of Brasov aimed to quantify the way the citizens of the City of Brasov perceive the good administration of their community, but to offer as much as possible, a set of rules that the local authorities should observe for the good relation with the citizens. In this respect, it aimed to apply an inquiry at the City's level from which to result as accurate as possible, the way an important component of the local public administration activity is perceived by the inhabitants of the respective collectivist. We considered useful that by the questions inserted in the inquiry, to draw a profile of the citizens by sex, age and education, and then to ascertain their expectations towards the activity of the local administration. According to these indicators we tried to correlate two or three questions to obtain the information.

If we analyse the obtained data according to the three objective and we consider the abovementioned with respect to the activity of the two departments, we can see that regarding the costs, the two analyses converge to the same conclusion: the activity of the administration is performed with high costs. Another conclusion is that the citizens have a reduced interest for their own community and the activity of the local public administration. This is more disturbing if we consider that most of the interviewed persons are young that use Internet. An answer could result also from the citizen's profile resulted from the research, which is economically limited and lacks in professional and financial perspective. We can observe here more of a client attitude than of a citizen involved in the community's business.

As a matter of fact, the citizen's interest level is the one that influences decisively the perception of citizens with respect to good administration. The citizens who are informed about the mayorality's activity, know the defence means if their rights are breached, consider the clerks' behaviour as being civilized to their requests being impartially solved, without breaching their dignity or conditioned to offer some gifts.

#### **1.4. Conclusions**

The performed research reveals a few dis functionalities in the relation between the citizens and local public administration. It is useful that the administration to have the initiative in setting a trust based relation with the citizens. For this purpose, we consider necessary that the administrative procedures to be concise and accessible. The solutions delivered to the citizens must be predictable. The activity of the two departments must be dimensioned to comply better with their purpose. We also consider useful a few recommendations for the

local public institutions' activity. First, we consider necessary to build an information network between similar institutions at local and national level. This must be followed by the creation of a database in every institution and at administrative-territorial unit level that would include cases from the institutions' activity and which could be a landmark in practical activity. Thus can be improved the daily activity by obtaining a predictability of delivered solutions. The collaboration with the academic environment is also important as it can deliver solutions for the public managers. We also consider to be achieved a better collaboration with the mass media, which will have the objective to build a positive image of the public institution.

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