

**MURANG'A COUNTY ASSEMBLY
CLERK**
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FORWARDED TO THE
HON. SPEAKER FOR APPROVAL



**MURANG'A COUNTY ASSEMBLY
FIRST ASSEMBLY
FOURTH SESSION (2016)**

**THE DEPARTMENTAL COMMITTEE ON TRADE, INDUSTRIALIZATION, TOURISM AND
WILDLIFE**

**REPORT ON
STAKEHOLDERS PUBLIC PARTICIPATION ON THE MURANGA COUNTY TRADE LICENSING
BILL, 2015**

Clerk's Chambers
Murang'a County Assembly Buildings
Murang'a

February 11, 2016

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1.0 PREFACE

Mr. Speaker Sir, on behalf of the Members of the Committee on trade, Industrialization, Tourism and Wildlife, it is my pleasure to present to this House the Committee's report on the stakeholders Public Participation held on February 04 and 05, 2015 in the eight Sub-counties in Murang'a County.

1.1 TERMS OF REFERENCE FOR THE COMMITTEE

- (i) To gather the views of the Public pertaining the Bill
- (ii) Report on the findings and make recommendations on the Bill.

1.2 COMMITTEE MANDATE

The sectoral Committee on Trade, Industrialization, Tourism and Wildlife derives its mandate from provisions of Standing Order which is to handle all matters related to county planning and statistics, trade developments and regulations, including markets, trade licenses (excluding regulation of the profession) fair trading practices, betting, casinos and other forms of gambling, racing, liquor licensing and all matters related to local tourism, museums, county parks, beaches and recreation facilities

Further to that the Committee derives its functions from Standing Order 195 (5) (g) which is outlined as follows:

Make reports and recommendations to the Assembly as often as possible including recommendations of proposed legislation.

1.3 COMMITTEE MEMBERSHIP

The sectoral Committee on Trade, Industrialization, Tourism and Wildlife is constituted of the following members:

- | | | |
|--------------------------------|---|-------------|
| 1. Hon. Charles M. Kirigwi | - | Chairperson |
| 2. Hon. David Muhoro Njeri | - | Vice-Chair |
| 3. Hon. Charles M. Karina | - | Member |
| 4. Hon. Joseph Gitau Kimani | - | Member |
| 5. Hon. Jesse Mburu Gitau | - | Member |
| 6. Hon. Catherine W. Mugo | - | Member |
| 7. Hon. Samson N. Kago | - | Member |
| 8. Hon. Esther Wanjiru Ngugi | - | Member |
| 9. Hon. Joseph Njoroge Mwangi | - | Member |
| 10. Hon. Joseph N. Njogu | - | Member |
| 11. Hon. Esther Nyakio M. | - | Member |
| 12. Hon. James Njoroge Kariuki | - | Member |
| 13. Hon. Issac M. Kamote | - | Member |
| 14. Hon. Francis Kamande Kamau | - | Member |
| 15. Hon. James B. Kagoni | - | Member |
| 16. Hon. Agnes Ndunge Mutwiwa | - | Member |
| 17. Hon. Samuel Wandia | - | Member |

1.4 ACKNOWLEDGEMENTS

Mr. Speaker Sir, the Committee wishes to sincerely thank the Office of the Speaker and the Clerk of the County Assembly for the necessary support accorded to it, in execution of its mandate. Further i wish to thank all members of the Committee for the didlignce and commitement to making the business of the Committee success.

The Committee also wishes to register its appreciaition for services and unwavering support rendered by the staff of the County Assembly attched to the Committe as they discharged their mandate.

It is now my plesant duty on behalf of the Trade, Industrialisation, Tourism and Wildlife Committee to present this report.

Signed



.....
Hon. Charles Kirigwi

CHAIRMAN-TRADE, INDUSTRIALISATION, TOURISM AND WILDLIFE COMMITTEE

2.0 BACKGROUND

Mr. Speaker Sir, the Murang'a County Trade Licensing Bill 2015 Gazette Supplement No. 4 was published on May 04, 2015 and tabled in the Assembly on May 07, 2015.

The Bill was Committed to the Committee on Trade, Industrialisation, Tourism and Wildlife to organise public Participation as follows:

The Committee advertised in the Daily Nation of Thursday January 28, 2016 requesting members of the public to present their views for considerations.

Public meetings were also held in various Sub-Counties as follows:

Table: 1 Schedule for Public Participation

DATE	VENUE	Sub-County
February 04, 2016	ACK Cathedral St. James	Kiharu
	Kiriani Police Canteen	Mathioya
	Muguru ACK Church Hall	Kangema
	Kahuro Social Hall	Kahuro
February 05, 2016	Kandara Childrens Home	Kandara
	Maragua Ack Church Hall	Maragua
	Kigumo Catholic Hall	Kigumo
	Gatanga CDf Hall	Gatanga

2.1 PUBLIC VIEWS

- That the under part III on Trade licensing clause 10 (3) (a & b) under requirement for license, the public felt that the clause should be captured in the regulations of the Act and the fine on the same be reduced to a reasonable amount.
- Under part III on the Trade licensing Clause 12 (2) under late application of license, members felt that the penalty for late application of the license should be specifies as 20% on the value of the trade license.
- That under part III on Trade licensing Clause 20 (2) under license to be displayed, a person who fails to display the license should be fined at least Kshs. 2,000 and not Kshs. 5,000 as indicated in the bill.
- That the regulations of the bill should capture classifications of the business and the fines require to be fined in each category of business specifies.

- Fairness in imposition of trade licenses
- Small Scale traders i.e market traders (mama mboga) should not be oppressed
- That all traders selling 2nd generation brews should never be licensed
- That “place of business” should be clear to avoid licensing of businesses near schools or residential houses
- That under section 18, the words “the chief licensing officer” Should be deleted and replaced thereof with the words “the licensing unit may cancel/withdraw a license...” this will avoid corruption and biasness in cancellation/ withdrawal of licenses.
- To ensure transparency, members proposed that part III clause 9 to be amended to read as: “there shall be such licensing officers in the licensing unit as shall be appointed by the county public service board in consultation with the executive member and with approval by the County Assembly”.
- Clause 10 (b) to be amended to read as “in the case of an individual to fine of one thousand shillings and five thousands shillings for any subsequent similar offence within the same year.
- Part III clause 17(1) to read as a license issued under this act shall expired after duration of twelve months from the day the license/permit was granted.
- Part III Clause 2 to be amended to read as “A licensee who fails or neglects so to display the license commits an offence and shall be liable to a fine not exceeding two thousands shillings.

3.0 COMMITTEE RECOMMENDATIONS

In a sitting held on February 11, 2016 the Committee deliberated on the proposals from the public and proposed the following recommendations and amendments to the bill.

1. **CLAUSE 4** **No proposed amendments**
2. **CLAUSE 5**

THAT, Clause 5 of the Bill be amended by inserting a new sub-clause

(i) making recommendations to the Chief Licensing Officer on withdrawal or cancelation of a licence.

3. **CLAUSE 6 TO CLAUSE 9** **No proposed amendments**
4. **CLAUSE 10**

THAT, Clause 10 of the Bill be amended-

(i) In 10(3) (b) deleting the sub-clause and replacing with to read

“in the case of an individual to fine of one thousand shillings and five thousands shillings for any subsequent similar offence within the same year.”

5. **CLAUSE 11** **No proposed amendments**
6. **CLAUSE 12**

THAT, clause 12 of the Bill be amended by-

(i) By deleting the words “of an amount stipulated by the Executive Member” appearing immediately after the word “penalty” and replacing thereof with “of 10% the value of the Trade License.

7. **CLAUSE 13 to CLAUSE 17** **No proposed amendments**
8. **CLAUSE 18**

That, Clause 18 of the Bill be amended –

- 18 (1) by deleting the clause “the chief licensing officer” and replaced thereof replacing with the words “the licensing unit”

9. **CLAUSE 19 TO CLAUSE 38** **No proposed amendments**
10. **CLAUSE 2** Interpretation **No Proposed amendments**
11. **CLAUSE 3** **No proposed amendments**
12. **LONG TITLE** **No Proposed Amendments**
13. **That the Bill be scheduled for the Second reading**

Appendix 1

NAME

SIGN

1. Hon. Charles M. Kirigwi	-	Chairperson	
2. Hon. David Muhoro Njeri	-	Vice-Chair	
3. Hon. Charles M. Karina	-	Member
4. Hon. Joseph Gitau Kimani	-	Member
5. Hon. Jesse Mburu Gitau	-	Member	
6. Hon. Catherine W. Mugo	-	Member	
7. Hon. Samson N. Kago	-	Member	
8. Hon. Esther Wanjiru Ngugi	-	Member	
9. Hon. Joseph Njoroge Mwangi	-	Member
10. Hon. Joseph N. Njogu	-	Member	
11. Hon. Esther Nyakio M.	-	Member	
12. Hon. James Njoroge Kariuki	-	Member	
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15. Hon. James B. Kagoni	-	Member	
16. Hon. Agnes Ndunge Mutwiwa	-	Member
17. Hon. Samuel Wandia	-	Member	