



COUNTY GOVERNMENT OF NAIROBI CITY

THIRD ASSEMBLY – (FIRST SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, OCTOBER 25, 2022 AT 2.30PM

1. The Assembly assembled at Thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.

QUORUM OF THE ASSEMBLY

The Speaker having confirmed that there was a Quorum at the commencement of the Assembly called the Assembly to order.

3. PAPER LAID: -

The following papers were laid on the Table of the Assembly;

- i. **THE NAIROBI CITY COUNTY BUDGET REVIEW OUTLOOK PAPER 2022.**
- ii. **THE REPORT OF THE ASSUMPTION OF THE OFFICE OF COUNTY GOVERNOR COMMITTEE ON THE AFFAIRS OF THE COMMITTEE.**
- iii. **THE REPORT OF THE CONTROLLER OF BUDGET ON COUNTY GOVERNMENTS BUDGET IMPLEMENTATION REVIEW REPORTS FOR THE FIRST HALF OF FY 2021/2022.**
- iv. **THE REPORT OF THE CONTROLLER OF BUDGET ON NATIONAL GOVERNMENT BUDGET IMPLEMENTATION REVIEW REPORT FOR THE FIRST QUARTER OF FY 2021/2022.**
- v. **THE REPORT OF THE AUDITOR GENERAL ON NAIROBI CITY COUNTY ALCOHOLIC DRINKS CONTROL AND LICENSING BOARD FOR THE YEAR ENDED 30TH JUNE 2020.**

- vi. **THE REPORT OF THE AUDITOR GENERAL ON NAIROBI CITY COUNTY ASSEMBLY MORTGAGE SCHEME FUND FOR THE YEAR ENDED 30TH JUNE 2019.**
- vii. **THE REPORT OF THE AUDITOR GENERAL ON COUNTY EXECUTIVE OF NAIROBI CITY FOR THE YEAR ENDED 30TH JUNE 2021.**
- viii. **THE NAIROBI CITY COUNTY TRANSPORT ACT, 2020 (TUKTUK REGULATIONS)**
- ix. **THE REPORT OF THE AUDITOR GENERAL ON SPECIAL AUDIT ON COVID-19 VACCINE ROLL OUT FOR THE NAIROBI CITY COUNTY GOVERNMENT.**

(Hon. Peter Imwato, MCA – Leader of Majority)

4. NOTICE OF MOTION – CLOSURE AND RELOCATION OF LIQUOR OUTLETS WITHIN 300 METERS FROM LEARNING INSTITUTIONS.

AWARE that Section 4 of the Nairobi City County Alcohol, Drinks Control and Licensing Act, 2014 establishes the Nairobi City County Alcohol Drinks Control and Licensing Board, with its main role being; control, licensing, regularization and general administration of manufacture, advertisement, sale and consumption of alcohol drinks in the County and for connected purpose; **ACKNOWLEDGING** that Section 11 of the same Act dictates *inter –alia* that the sub-county committee, through the Board, shall not grant a new license for sale of alcoholic drinks to be consumed on the premises unless the sub-county committee is satisfied that the premises in respect of which the application is made is located at least three hundred meters from any nursery, primary, secondary or other learning institutions for persons under the age of 18 years; and not grant a license for the sale of alcohol drinks in a supermarket or such other related retail chain store unless it is satisfied that the applicant has taken measures to ensure that the area in which the sale is to take place is not accessible to persons under the age of eighteen years; **DEEPLY CONCERNED** that exposure to young learners to such uncontrolled environment leads to early alcohol and other substance dependence, school drop outs, poor academic performance in school and risky sexual behaviors in the County; **FURTHER CONCERNED** by the findings from the 2018 and 2016 National Survey on the Status on Alcohol and Drug Abuse among Primary and Secondary schools pupils and Students by NACADA and KIPPRA which established Alcohol as the highest abused substance with the average user age being 11 years by the primary school pupils, with the lowest age being 4 years old, hence the need to mitigate;

NOW THEREFORE, this Assembly **RESOLVES** that the County executive issues a ONE MONTH closure and subsequent relocation NOTICE to all Liquor outlets and Pubs operating within the Three Hundred Meters radius from any nursery, primary, secondary or other learning institutions for persons under the age of 18 years in the County; a similar ONE MONTH NOTICE to all supermarkets and other outlets stores to ensure restricted access to liquor section from persons under the age of 18; and revocation of Liquor License for non-compliance business outfits at the end of the ONE MONTH NOTICE forthwith.

(Hon. Nasra Nanda, MCA)

5. NOTICE OF MOTION – CONDUCT OF BUILDING SAFETY AND STRUCTURAL AUDIT OF ALL RESIDENTIAL BUILDINGS, IN THE COUNTY.

AWARE THAT, Section 56 of the Physical and Land Use Planning Act, 2019 gives the County Governments powers within their areas of jurisdiction to amongst others; prohibit or control the use and development of land and buildings in the interests of proper and orderly development of its area; and to ensure proper execution and implementation of approved physical and land use development plans; **CONCERNED** that according to a report by the National Construction Authority published in 2018, cases of collapsed residential buildings in the County has been on the rise, with 85 cases of collapsed buildings having been reported in the prior 5 years with an estimated number of 200 lives lost and over 1,000 injuries as a result; **FURTHER CONCERNED** that most residential buildings in the County have NOT complied with the building standards and regulations, hence subjecting occupants to risks as a result of; poor ventilation, risky electrical, water & sewerage reticulation, weak structures with visible concrete cracks, neglected repairs, hence posing an imminent death traps; **ACKNOWLEDGING** the need for a multi-agency approach between the National and County Government in assessing suitability of buildings in the County for habitation as a proactive way of preventing and mitigating such disasters; this Assembly **THEREFORE RESOLVES** that the County Executive in conjunction with the National Construction Authority conducts a Building Safety and Structural Audit of all the residential buildings in the County with an aim of highlighting the risks and recommending ways to address the identified risks.

(Hon. Nasra Nanda, MCA)

6. PROCEDURAL MOTION – APPOINTMENT OF MEMBERS TO THE ASSEMBLY BUSINESS COMMITTEE

Motion Made and Question Proposed;

THAT, pursuant to the provision of Standing Orders 167 (1), this Assembly approves the appointment of the following Members to the Select Committee

on Assembly Business in addition to those specified under paragraphs(a), (b), (c), (d) (e) and (f): -

1. The Hon. Stazo Omung'alla, MCA – Deputy Majority Whip
2. The Hon. Wilfred Odalo, MCA
3. The Hon. Abass Khalif
4. The Hon. Rose Masitsa, MCA
5. The Hon. Emily Oduor, MCA
6. The Hon. Moses Kitema, MCA
7. The Hon. Anthony Kimemia, MCA
8. The Hon. Joy Muthoni Mwangi, MCA
9. The Hon. Doreen Mugambi, MCA
10. The Hon. Chege Mwaura, MCA
11. The Hon. Hashim Athman Kamau, MCA
12. The Hon. Diana Katile Mwangangi, MCA
13. The Hon. Sospeter Mumbi, MCA

(Hon. Peter A. Imwatok., MCA – Leader of Majority)

Debate ensued;
Mover replied;
Question put and **agreed to;**

7. PROCEDURAL MOTION – RESOLVE TO SIT ON WEDNESDAY, 26TH OCTOBER, 2022 AT 9.30 A.M

Motion Made and Question Proposed;

THAT, pursuant to the provision of Standing Order 33(3) (b), this Assembly resolves to sit on Wednesday, 26th October, 2022 at 9.30 a.m.

(Hon. Peter A. Imwatok., MCA – Leader of Majority)

Debate ensued;
Mover replied;
Question put and **agreed to;**

And the time being forty-three minutes Past Three O'clock the Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

8. ASSEMBLY ROSE - at Forty-three minutes past three O'clock.

MEMORANDUM

The Speaker will take the Chair on
Wednesday, October 26th, 2022 at 9.30 a.m