



NAIROBI CITY COUNTY ASSEMBLY  
FIRST ASSEMBLY - FOURTH SESSION

*Papers laid on the  
Floor of the  
Assembly  
by Hon. Mr  
Chairperson  
Culture & Com  
Community  
on  
21/6/20*

REPORT OF THE  
COMMITTEE ON CULTURE AND COMMUNITY SERVICES  
ON

INSPECTION VISIT ON THE ALLEGED SELLING OF SECOND  
GENERATION LIQUOR BY UNLICENSED KIOSKS IN NAIROBI WEST  
WARD

JUNE, 2016

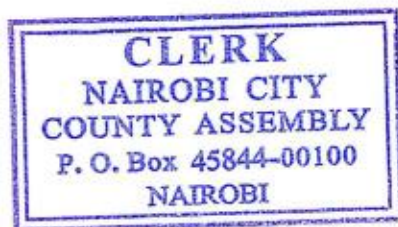
**CLERK**  
NAIROBI CITY  
COUNTY ASSEMBLY  
P. O. Box 45844-00100  
NAIROBI



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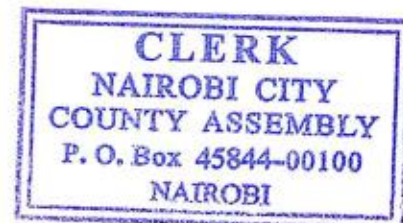
## 1.0 PREFACE

1.1 Mr. Speaker, Sir, The Sectoral Committee on Culture and Community Services is established under Standing Order No. 191. Its mandate pursuant to Standing Order 191(5) (a) is:-

- a) *to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;*
- b) *to study the programme and policy objectives of the departments and the effectiveness of the implementation;*
- c) *to study and review all legislation referred to it;*
- d) *to study, assess and analyze the relative success of the departments as measured by the results obtained as compared with its stated objectives;*
- e) *to investigate and inquire into all matters relating to the assigned Departments as they may deem necessary, and as may be referred to them by the County Assembly;*
- f) *to make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.*

1.2 Mr. Speaker, Sir, the Committee exercises its oversight role on all matters related to;

- Cultural activities
- Public entertainment
- Public amenities
- Betting, Casinos and other forms of gambling
- Racing
- Liquor licensing
- Cinemas
- Video shows and hiring
- Libraries
- Museums
- County parks
- Beaches
- Recreation facilities
- Firefighting Services and disaster management
- Control of drugs and pornography



- Ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

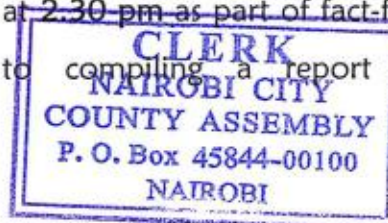
### 1.3 Committee Membership

The Committee comprises the following Members:-

1. Hon. Ronald Milare – (Chairman)
2. Hon. Oscar Lore – (Vice-Chairman)
3. Hon. Tabitha Ndigirigi, MCA
4. Hon. Asha Abdi Sosso, MCA
5. Hon. Nancy Mwaura, MCA
6. Hon. Andrew Macharia, MCA
7. Hon Benadette W. Ng'ang'a, MCA
8. Hon. Janet Wala, MCA
9. Hon. David Mberia, MCA
10. Hon Rose Nancy Luchiri, MCA
11. Hon. Janet Kimondo, MCA
12. Hon. Paul Kiguathi Kados, MCA
13. Hon. Joash Omwenga, MCA
14. Hon. Kennedy Ng'ondi, MCA
15. Hon. Jackson Kiama, MCA
16. Hon. Clarence Munga, MCA
17. Hon. Martin Kinyanjui, MCA

### 1.4 Committee Meetings

While deliberating on liquor licensing in the County, the Committee noted that there are kiosks in Nairobi West Ward allegedly selling second generation liquor and operating without licenses. The Members therefore resolved to visit Nairobi West Ward on Monday 22<sup>nd</sup> February, 2016 at 2.30 pm as part of fact-finding to confirm the allegations with a view to compiling a report on the findings/observations and recommendations.



Mr. Speaker, Sir,

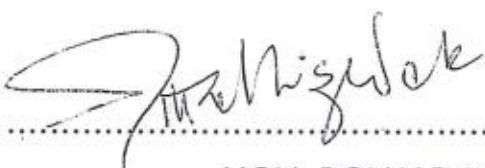
On behalf of the Committee, I have the honour and pleasure to present the Committee's Report on the site visit to Nairobi West Ward.

### 1.5 Acknowledgement

Mr. Speaker, Sir, May I take this opportunity to thank all Members of the Committee for their input and valuable contributions during and after the site visit. I wish to also thank Members of the Nairobi City County Liquor Licensing Department for accompanying the Committee to the inspection site.

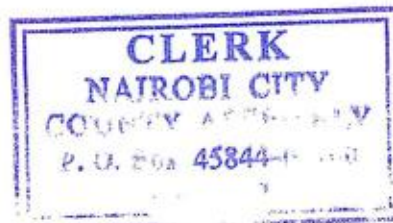
The Sectoral Committee on Culture and Community Services wishes to thank the office of the Speaker and the Clerk for the continuous maximum support and guidance extended to it in the execution of its mandate.

Thank You.

SIGNED  .....

HON. RONALD MILARE, MCA  
(CHAIRPERSON)

DATE..... 20/06/2016 .....



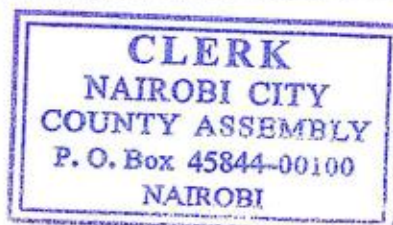
## 2.0. INTRODUCTION

The Committee met at the Nairobi West Sub-County offices, and was welcomed by Mr. Gilbert Odira, Chairman, Sub-County Alcoholic Drinks Control and Licensing Committee.

## 2.1. COMMITTEE OBSERVATIONS

During the site visit undertaken on Monday 22<sup>nd</sup> February, 2016, the Committee made several observations and was briefed by members of the Sub-County Committee as follows;

1. Nairobi West Ward has a total of thirty three (33) modern kiosks selling alcoholic drinks.
2. Following the criteria set by The Nairobi City County Alcoholic Drinks Control and Licensing Act, 2014, twenty one (21) modern kiosks dealing with alcohol in Nairobi West shopping centre are in contravention of;
  - i. The Public Health Act – there is inadequate space, no provision for sanitary facilities, or running water. These requirements are mandatory when providing liquor licenses; and
  - ii. The Urban and Physical Planning Act – the kiosks are built on spaces created for the purpose of pedestrian footpaths and road reserve areas; hence the kiosks do not qualify to operate liquor businesses or any other business.
3. At the time of the visit, the Sub-County Alcoholic Drinks Control and Licensing Committee had issued notices of closure to the said 21 kiosks, i.e. twenty one (21) days' notice to clear their stock and thereafter stop the sale of liquor in their premises.
4. The owners of the kiosks appealed to the Nairobi City County Liquor Board and pleaded with the County Government to provide facilities like toilets and water.
5. Some kiosks go to an extent of selling alcoholic drinks on verandahs, corridors and road reserves.



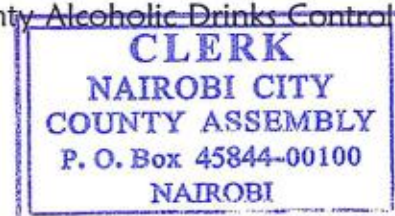


6. Other kiosks owned by senior police officers are in operation though they have not been licensed nor applied for the same.
7. All kiosks in Discount Mall, Nairobi West Shopping Centre, selling alcoholic drinks lack;
  - i. Running water
  - ii. Sanitary facilities
  - iii. Adequate space
  - iv. Hand washing facilities
8. Several kiosks sell shisha which it is not dealt with by The Nairobi City County Alcoholic Drinks Control and Licensing Act, 2014.
9. In Osidai Plaza, Nairobi West Shopping Centre, two kiosks namely; Tiwas Wines & Spirits and Trimes Liquors Store have legal licenses yet they were not approved by the Sub-County Committee.
10. At the time of the visit, most of the kiosks selling alcohol were closed as they only operate from 5.00 p.m to 11.00 p.m. However some unscrupulous traders had opened but hurriedly fled after seeing the liquor licensing department enforcement officers.
11. Some wholesalers selling/supplying alcohol drinks to kiosks in Discount Mall are not licensed e.g. Jumbo Agencies in Kayole. Ms. Peninah Sang from the Nairobi City County Liquor Licensing Department confirmed that Jumbo Agencies in Kayole is not a licensed distributor of alcoholic drinks.

**SUBMISSIONS BY THE NAIROBI WEST SUB-COUNTY ALCOHOLIC DRINKS CONTROL AND LICENSING COMMITTEE**

The Committee was experiencing several challenges which include;

1. Lack of enforcement unit to ensure that all traders selling alcohol comply with the Nairobi City County Alcoholic Drinks Control and Licensing Act, 2014.
2. Lack of cooperation from the Trade, Tourism and Cooperatives Department, especially the licensing sector. Upon rejection of some liquor licensing applications pursuant to Section 9 (1) of the Nairobi City County Alcoholic Drinks Control and



Licensing Act 2014, the Committee purported that the liquor licensing sector granted licenses to the same applicants.

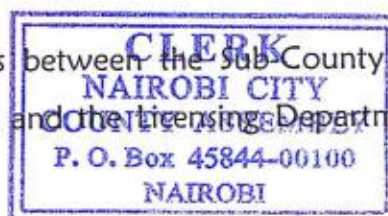
### **3.0 CONCLUSION**

Alcohol and drugs abuse has permeated all strata of Kenyan society, with the youth and young adults being the most affected groups. The hazardous and harmful use of alcohol is locally and internationally gaining recognition as a major risk factor for non-communicable diseases, disability and mortality caused by accidents, violence and crime. The harmful use of alcohol results in approximately 2.5 million deaths each year. Apart from such health consequences, excessive alcohol consumption has also been linked with various negative social and economic outcomes. Its economic impacts manifest at both the macro and micro level as countries incur the financial costs of responding to the negative health and social consequences (World Health Organization, 2011).

### **4.0 RECOMMENDATIONS**

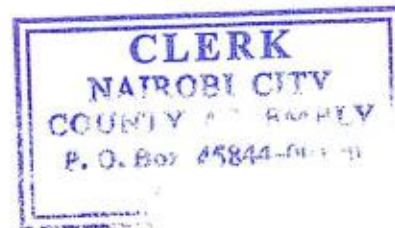
Following the site visit to Nairobi West Ward, the Committee recommends that this Assembly resolve as follows;

1. That all kiosks which do not meet the required operating standards including sanitary facilities should stop the sale of liquor and the owners transfer to other premises that meets the standards;
2. That all unlicensed modern kiosks selling liquor should be closed down;
3. That the right procedure of liquor licensing should be strictly followed as provided by the Nairobi City County Alcoholic Drinks Control and Licensing Act, 2014 and penalties enforced on all business premises faulting the provisions;
4. The Licensing Department should encourage off licenses (no consuming on site) as provided in the third schedule of the Nairobi City County Alcoholic Drinks Control and Licensing Act, 2014;
5. Cordial working relations between the Sub County Alcoholic Drinks, Control and Licensing Committee and the Licensing Department should be fostered to

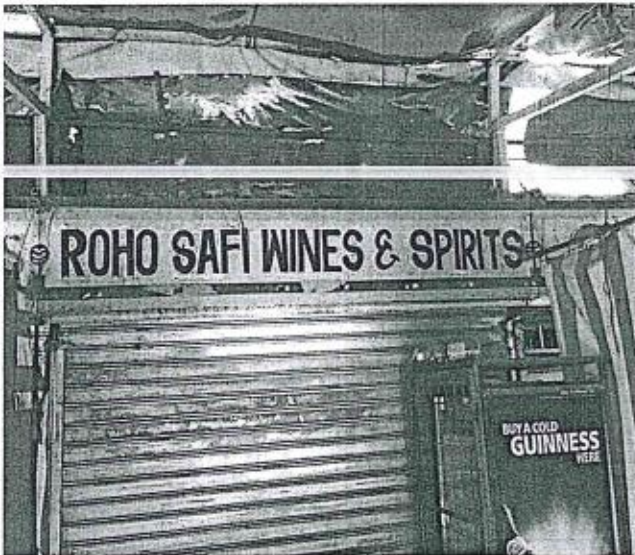


guarantee implementation of the Nairobi City County Alcoholic Drinks Control and Licensing Act, 2014;

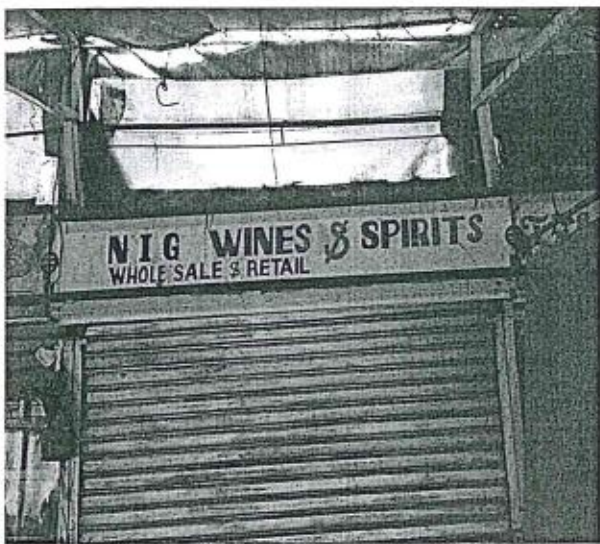
6. The Licensing Department should consider introducing a licensing window period to reduce the never-ending irregularities in licensing process;
7. The enforcement section should establish measures that would permanently bar unlicensed retailers and wholesalers from selling liquor; and
8. The Nairobi City County Alcoholic Drinks Control and Licensing Act, 2014, should be reviewed to incorporate other narcotic drugs and shisha;



DISCOUNT MALL (NAIROBI WEST SHOPPING CENTRE); UNLICENSED ALCOHOL SELLING KIOSKS



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MINUTES OF THE 18<sup>TH</sup> SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY  
COMMITTEE ON CULTURE AND COMMUNITY SERVICES HELD ON MONDAY 22<sup>ND</sup>  
FEBRUARY, 2016 AT 2:30 P.M IN NAIROBI WEST WARD

PRESENT

1. Hon. Ronald Milare - Chairman
2. Hon. Nancy Mwaura, MCA
3. Hon. Tabitha Ndigirigi, MCA
4. Hon. Nancy Luchiri, MCA
5. Hon. Asha Abdi Sosso, MCA
6. Hon. Elizabeth Sang, MCA
7. Hon. Janet Kimondo, MCA
8. Hon. Andrew Macharia, MCA
9. Hon. Kennedy Ngondi, MCA
10. Hon. Joash Omwenga, MCA

ABSENT

1. Hon. Oscar Lore -Vice Chairman
2. Hon. Bernadette Nganga, MCA
3. Hon. Jackson Kiama, MCA
4. Hon. Janet Wala, MCA
5. Hon. David Mberia, MCA
6. Hon. Paul Kados, MCA
7. Hon. Martin Kinyanjui, MCA

IN-ATTENDANCE - LIQUOR LICENSING DEPARTMENT,NAIROBI CITY COUNTY

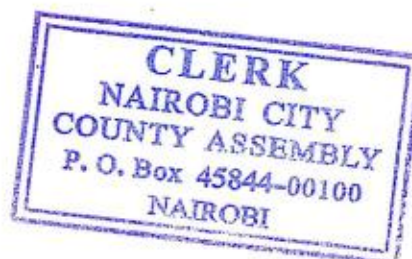
1. Ms. Peninah Sang - In charge liquor operation
2. Mr. Kevin Ouma - Ag. Personal Assistant, Liquor Board
3. Sgt.B. Omondi - Enforcement on liquor operation

IN-ATTENDANCE - SUB-COUNTY ALCOHOLIC DRINKS CONTROL AND LICENSING  
COMMITTEE

1. Mr. Gilbert Odira - Chairman
2. Mr. Ngunjiri Ndung'u - Sub-County Admin
3. Mr. Michael Ndung'u - Sub-County Secretary
4. Mr. Javan Olusuyi - Public Health Officer
5. Mr. James Kilanga - Committee Member

SECRETARIAT

- Ms. Hellen Mutie - Clerk Assistant



## MIN.73/DLC/018/ FEBRUARY - AGENDA

1. Preliminaries;
2. Fact finding on the alleged selling of second generation liquor by unlicensed kiosks;
3. Matters Arising
4. Any Other Business;

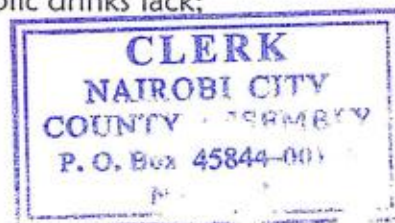
## MIN.74/DLC/018/ FEBRUARY- INTRODUCTION

Members met at the Nairobi West Sub-County offices, and were welcomed by Mr. Gilbert Odira, Chairman, Sub-County Alcoholic Drinks Control and Licensing Committee. Introduction was done by both the Committee and the Executive staff on the ground.

## MIN.75/DLC/018/ FEBRUARY-MATTERS ARISING

Members noted that;

- In Nairobi West Shopping Centre, there are 33 unlicensed modern kiosks selling alcoholic drinks.
- Following the criteria set by the Nairobi City County Alcoholic Drinks Control and Licensing Act, 2014, twenty one (21) modern kiosks dealing with alcohol in Nairobi West shopping centre are in contravention of;
  - i. The Public Health Act – there is inadequate space, no provision for sanitary facilities, or running water. These requirements are mandatory when providing liquor licenses; and
  - ii. The Urban and Physical Planning Act – the kiosks are built on spaces created for the purpose of pedestrian footpaths and reserve areas; hence the kiosks do not qualify to operate liquor businesses.
- The sub-County Alcoholic Drinks Control and Licensing Committee have issued notices of closure to the said 21 kiosks, i.e. twenty one days notice to clear their stock and thereafter stop the sale of liquor in their premises.
- The owners of the kiosks appealed to the NCC Liquor Board and pleaded with the County Government to provide facilities like toilets and water.
- Some kiosks go to an extent of selling alcoholic drinks on verandahs, corridors and road reserves.
- Other kiosks owned by senior police officers are still operating though they have not been licensed nor applied for the same.
- All kiosks in Discount Mall selling alcoholic drinks lack;
  - i. Running water
  - ii. Sanitary facilities
  - iii. Adequate space





iv. Hand washing facilities

- There was a heated debate on licensing of shisha. Mpambe Gardens kiosk sells shisha.
- In Osidai Plaza, two kiosks namely; Tiwas Wines & Spirits and Trimes Liquors Store have legal licenses but were not approved by the Sub-County Committee.
- Most of the unlicensed alcohol selling kiosks were closed. The Committee was informed that they usually open at 5.00 p.m.
- Several kiosks were opened but the operators fled after seeing the Sub-County Committee members, MCAs and the officer from Enforcement on liquor operation department.

The Sub-County Alcoholic Drinks Control and Licensing Committee was experiencing several challenges which include;

- Lack of enforcement unit.
- Lack of cooperation from the Trade, Tourism and Cooperatives Department, especially the licensing sector.

MIN.76/DLC/018/ FEBRUARY - ANY OTHER BUSINESS

There were no items under this agenda.

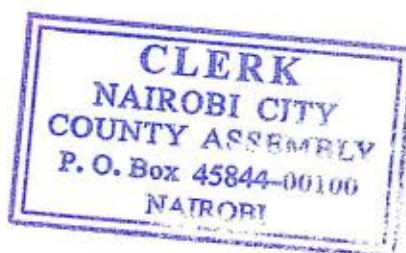
MIN.77/DLC/018/ FEBRUARY - ADJOURNMENT

There being no other business and the Chairman adjourned the meeting at 5.00 p.m. Next meeting will be held on Tuesday 23<sup>rd</sup> February, 2016 at 12 noon at the Charter hall, City hall Buildings.

CONFIRMED AS TRUE RECORD OF THE PROCEEDINGS

CHAIRMAN.....

DATE...22/02/16.....





MINUTES OF THE 63<sup>RD</sup> SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY COMMITTEE ON CULTURE AND COMMUNITY SERVICES HELD ON MONDAY 20 JUNE, 2016 AT 11.30 A.M IN CHARTER HALL, CITY HALL BUILDINGS.

PRESENT

1. Hon. Ronald Milare - Chairman
2. Hon. Tabitha Ndigirigi, MCA
3. Hon. Martin Kinyanjui, MCA
4. Hon. Clarence Munga, MCA
5. Hon. Nancy Luchiri, MCA
6. Hon. Asha Abdi Sosso, MCA
7. Hon. Nancy Mwaura, MCA
8. Hon. Jackson Kiama, MCA
9. Hon. Janet Wala, MCA
10. Hon. Paul Kados, MCA

ABSENT

1. Hon. Oscar Lore -Vice Chairman
2. Hon. Bernadette Nganga, MCA
3. Hon. Joash Omwenga, MCA
4. Hon. Janet Kimondo, MCA
5. Hon. Kennedy Ngondi, MCA
6. Hon. David Mberia, MCA
7. Hon. Andrew Macharia, MCA

SECRETARIAT

Ms. Hellen Mutie - Clerk Assistant

MIN.260/CCS/063/JUNE - PRELIMINARIES

The Chairperson called the meeting to order at 11:49 a.m. and he said the prayers. Hon. Tabitha Ndigirigi proposed, Hon. Janet Wala seconded, and the agenda was adopted as follows:-

1. Preliminaries
2. Consideration and Adoption of the report on the site inspection visit to Nairobi West Ward.
3. Any Other Business
4. Adjournment

MIN.261/CCS/063/ JUNE - CONSIDERATION AND ADOPTION OF THE REPORT ON SITE INSPECTION VISIT TO NAIROBI WEST WARD

Hon. Asha Abdi Sosso took the Committee through the report on the site inspection visit to Nairobi West Ward. The Committee deliberated on the report and was adopted on proposal by the Chairperson and seconded by Hon. Martin Kinyanjui.

MIN.262/CCS/063 /JUNE – ANY OTHER BUSINESS

There were no items under this agenda.

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P. O. Box 45844-00100  
NAIROBI

MIN.263/CCS/063 /JUNE - ADJOURNMENT AND DATE OF THE NEXT MEETING

There being no other business of the day and the time being 12.17 p.m., the meeting was adjourned. The next meeting would be held on Tuesday 21<sup>st</sup> June 2016, at the Foyer, City Hall Buildings at 11.00 a.m.

CONFIRMED AS TRUE COPY OF THE PROCEEDINGS

CHAIRMAN *[Signature]* .....

DATE *20/6/2016* .....

CLERK  
NAIROBI CITY  
COUNTY ASSEMBLY  
P. O. Box 45844-00100  
NAIROBI