

THE NAIROBI CITY COUNTY GOVERNMENT



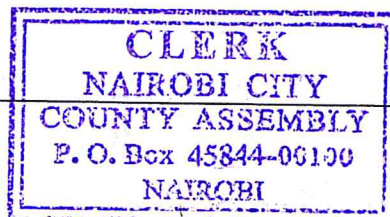
THE NAIROBI CITY COUNTY ASSEMBLY

SECOND ASSEMBLY – THIRD SESSION

THE REPORT OF THE SECTORAL COMMITTEE ON TRADE, TOURISM AND CO-OPERATIVES

ON

THE CONSIDERATION OF THE NAIROBI CITY COUNTY TRADE LICENSING BILL,
2018 PURSUANT TO STANDING ORDER 131



Clerk's Chambers,
CITY HALL,
NAIROBI.

Edition: April, 2019

*Paper laid by Hon.
Thuo - Chairperson
Trade Committee on
Wed 10/4/2019*

*AAO/T
D/C
10/4/19.*

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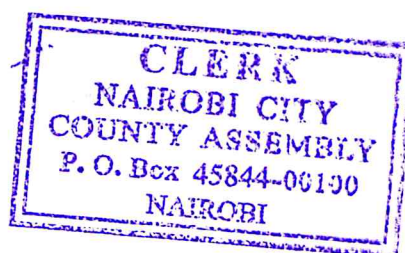
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1.0. PREFACE

1.1. Mandate

Hon. Speaker,

The Sectoral Committee on Trade, Tourism and Cooperatives is established under Standing Order No. 203 (1). Its mandate pursuant to Standing Order 203 (6) is to: -

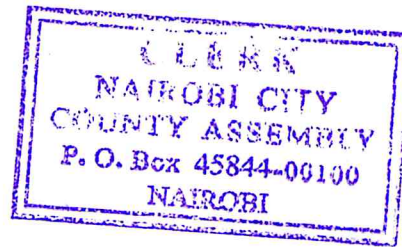
- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- b) study the programme and policy objectives of departments and the effectiveness of the implementation;
- c) study and review all county legislation referred to it;
- d) study, assess and analyse the relative success of the departments as measured by the results obtained as compared with its stated objectives;
- e) 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) vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 196(Committee on Appointments): and
- g) make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

1.2. Membership

The Committee comprises the following Members: -

1. Hon. Charles Thuo Wakarindi, MCA – Chairman
2. Hon. Jeremiah Karani Themendu, MCA – Vice-Chairman
3. Hon. Lawrence Otieno Odhiambo, MCA
4. Hon. Samuel Ng'ang'a Mwangi, MCA
5. Hon. Paul Ndung'u Irungu, MCA
6. Hon. Jayendra Virchand Malde, MCA
7. Hon. Maurice Ochieng Onyango, MCA
8. Hon. Naftaly Wagura Mathenge, MCA
9. Hon. Wilson Ongele Ochola, MCA

10. Hon. Benson Mwangi Macharia, MCA
11. Hon. Millicent Wambui Mugadi, MCA
12. Hon. Wilfred Oluoch Odalo, MCA
13. Hon. Redson Otieno Onyango, MCA
14. Hon. Doris Ngoyo Kanario, MCA
15. Hon. Jacinta Wanjiru, MCA
16. Hon. Mary Njuguna Njambi, MCA
17. Hon. Cecilia Achieng Ayot, MCA
18. Hon. Eve Malenya, MCA
19. Hon. Jane Muasya, MCA



Hon. Speaker,

The County Assembly Committees are extensions of the Assembly established under the County Assembly Standing Orders and in accordance with Section 14 of the County Governments Act, 2012. The Committees are supposed to perform functions that the Assembly is not well fitted to consider in plenary.

The Committee exercise its oversight role on the work and administration of the Commerce, Tourism and Cooperatives Sector.

Pursuant to the provisions of Standing Order 203 (6) (b), (d) and (e), the Sectoral Committee on Trade, Tourism and Cooperatives is supposed to study the programme of the Commerce, Tourism and Cooperatives Sector and the effectiveness of the implementation; study, assess, and analyze the success of the Sector as measured by the results obtained; and inquire into all matters relating to the Sector.

In accordance with the Third Schedule of the Standing Orders, the Sectoral Committee on Trade, Tourism and Cooperatives is mandated to consider all matters relating to: - "*trade development and regulation, including markets, trade licenses (excluding regulation of professions), fair trading practices, local tourism and cooperative societies, Betting and Casinos and other forms of gambling*".

1.3. Executive Summary

Hon. Speaker,

Pursuant to Section 23 of the County Governments Act, 2012, the Nairobi City County Trade Licensing Bill, 2018 was published in the special issue of the Nairobi City County Gazette Supplement No. 14 on 16th November, 2018. The Nairobi City County Trade Licensing Bill, 2018 was read a First Time on Tuesday, 4th December 2018. On Tuesday, 4th December, 2018, the Bill sponsored by Hon. Robert Mbatia, MCA, was read a First Time and thereafter committed to the Sectoral Committee Trade, Tourism and Cooperatives for scrutiny, public participation and reporting to the Assembly pursuant to Standing Order 131.

Article 196(b) of the Constitution requires the County Assemblies to facilitate public participation and involvement in the legislative and other business of the Assembly and its Committees.

Hon. Speaker,

Upon committal of the said Bill, the Committee placed a notice in the local dailies on Thursday, 10th January, 2019 calling for representations and proposals for amendments from the public pursuant to Article 196(b) of the Constitution of Kenya, 2010 and the Nairobi City County Standing Orders 131 (3) which require public participation in the legislative and other business of the County Assembly and its Committees. The Committee also identified the following key stakeholders to the Bill and invited them to submit comments, reviews and propose amendments to the Bill;

- a) The State department of Trade;
- b) The State department of Industrialization;
- c) Kenya Association of Manufacturers;
- d) Micro and Small Enterprises Authority;
- e) Export promotion Council;
- f) Kenya National Hawkers Association (KENAHA);
- g) Jua Kali Association of Kenya;
- h) Kenya Private Sector Alliance (KEPSA);
- i) The Institute for Social Accountability (TISA);
- j) Kenya Investment Authority;
- k) Kenya Law Reform Commission;

- l) Kenya National Chamber of Commerce and Industry – Nairobi
- m) Association of Gaming Operators
- n) Pool table Operators;
- o) United Business Association;
- p) Markets Committee;
- q) Commerce Federation of Kenya (COFEK);
- r) Law Society of Kenya; and
- s) The Nairobi City County Sector of Commerce, Tourism and Cooperatives

Hon. Speaker,

The Committee held a public participation forum on Wednesday, 13th March, 2019 at Charter Hall, City Building. Following the notice and the public participation, the Committee received written memoranda from the following stakeholders: -

- i. The Nairobi City County Sector of Commerce, Tourism and Cooperatives;
- ii. Micro and Small Enterprises Authority;
- iii. Law Society of Kenya;
- iv. Kenya Private Sector Alliance (KEPSA);
- v. The Institute for Social Accountability (TISA);
- vi. Kenya Law Reform Commission;
- vii. Kenya National Chamber of Commerce and Industry – Nairobi

Hon. Speaker,

The Committee held a total of six meetings and a retreat (held from 21st to 24th March, 2019 at Windsor Golf Hotel, Kiambu County) to consider the Bill and all representations received from stakeholders. All stakeholders while supporting the Bill in principle, proposed amendments on some of the provisions of the proposed law.

Hon. Speaker,

The Committee finds this Bill to be a right step towards streamlining the handling of trade within the County. The Bill seeks to provide for regulation of trade in the County, provide a legal framework for application and issuance of trade licenses in the County.

Hon. Speaker,

The Committee considered the submissions by stakeholders as provided for in the Standing Order and had proposed amendment to the Bill in Long Title, Clauses 2,3,4,5,6,7,8,9,10,12,14, 15,16, 20,21,22, 24,25, 27 and 27. The Committee further proposed new clauses, sub-clauses, new paragraphs and new schedule to be included in the proposed law. Some of the amendments are editorial while others are aimed at ensuring that the Bill is consistent with the Constitution and also cater for the concerns of the stakeholders.

1.4. Acknowledgement

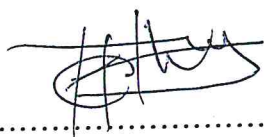
Hon. Speaker, I wish to acknowledge with gratitude the offices of the Speaker and the Clerk of the County Assembly for the logistical and technical support accorded to the members of the Committee to enable them consider the Nairobi City County Trade Licensing Bill, 2018. Appreciation is also extended to the sponsor of the Bill and the stakeholders for their immense contribution.

I am grateful for the Members of the Committee whose support and commitment enabled the Committee to accomplish this task. Special thanks to the Secretariat for their support at all times.

On behalf of the Committee and pursuant to Standing Order 131 (3), I now have the honour and pleasure to present this Report on the consideration of the Nairobi City County Trade Licensing Bill, 2018.

Thank You.

SIGNED



HON. CHARLES THUO WAKARINDI, MCA
(CHAIRMAN)

DATE.....

15/4/19

MEMBERS' ADOPTION OF THE REPORT ON THE CONSIDERATION OF THE NAIROBI CITY COUNTY TRADE LICENSING BILL, 2018

1. Hon. Charles Thuo Wakarindi, MCA
2. Hon. Jeremiah Karani Themendu, MCA
3. Hon. Samuel Ng'ang'a Mwangi, MCA
4. Hon. Benson Mwangi Macharia, MCA
5. Hon. Naftaly Wagura Mathenge, MCA
6. Hon. Jacinta Wanjiru, MCA
7. Hon. Jayendra Virchand Malde, MCA
8. Hon. Mary Njuguna Njambi, MCA
9. Hon. Paul Ndungu Irungu, MCA
10. Hon. Millicent Wambui Mugadi, MCA
11. Hon. ~~James~~ ~~Wanjiru~~, MCA
12. Hon. Doris Ngoyo Kanario, MCA
13. Hon. Wilfred Oluoch Odalo, MCA
14. Hon. Cecilia Achieng Ayot, MCA
15. Hon. Redson Otieno Onyango, MCA
16. Hon. Jane Muasya, MCA
17. Hon. Eve Malenya, MCA
18. Hon. Wilson Ochola Ongele, MCA
19. Hon. Maurice Ochieng Onyango, MCA

~~Charles Thuo Wakarindi~~

Jeremiah Karani Themendu

~~Samuel Ng'ang'a Mwangi~~

Jayendra Virchand Malde

P.N

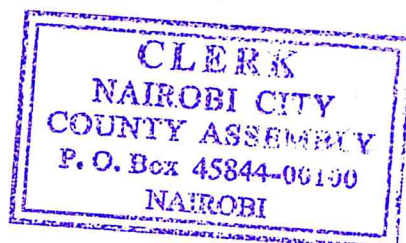
~~James Wanjiru~~

C.A
Cecilia Achieng Ayot

J.M
Jane Muasya

~~Wilson Ochola Ongele~~

Maurice Ochieng Onyango



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2.0. INTRODUCTION

Pursuant to Article 185 of the Constitution of Kenya, 2010, the legislative authority of a County is vested and exercised and the County Assembly. The County Assembly is to make laws that are necessary for effective performance of the functions of the County Government as provided for in Part Two of the Fourth Schedule to the Constitution.

Pursuant to Section 23 of the County Governments Act, 2012, the Nairobi City County Trade Licensing Bill, 2018 was published in the special issue of the Nairobi City County Gazette Supplement No. 14 on 16th November, 2018. On Tuesday, 4th December, 2018, the Bill sponsored by Hon. Robert Mbatia, MCA, was read a First Time and thereafter committed to the Sectoral Committee Trade, Tourism and Cooperatives for scrutiny, public participation and reporting to the Assembly pursuant to Standing Order 131.

Article 196(b) of the Constitution requires the County Assemblies to facilitate public participation and involvement in the legislative and other business of the Assembly and its Committees.

3.0. CONSIDERATION OF THE NAIROBI CITY COUNTY TRADE LICENSING BILL, 2018

While examining the Bill, the Committee noted the following;

3.1. Objective of the Bill

The principle objective of the Bill is to provide a legal framework for application, issuance and enforcement of trade licensing in the County. The Bill requires that businesses to be licensed in accordance with the proposed law. It also establishes a Directorate of Trade Licensing with its responsibilities on issuance of trade licensing.

The Committee observed that paragraph 7 of Part two of the Fourth Schedule to the Constitution of Kenya, 2010 gives County Government powers to ensure trade development and regulation Sub-section (b) of the said paragraph specifically confers the power of trade licenses excluding regulation of professions to the County Governments. The Committee is therefore in agreement with the Bill since it seeks to give effect to the Part two of the Fourth Schedule to the Constitution of Kenya, 2010. Furthermore, since the Bill seeks to regulate trade licensing in the County, it will help in addressing some of the challenges facing traders such as annual payment of trade license where traders may



opt to pay either quarterly, half yearly or annually. In addition, the Bill will help the County Government to boost revenue collection.

3.2. Part I: Preliminary Provisions

Part I of the Bill sets out the preliminary matters with respect to the Bill. Clause 1 sets out the short title of the Bill. Clause 2 provides for definition and interpretation of terms as used in the Bill while Clause 3 gives a summary of the scope of application of the proposed law.

On the Long Title some stakeholders who commented on the Bill raised concerns on the definition of the title. For instance, the Kenya Law Reform Commission (KLRC) argued that the title should focus on regulation of trade licensing as the term 'trade' is broad. In their submission, KLRC proposed the title to be specific on trade licensing. The Committee agreed with the proposal amendment to the long title of the Bill to as the content of the Bill is on licensing of businesses and enforcement mechanisms.

On Clause 2, various stakeholders who commented on the Bill were concerned with the interpretation of 'business'. For instance, the Kenya Private Sector Alliance and Law Society of Kenya proposed deletion of the word 'include the businesses that are exempted' and exclusion of the word 'profession'. They argued that Professionals pay their annual licences to their professional bodies. The Committee acknowledges the provisions of Paragraph Seven (6) of Part Two (2) of the Fourth Schedule to the Constitution which gives County Government powers to regulate trade licences excluding regulation of professions. The Committee agreed with the proposals to conform to the provisions of the Constitution. In addition, the several proposed interpretation of various terms which were to be used in the proposed law. This include the following;

- (a) Licence holder
- (b) Licencee
- (c) Holder of a licence
- (d) E-Business (E-Commerce)
- (e) Provisions Permit
- (f) Provisional licence
- (g) Single Business Permit
- (h) Chief Officer

The Committee agreed to include the interpretation of the proposed new terms. However, some terms such as 'licencee', 'licence holder' and 'holder of a licence' meant same thing. The County Executive opined that the Bill should include a clause for objects of the proposed law for clarity. The Committee was in agreement with the proposal. The Committee disagreed with the County Executive on the proposal to include 'Chief Officer' in the proposed law. In the opinion of the Committee, Chief Officer has no role in the proposed Act and therefore not necessary.

3.3. Part II: Administration of Trade Licences

Part II of the Bill contains the provisions relating to the administration of trade licenses. Clause 4 provides for establishment of the Directorate of Trade Licensing with responsibilities on the issues of trade in the County. Clause 5 provides for the appointment of a Director of Trade Licensing who shall be the head of the Directorate. Clause 6 highlights the function of the Director of Trade Licensing which include approval or rejection of applications for licenses under the proposed law. Clause 7 demands any person who intends to operate a business or trade within the County to obtain a license. The clause further provides for penalties of operating a business within the County without a valid license. Clause 8 gives a summary of procedure in applying for a license. Clause 9 requires the Director to monitor and consider all electronic application. The clause further requires the director to keep and maintain a database of all trade license holders in the County. Clause 10 provides for the timelines in which application for license is to be considered. The clause further provides grounds for rejection of an application for a trade license. Clause 11 demands the Director of Trade Licensing to grant a license where the applicant has met the requirements satisfactorily. The clause further requires the Director to communicate the decision to reject an application for a trade licensing within a given timeline stating the reasons for the rejection. Clause 12 highlights the steps in appealing the decision by the Director to reject an application. Clause 13 demands that a trade license granted to be applicable in one business or trade. Clause 14 provides for renewal of a license. The Clause outlines conditions under which an application for renewal of license is to be granted. Clause 15 provides the period for validity of a license which is either annually, quarterly or half yearly. Clause 16 demands that any individual license holder who will to transfer

the license is to make application in writing to the Director which has to be approved by the Director. Clause 19 demands the holder of a trade license to display it in a visible place in the business premise. The Clause further provides for penalties against the provisions the proposed law. Clause 20 provides for application of a duplicate license in case of a lost or defaced license. Clause 21 demands the Director to maintain a register of all licenses to be issued under the proposed law.

The Committee finds this part to be the pillar of the Bill since despite the existing Directorate on Trade in the County Executive Sector, the proposed law provides for clear power of the Directorate of Trade Licensing. In this part, several stakeholders who commented on the Bill proposed amendments to various Clauses. For Instance, Kenya Law Reform Commission proposed establishment of Directorate of Trade Licensing with the department of Trade since the word 'Sector' was general. Kenya Private Sector Alliance proposed inclusion of a provisions for the qualification of the Director of Trade Licensing. The County Executive proposal that the Director of Trade Licensing to be answerable to the Chief Officer. The Committee concurred with the proposals. However, the Committee disagreed with the County Executive for the Director to be answerable to the Chief Officer. The Committee opined that the directorate of trade licensing should be answerable to the County Executive Committee Member as provided for under Section 36(1) of the County Governments Act, 2012 which provides that the executive committee has powers to supervise the administration and delivery of services in the County and all decentralized units and agencies in the County. In addition, the stakeholders had proposed to delete the consultation of the County Executive Committee Member in recruitment of Director of Trade Licensing by the County Public Service Board. They argued that the mandate of recruiting staff members is purely the mandate of County Public Service Board and they do not require to consult the CECM. The Committee agreed with the proposal. The Committee agreed with the proposal to merge Clauses 8 and 9 as both clauses deal with application for the licence. The County Executive proposed inclusion of a clause that gives CECM powers to establish an appeals committee to deal with appeals against the decisions of the Director of trade licensing. The Committee in concurring with the County Executive opined that

to avoid bias, an appeals committee should be established. The Committee proposed a five-member Committee comprising of County employees to avoid extra costs.

3.4. Part III: Enforcement

Part III of the Bill contains provisions on enforcement of the proposed law. Clause 22 pinpoints authorized officers under the Bill. Clause 23 gives authorized officers the powers to enter any proposed business premises for which an application under the proposed law is made for the purpose of inspection. Clause 24 provides for powers of authorized officers. The clause further contains provisions on the manner in which authorized officers ought to carry out inspection.

The Committee finds this part to be one of the vital parts of the Bill. This part mandates the County Executive Committee Member to designate officers within the Directorate to be authorized officers. The County Executive proposed an amendment to clause 22 for the CECM to seek approval from County Chief Officer in designating officers. The Committee disagreed with the proposal as the CECM is the overall head of the Sector. The Kenya Law Reform Commission proposed amendment to Clauses 23 and 24 to provide for the licence holder consent to the entry into premises by authorized licensing officers during their duties. In addition, County Executive proposed to include a sub-clause for penalty when a person who hinders or obstructs an officer to perform their duties. While agreeing with the proposed amendments, the Committee resolved to retain Clause 23 as drafted for effective operationalisation of the proposed law. The Committee argued that enforcement officers must be given powers to enter any premises during business hours and they should not require consent to enter.

3.5. Part IV: General Provisions

Part IV of the Bill contains general provisions of the proposed law. Clause 25 identifies some offences that may attract penalties. Clause 26 provides for general penalty of not exceeding fifty thousand Kenya Shillings on an offence which has no specific penalty under the proposed law. Clause 27 empowers the County Executive Committee Member to make regulations for purposes of implementing the proposed Legislation. The clause further provides what may be included in the regulations. Clause 28 is providing for the validity of trade license or business permit that is in force prior to the proposed Act.

In this part, the Committee is cognizant of the fact that for a successful implementation of some of the provisions of the proposal law, enactment of regulations is essential. The Committee is in agreement with the areas in which the proposed law provides for development of regulations. The Committee agreed that a procedure for application and licensing of E-commerce should be included in the regulations. In addition, the Committee agreed to include the information that shall be contained in the register in the regulations. The regulations should also include Specification of the different categories of traders as proposed by some stakeholders. The Committee found the decisions to anchor various license fees in the Bill noble since any fee charged by the County should be based on a particular rule. The Committee agreed to the redrafting of Clause 28 for clarity as proposed by Kenya Law Reform Commission.

The Committee further deliberated on the proposed additional clauses and schedule as agreed as follows:

NEW CLAUSE: Objects of the Act

- a) To provide a County legal framework for business licence management functions as spelt in Part Two (2) of the Fourth Schedule of the Constitution of Kenya 2010;
- b) Provide a legal basis for the implementation of the County Business plan;
- c) Provide a conducive environment for fair business practices;
- d) Provide roles and responsibilities of various actors;
- e) Control and regulate business practices and management in the County;
- f) To provide an enabling regulatory framework which provides and promotes growth and development in the sector, promotes self-regulation by trading associations ensures accountability and answerability.

NEW CLAUSE: Hawkers and street vendors licensing

No person shall act as a hawker unless he or she is in possession of a valid hawker's licence granted to him or her for that purpose by the directorate of trade licensing unless they operate business exempted from licensing and stated under the regulations. A hawker's licence shall be in such form as may be prescribed and shall be granted subject to such conditions as to-

- a) The kind of goods which may be hawked;

- b) The area within which the hawking shall be restricted;
- c) The hours during which the goods may be hawked, and such other conditions as licensing authority may think fit to impose.

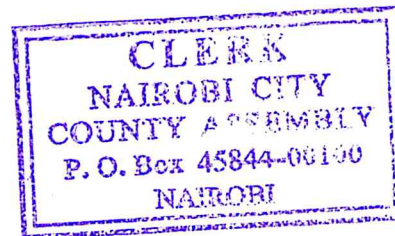
No hawkers licence shall be required in respect of any person who acts as a hawker of goods and services declared by the directorate of trade licensing and stated in the regulations of this Act to be hawked without a licence.

A hawker shall be required to produce his or her hawker's licence on demand for inspection by the enforcement officer at all times.

4.0. SUMMARY OF THE CONSIDERATION OF THE NAIROBI CITY COUNTY TRADE LICENSING BILL, 2018

The Committee deliberated on the Bill as follows: -

- Long Title – proposed amendment
- Short Title – proposed amendment
- Clause 2 – proposed amendments
- Clause 3 – proposed amendments
- Clause 4 – proposed amendments
- Clause 5 – proposed amendments
- Clause 6 – proposed amendments
- Clause 7 – proposed amendments
- Clause 8 – proposed amendments
- Clause 9 – proposed amendments
- Clause 10 – proposed amendments
- Clause 11 – agreed to
- Clause 12 – proposed amendments
- Clause 13 – agreed to
- Clause 14 – proposed amendments
- Clause 15 – proposed amendments
- Clause 16 – proposed amendments
- Clause 17 to 19 – agreed to
- Clause 20 – proposed amendments
- Clause 21 – proposed amendments



Clause 22	– proposed amendments
Clause 23	– agreed to
Clause 24	– proposed amendments
Clause 25	– proposed amendments
Clause 26	– agreed to
Clause 27	– proposed amendments
Clause 28	– proposed amendments

New Clauses

3A – objects of the Act	– proposed new clause
7A – Hawkers and street vendors licensing	– proposed new clause

New Sub-Clauses

New Sub-clause 4 (2)A	– Proposed new sub-clause
New Sub-clause 5 (2)A	– Proposed new sub-clause
New Sub-clause 24 (2)A	– Proposed new sub-clause
New Sub-clause 28 (1)A	– Proposed new sub-clause
New Sub-clause 28 (1)B	– Proposed new sub-clause

New paragraphs

New paragraph 16 (1)b (A)	– proposed New paragraph
New paragraph 16 (1)b (B)	– proposed New paragraph
New paragraph 27 (2)g (A)	– proposed New paragraph

New Schedule

New Schedule 1: Business licence charges	– proposed new schedule
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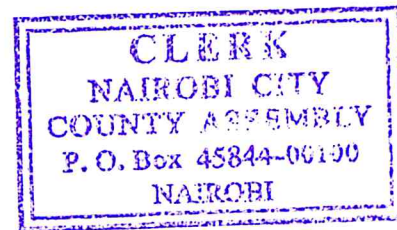
5.0. COMMITTEE STAGE AMENDMENTS

(As attached to this Amendments Report)

MINUTES OF THE 20TH SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY
SECTORAL COMMITTEE ON TRADE, TOURISM AND COOPERATIVES HELD ON
TUESDAY, 9TH APRIL, 2019 AT 11.30 AM IN COMMITTEE ROOM 3, CITY HALL
BUILDING.

PRESENT

1. Hon. Jeremiah Karani Themendu, MCA – Vice-Chairman
2. Hon. Cecilia Achieng Ayot, MCA
3. Hon. Benson Mwangi Macharia, MCA
4. Hon. Redson Otieno Onyango, MCA
5. Hon. Jayendra Virchand Malde, MCA
6. Hon. Wilson Ongele Ochola, MCA
7. Hon. Jane Muasya, MCA
8. Hon. Maurice Ochieng Onyango, MCA
9. Hon. Wilfred Odalo Oluoch, MCA
10. Hon. Samuel Ng'ang'a Mwangi, MCA
11. Hon. Naftaly Wagura Mathenge, MCA
12. Hon. Paul Ndung'u Irungu, MCA



ABSENT

1. Hon Charles Thuo Wakarindi, MCA – Chairman
2. Hon. Lawrence Otieno Odhiambo, MCA
3. Hon. Mary Njuguna Njambi, MCA
4. Hon. Eve Malenya, MCA
5. Hon. Jacinta Wanjiru, MCA
6. Hon. Millicent Wambui Mugadi, MCA
7. Hon. Doris Ngoyo Kanario, MCA

SECRETARIAT

1. Mr. Kevin Wasike – Clerk Assistant
2. Ms. Violet Odongo – Intern

MIN.014/SC-TTC/APR/2019 – PRELIMINARIES

Hon. Cecilia Ayot (presiding Chair) called the meeting to order at 11.30 am and said the opening prayers. She then welcomed the Members present to the meeting and read the agenda which was adopted for discussion as proposed by Hon. Wilfred Odalo, MCA and seconded by Hon. Jayendra Malde, MCA as follows;

1. Preliminaries (prayers & adoption of the Agenda)
2. Confirmation of Minutes – 14th, 15th and 16th Sittings
3. Matters Arising
4. Consideration and adoption of the draft report on the consideration of the Nairobi City County Trade Licensing Bill, 2018
5. Any Other Business
6. Adjournment

MIN.015/SC-TTC/APR/2019 – PRELIMINARIES

The Chair read the Minutes of the 14th Sitting held on 26th March, 2019. The Minutes were confirmed to be true record of the proceedings as proposed by Hon. Redson Otieno, MCA and seconded by Hon. Maurice Ochieng, MCA

The Minutes of the 15th Sitting held on 27th March, 2019 were read by the presiding Chair. The confirmation of the Minutes was proposed by Hon. Naftaly Mathenge, MCA and seconded by Hon. Wilfred Odalo, MCA and confirmed the same to be true record of the proceedings.

The presiding Chair read the Minutes of the 16th Sitting held on 28th March, 2019. The confirmed of the Minutes was proposed by Hon. Jayendra Malde, MCA and seconded by Hon. Maurice Ochieng, MCA and confirmed the same to be true record of the proceedings.

MIN.016/SC-TTC/APR/2019 – MATTERS ARISING

There were no matters arose from the Minutes

MIN.017/SC-TTC/APR/2019 – CONSIDERATION AND ADOPTION OF THE DRAFT REPORT ON THE CONSIDERATION OF THE NAIROBI CITY COUNTY TRADE LICENSING BILL, 2018

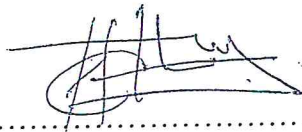
The Secretariat tabled the draft report on the consideration of the Nairobi City County Trade Licensing Bill, 2018 for consideration. The presiding Chair took the Members through the report. The Committee deliberated on the report and adopted it for tabling as proposed by Hon. Naftaly Mathenge, MCA and seconded by the Vice-Chairman.

MIN.018/SC-TTC/APR/2019 – ADJOURNMENT

There being no other business and time being ten minutes past Twelve O'clock, the Chair adjourned the meeting to Wednesday, 10th April, 2019 at 11.30am.

CONFIRMED AS TRUE RECORD OF THE PROCEEDINGS

SIGNATURE




(Chairperson)

DATE.....

19/4/2019

SIGNATURE

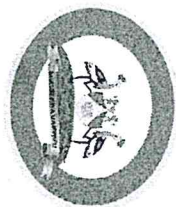


(Clerk Assistant)

DATE.....

19/4/2019

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY
 SECOND ASSEMBLY
 (THIRD SESSION)

SECTORAL COMMITTEE ON TRADE, TOURISM AND COOPERATIVES

MATRIX OF STAKEHOLDER COMMENTS AND FINAL COMMITTEE PROPOSED AMENDMENTS TO THE
 NAIROBI CITY COUNTY TRADE LICENSING BILL 2018 AND JUSTIFICATIONS

CLAUSE OF THE BILL	COMMENTS & PROPOSED AMENDMENTS BY STAKEHOLDERS	COMMENT(S) ON PROPOSED AMENDMENT(S)	COMMITTEE'S OWN COMMENT	PROPOSED COMMITTEE AMENDMENT	FINAL PROPOSED AMENDMENT	JUSTIFICATION
Long Title	KLRC A Bill for AN ACT of the county Assembly to provide for grant of trade licences and for related purposes	Agreed the content of the Bill is on licensing of businesses and enforcement mechanisms	Agreed with the proposal	THAT, the Long Title of the Bill be amended by deleting the word "regulation of trade" and substituting therefor the word "grant of trade licences"	THAT the Long Title of the Bill be amended by deleting the expression "regulation of trade" and substituting therefor the expression "grant of trade licences within Nairobi City County"	Trade regulation is broad

<p>Clause 1 (Short Title)</p>	<p>No comment</p>	<p>NIL</p>	<p>Agreed with the Clause as drafted</p>	<p>NIL</p>	<p>THAT the Short Title of the Bill be amended by deleting the numerical "2018" and substituting therefor the numerical "2019".</p>	<p>NIL</p>
<p>Clause 2</p>	<p><u>KLRC</u> - 'business' includes a profession, trade or occupation Define; i. Licence holder ii. Licencee iii. Holder of a licence iv. E-Business</p>	<p>Agreed, this definition allows for different forms of interpretation</p>	<p>Agreed with the proposal</p>	<p>THAT, Clause 2 of the Bill be amended by inserting the following new definitions in proper alphabetical order; 'Licence holder' - a person granted by the director licensing a licence to operate a trade within the county 'E-Commerce' - any form of business that is transacted through the internet</p>	<p>THAT Clause 2 of the Bill be amended as follows;- i) by inserting the following definitions in their proper alphabetical sequence: a) "licence holder" means a person or entity granted a licence by the director of trade licensing to operate a trade within the county; b) "committee" means the Trade Licensing Appeals Committee established under Section 12 of this Act. c) "e-Commerce" means any form of</p>	<p>Comprehension</p>

					<p>transaction or business conducted electronically through the internet;</p> <p>d) "hawker" means a person who, whether on his or her own account sells goods by retail other than in trading premises or in a market established by the county.</p> <p>e) "street vendor" means a person who offers goods or services for sale to the public without having a permanently built structure but with a temporary static structure or mobile stall;</p> <p>f) "trader" means a person who buys and sells goods and services within</p>	
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					<p>Nairobi City County;</p> <p>g) "trading premises" means and includes shops or premises used for a retail trade or business;</p> <p>h) "provisional licence" means a licence issued by the Director of trade licensing after application to allow a trader to continue operating the business or trade before the issuance of the main trade licence;</p> <p>i) "profession" means a paid occupation governed and regulated by a professional body which involves prolonged training and a formal qualification</p> <p>i) "specified goods" means any goods</p>
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or good of any particular class, declared as such under of this Act.

ii) In the definition of the word "trade" by deleting the definition of the word "trade" in its entirety and substituting therefor the following: -

"trade means any business whereby goods, services, wares, merchandise or provisions are sold in any trading premise or in any other manner including electronically, through the internet whether by retail or wholesale for which a license is required under this Act"

					<p>iii) In the definition of the word "business" by deleting the definition of the word "business" in its entirety and substituting therefor the following: -</p> <p>"business means any commercial activities conducted for the purpose of facilitating such buying and selling of goods and services with a clear definition of operating times or trade and includes exempted businesses."</p>
	<p>TISA</p> <p>i. Provide definition on all categories of its traders who are licensed;</p>	<p>i. Definition of business and trade covers these aspects</p> <p>ii. Agreed</p>	<p>Disagreed with the first proposal;</p> <p>Agreed to expound on definition of the term "trade"</p>	<p>THAT, Clause 2 of the Bill be amended as follows;</p> <p>a) by inserting the following words 'services' immediately after</p>	

<p>ii. Expound the definition of trade</p>	<p>KEPSA In the definition of 'business' exclude a profession and exclude businesses that are exempted</p>	<p>Agreed. Delete the provision. The same is excluded in schedule 4 of the constitution.</p>	<p>Agreed with the proposal</p>	<p>the word 'goods' and 'e-commerce' immediately after the word 'merchandise' b) by inserting the following new definitions in proper alphabetical order; "Trader" – a person who buys and sells goods and services; "Trading Premises" – Shops or premises used for a retail trade or business</p>	
<p>County Executive a) Define 'County Chief Officer';</p>	<p>a) He/she has no role in the Act, not necessary</p>	<p>a) Disagreed with the proposal b) Agreed</p>	<p>THAT, Clause 2 of the Bill be amended by deleting the following words in the definition of the word 'business'; 'a profession' 'include the businesses that are exempted'</p>	<p>THAT, Clause 2 of the Bill be amended by inserting the following</p>	

<p>b) In the definition of 'trade' include service and e-commerce;</p> <p>c) Include the following in the definition; -</p> <ol style="list-style-type: none"> i. E-commerce ii. Provisions Permit iii. Provisional licence iv. Single Business Permit 	<p>b) Viable</p> <p>c) Agreed</p>	<p>c) Agreed</p>	<p>definitions in proper alphabetical order;</p> <p>'Provisional licence' - a licence given by the Director trade licensing after application to continue operating the business or trade before the issuance of the main licence</p> <p>'Single Business Permit' - is the licence for operation a single business or trade within Nairobi County</p>		
<p><u>Law Society of Kenya</u></p> <p>In the definition of business delete 'include the businesses that are exempted' and exclude the word 'profession'</p>	<p>Agreed</p>	<p>Agreed</p>	<p>THAT, Clause 2 of the Bill be amended by deleting the following words in the definition of the word 'business';</p> <p>'a profession'</p> <p>'include the businesses that are exempted'</p>		<p>THAT Clause 3 of the Bill be amended as follows; -</p>
<p>Clause 3</p> <p>TISA</p> <p>Specify different categories of traders</p>		<p>Disagreed</p>	<p>NIL</p>		<p>To be included in the regulations</p>

					<p>(1) By inserting the words "with the exemption of professions" immediately after the word "Nairobi"</p> <p>(f) By inserting a new Clause immediately after Clause 3 as follows: -</p> <p>NEW CLAUSE</p> <p>Objects of the Act</p> <p>"3 A" The purpose and objects of this Act is to provide for a legal framework for -</p> <p>(a) provision of business licence management functions as spelt out in part 2 of the Fourth schedule of</p>	

the Constitution of Kenya, 2010;

(b) provision of a legal basis for the implementation of the County Business plan;

(c) provision of a conducive environment for fair business practices;

(d) assignment of roles and responsibilities of various county officers in directorate of trade licensing

(e) control and regulation of business practices and management in the County; and

(f) provision of an enabling regulatory framework which

<p>KEPPSA Professionals should not pay for a trade licence</p>	<p>Agreed</p>	<p>Agreed</p>	<p>THAT, Clause 3 of the Bill be amended by inserting the following words immediately after the word 'Nairobi' – 'excluding professions as defined under Part Two (2) of the Fourth Schedule to the Constitution and exempted businesses'</p>	<p>promotes growth and development in the sector, promotes self-regulation by trading associations and ensures accountability.</p>	<p>To conform to the provisions of the Constitution on the function of the County Government</p>
<p>Law Society of Kenya Include a sub-section for the exempted professional businesses</p>	<p>Agreed</p>	<p>Agreed</p>			<p>This makes it clear that the Act will only apply to trades and services that are not regulated by professional bodies.</p>

<p>Clause 4</p>	<p><u>KLRC</u> There is established a Directorate of Trade Licensing within the county department of trade</p>	<p>Agreed. There is need to limit the directorate to county department of trade</p>	<p>Agreed with proposed amendment</p>	<p>THAT, Clause 4 of the Bill be amended in sub-clause (1) by deleting the following words - 'within the County Sector'</p>	<p>THAT Clause 4 of the Bill be amended as follows; (1) in sub-clause (1) by deleting the expression "within the County Sector"</p>	<p>County Sector is too general</p>
<p><u>County Executive</u> The directorate of trade licensing to be answerable to the Chief Officer Trade</p>	<p>Disagreed, the directorate of trade licensing should be answerable to the CECM as provided for under section 36(1) of the county government act which provides that the executive committee has powers to supervise the administration and delivery of in the county</p>	<p>Disagreed with the proposal</p>	<p>(II) By inserting a new sub clause immediately after sub clause (2) as follows: - NEW SUB CLAUSE “(2) A” The Directorate shall be guided by the following principles including-- a) The regulation of licensable activities in order to set minimum standards relating to such activities and to ensure-</p>	<p>(II) By inserting a new sub clause immediately after sub clause (2) as follows: - NEW SUB CLAUSE “(2) A” The Directorate shall be guided by the following principles including-- a) The regulation of licensable activities in order to set minimum standards relating to such activities and to ensure-</p> <ul style="list-style-type: none"> i. National unity; ii. Public safety and hygiene; iii. Environmental protection; iv. Inclusion of marginalized trading 		

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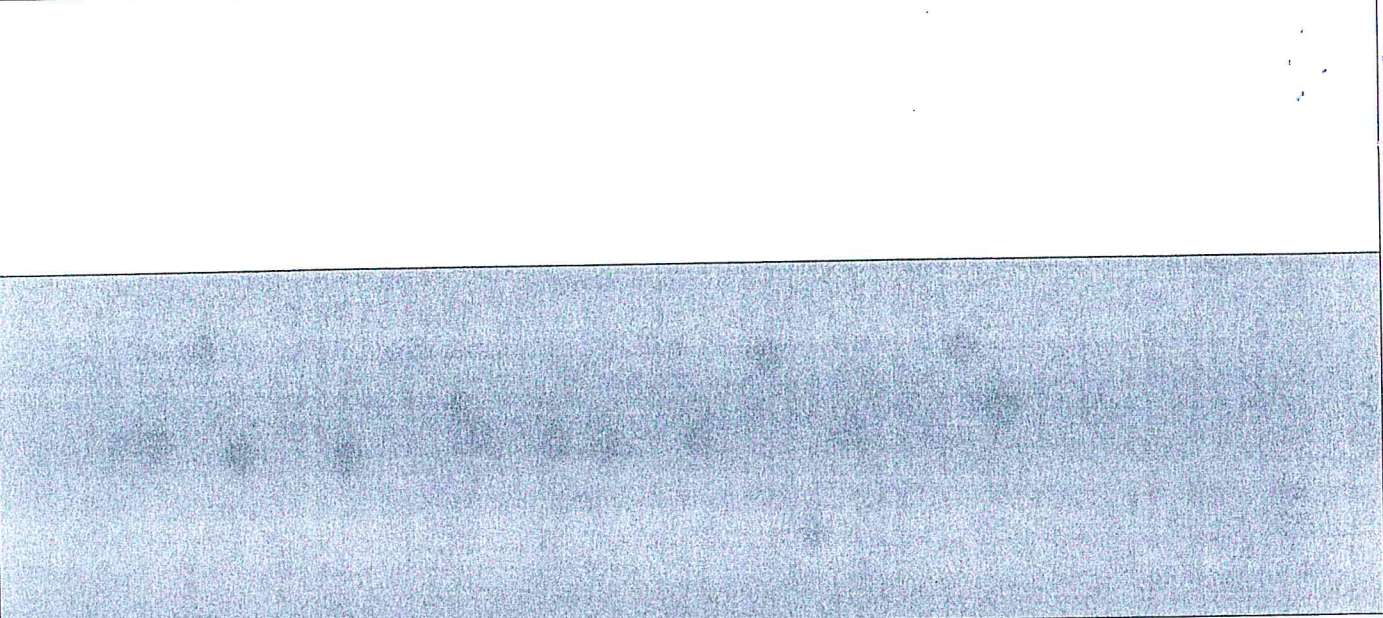
Clause 5	KEPSA Add qualifications for director of licensing	Agreed	<p>populations, including hawkers and street vendors; and</p> <p>v. Promotion of transparency and public participation</p> <p>b) Licences shall be issued on the basis of clearly defined and transparent criteria.</p>	<p>THAT Clause 5 of the Bill be amended as follows:</p> <p>in sub-clause (1) by deleting the expression "in consultation with the County Executive Committee Member"</p>	
Clause 5	KEPSA Add qualifications for director of licensing	Agreed	<p>THAT, Clause 5 of the Bill be amended by inserting the following new sub-clause (3) immediately after sub-clause (2)</p> <p>Qualifications for the Director Trade Licencing:-</p> <p>a) Should have a university degree in any area related to trade from a recognized university in Kenya</p> <p>b) Should have at least 3 years' experience</p>	<p>THAT Clause 5 of the Bill be amended as follows:</p> <p>in sub-clause (1) by deleting the expression "in consultation with the County Executive Committee Member"</p>	

		<p>working in the related field</p> <p>c) Should be a person of integrity</p> <p>d) should not be convicted by the Court for any offence</p>				
		<p>THAT, Clause 5 of the Bill be amended in sub-clause (1) by deleting all the words appearing after the word 'Board'</p>	<p>Agreed with the proposal</p>	<p>Agreed, the mandate of recruiting staff members is purely the mandate of CPSB, they do not require to consult the CECM.</p>	<p><u>County Executive</u> Exclude 'in consultation with the County Executive Committee Member'</p>	
	<p>THAT Clause 6 of the Bill be amended in the marginal note by deleting the word 'Functions' and substituting therefor the word 'Powers'</p>	<p>THAT, Clause 6 of the Bill be amended on the marginal notes by deleting the word 'functions' and substituting therefor the word 'powers'</p>	<p>Agreed with proposed amendment</p>	<p>Agreed 'power' means the ability or capacity to do something or act in a particular way</p>	<p><u>KLRC</u> On the marginal notes use powers instead of functions</p>	
			<p>Disagreed</p>	<p>Any other legislation applicable must be quoted</p>	<p><u>County Executive</u> Include 'and any other legislation applicable' in sub-clause c and d</p>	

<p>Clause 7</p> <p>TISA</p> <p>Sub-clause 1;</p> <p>Licence to be obtained spontaneously and efficiency and accountability purposes.</p>	<p>This is an issue on implementation of the Act and efficiency in considering an application and issuance of a license. We can create a sub clause stating the time limit within which an applicant will obtain the licence after application.</p>	<p>Agreed with proposed amendment</p>	<p>THAT, Clause 7 of the Bill be amended by inserting the following new sub-clause (2) after sub-clause (1):-</p> <p>(2) The Director of Trade Licensing shall issue licence within a period of seven (7) days from the date of application.</p>	<p>THAT Clause 7 of the Bill be amended as follows:-</p> <p>i. In sub clause (1) by inserting the word “trade” immediately before the word “licence”</p> <p>ii. In sub clause (2) by deleting sub clause (2) in its entirety and substituting therefor the following:-</p> <p>“A person who operates a trade or business without a trade licence commits an offence and shall be liable upon conviction to a fine not exceeding Kenya Shillings one hundred thousand or to</p>	
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	<p><u>KEPSA</u> <u>Sub-Clause 1</u> Add the following at the end of the section' <i>subject to the exemptions under section 7(b) of the Fourth Schedule of the Constitution'</i></p>	<p>Agreed</p>	<p>Agreed</p>	<p>THAT, Clause 7 of the Bill be amended in sub-clause (1) by inserting the following words immediate after the word 'licence' – 'subject to the exemptions under section 7(b) of the Fourth Schedule of the Constitution'</p>	<p>imprisonment for a term not exceeding six months or to both such fine and imprisonment'</p>	
	<p><u>Micro and Small Enterprises Authority</u> <u>Sub-Clause 1</u> There should be clear categorization of businesses either in this clause or in the regulations.</p>	<p>Agreed</p>	<p>Agreed</p>			<p>To conform to the provisions of the Constitution on the function of the County Government</p>
						<p>To be included in the regulations</p>

	<u>County Executive</u> Delete 2(a) and (b)	Clauses on penalties and fine falls within the Bill	Disagreed with the proposal	THAT, Clauses 8 and 9 of the Bill be deleted in totality and substituted with the following new clause: -		Penalties to be provided for in the Bill
Clause 8	<u>KLRC</u> 8 (1) An application for the grant of a trade licence shall-	Agreed. Clause 8 and 9 should be merged, both deal with application for the licence, this relates to proper drafting.	Agreed with proposed amendment	8 (1) An application for the grant of a trade licence shall-		
Clause 9	<ul style="list-style-type: none"> a) Be lodged with the Directorate of Trade b) Be in the approved form; c) Contain such information and be accompanied by such documents as are required by the approved form; d) Be signed in a manner specified in the approved form; 			<ul style="list-style-type: none"> a) Be lodged with the Directorate of Trade b) Be in the approved form; c) Contain such information and be accompanied by such documents as are required by the approved form; d) Be signed in a manner 		

<p>e) Be accompanied by the prescribed application fee.</p> <p>(2) An application may be made in an electronic format approved by the licensing authority.</p> <p>(3) The Directorate may, before dealing with an application, require the applicant to furnish such additional information or documents as is necessary to enable the application to be dealt with.</p> <p>(4) The Directorate shall keep and maintain an updated database of all licence holders.</p> <p>(5) The prescribed application fee is not refundable</p>	<p>To include the schedule on the categories of licences as provided in the Finance Act, 2018 as a schedule in the trade licensing Bill, 2018.</p>	<p>Agreed include the schedule</p>	<p>specified in the approved form;</p> <p>e) Be accompanied by the prescribed application fee.</p> <p>(2) An application may be made in an electronic format approved by the licensing authority.</p> <p>(3) The Directorate may, before dealing with an application, require the applicant to furnish such additional information or documents as is necessary to enable the application to be dealt with.</p> <p>(4) The Directorate shall keep and maintain an updated database of all licence holders.</p> <p>(5) The prescribed application fee is not refundable</p>	
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	KNCCI A clause providing a breakdown of licence fees payable per type of business. A clause on the timeframe and circumstances within which prescribed fees may be reviewed					
Clause 10	<u>County Executive 10(2) (b)</u> , Include 'as stated in the standard operations guide' after purpose	Agreed, however, the standards for the premises to be included in the Regulations.	Agreed	THAT, Clause 10 of the Bill be amended in sub-clause (2) (b) by inserting the following words immediate after the word 'purpose' – 'as stated in the standard operations guide';		
Clause 11	No comment	NA	Agreed with the Clause as drafted	NA		NA
Clause 12	<u>County Executive CECM</u> to establish an appeals committee to deal with appeals against the decisions of the Director.	Agreed, to avoid any form bias	Agreed – 5 member Committee;	THAT, Clause 12 of the Bill be amended as follows; a) by deleting sub-clause 1 in totality and substituting therefor with the following sub-clauses	THAT Clause 12 of the Bill be amended by deleting Clause 12 in its entirety and substituting therefor the following: - "12 (1) There is established the Trade Licensing Appeals Committee comprising	

		<p>12 (1) "There is established the Trade Licensing Appeals Committee comprising of the following persons based on gender —</p> <p>(a) Director responsible for Trade and Enterprises Development who shall be the chairperson to the Committee;</p> <p>(b) an officer designated by the County Executive Committee Member for the time being responsible for finance;</p> <p>(c) the Director of Revenue; and</p> <p>(d) the County Attorney; and</p> <p>(e) the Director of Markets.</p>	<p>of the following persons</p> <p>--</p> <p>(a) The Director responsible for Trade Enterprises Development who shall be the chairperson to the Committee;</p> <p>(b) an officer designated by the County Executive Committee Member for the time being responsible for finance;</p> <p>(c) the Director of Revenue; and</p> <p>(d) the County Attorney; and</p> <p>(e) the Director of Markets.</p> <p>(2) The Members of the Committee shall be appointed on such terms and conditions as the County Executive</p>
		<p>(2) The Members of the Committee shall be appointed on such terms and conditions as the County Executive</p>	

				<p>Director of Trade Licensing may within seven days appeal to the County Executive Committee Member against the decision'.</p> <p>12 (3) Upon receipt of an appeal, the Executive Committee Member shall within seven refer the appeal to the Committee for consideration'.</p> <p>12 (4) 'The Committee shall consider the appeal within fourteen days after receipt and make recommendations to the Executive Committee Member'.</p> <p>b) In sub-clause 2 by inserting the following words immediately after the word 'decision' and</p>	<p>Committee Member may determine.</p> <p>(3) The County Executive Committee Member shall designate a Member of the Committee to be the secretary to the Committee.</p> <p>(4) The Members shall serve in the Committee for a period of five (5) years and shall not be eligible for reappointment</p> <p>(5) A person aggrieved by a decision of the Director of Trade Licensing shall within seven (7) days appeal to the Committee against the decision;</p> <p>(6) The Committee may, where it entertains a notice of appeal, decide the appeal by-</p> <p>a) confirming the decision of the</p>	
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				<p>before the for word 'and' - ' on the recommendation of the Committee'</p>	<p>Directorate of Trade Licensing; the b) varying the decision; c) quashing the decision;</p> <p>(7) The Committee shall consider the appeal within fourteen (14) days after receipt of the appeal and make recommendations to the Executive Committee Member.</p> <p>(8) The Committee shall regulate its own procedure.</p>	
<p>Clause 13</p>	<p><u>TISA</u> Expound the definition of business, trade, a trader, trading premises.</p>	<p>Agreed</p>	<p>Agreed with proposed amendment</p>			
<p>Clause 14</p>	<p><u>County Executive</u> 14 (2) Delete sub-clause a and b and replace with- i. All suspended businesses must be reported to the director</p>	<p>Include the clause stating that change of business names, transfer if business or amendments shall attract a fee.</p>	<p>Agreed</p>			

	<p>failure to which attracts a penalty</p> <p>Change of business name, transfer of business or amendments shall attract fee</p>					
<p>Clause 15</p>	<p><u>TISA 15(1)</u> Include 'either' after payable</p>	<p>Agreed. Trader can either choose to pay for the licence annually, quarterly or half year since some applicants may be unable to pay the full fees as one instalments</p>	<p>Agreed with proposed amendment</p>	<p>THAT, Clause 15 of the Bill be amended in sub-clause (1) by inserting the word 'either' immediately after the word 'payable' and immediately before the word 'annually'</p>	<p>THAT Clause 15 of the Bill be amended as follows:</p> <p>i. In sub clause (1) by inserting the word "either" immediately before the word "annually"</p> <p>ii. In sub clause (2) by deleting sub clause (2) in its entirety and substituting therefor the following: -</p> <p>"A provisional licence may be granted to an applicant by the</p>	

					<p>Directorate of Trade Licensing and shall be valid for a maximum period of three (3) months”</p>	
	<p><u>County Executive</u> 15 (1) Licence fees should be paid annually</p> <p>15 (2) Provisional licence not exceed 3 months</p>	<p>There is need to cater for traders who are only able to pay quarterly or half-yearly to maximize revenue collection</p> <p>Agreed. delete sub clause 2</p>	<p>Disagreed with the proposal</p> <p>Agreed to the proposal</p>	<p>THAT, Clause 15 of the Bill be amended by inserting the following sub-clause (4); (4) “The provisional licence shall not exceed a period of 3 months”</p>		
<p>Clause 16</p>	<p><u>KNCCI</u> 16 (4) A clause for review of fines payable to reflect economic times and value for money.</p>	<p>Disagreed. Amendments can be done later on we do not need such a provision in our bill.</p>	<p>Disagreed with the proposal</p>		<p>THAT Clause 16 of the Bill be amended in sub clause (1) paragraph (b) by inserting the following new paragraphs immediately after paragraph (b) as follows: - NEW PARAGRAPHS “b A” “is operating an illegal business”</p>	

	<p>County Executive Delete <i>'has breached a condition in the licence'</i> after the word licence and add <i>'is operating an illegal business'</i></p> <p>Add sub-clause (d) The licence was fraudulently acquired</p>	<p>Agreed.</p> <p>No harm it covers any lacuna in the legislation</p>	<p>Agreed to the proposal</p>	<p>THAT, Clause 16 of the Bill be amended in sub-clause (1) (b) by deleting the words <i>'has breached a condition in the licence'</i> appearing immediately after the word 'licence' substituting therefor the words 'is operating an illegal business'</p> <p>THAT, Clause 16 be amended in sub-clause (1) by inserting the following new paragraph (d)</p> <p>) The licence was fraudulently acquired</p>	<p>"b AB" was acquired"</p> <p>"the licence fraudulently acquired"</p>	
<p>Clause 17</p>	<p>No comment</p>	<p>NA</p>	<p>Agreed with the Clause as drafted</p>	<p>NA</p>		<p>NA</p>
<p>Clause 18</p>	<p><u>County Executive</u></p>	<p>Transfer of licence should be allowed as</p>	<p>Disagreed with the proposal</p>			

	Delete the entire clause and replace it with ' <i>A trade licence shall not be transferrable from one business to another.</i> '	long as it is approved by the Director of Trade Licensing and to avoid contravening provisions of Article 209(5) of the constitution 2010.				
Clause 19	KNCCI Clause 19 (3) A clause for review of fines payable to reflect economic times and value for money.	Disagreed. Amendments can be done later on we do not need such a provision in our Bill.	Disagreed with the proposal			
Clause 20	County Executive Delete the entire clause	There should be a provision for replacement of lost or defaced licence upon payment of prescribed fees. (This can be caused by an act of God beyond the control of the license holder.)	Agreed with the legal counsel; add the word "reasonable"	THAT, Clause 20 of the Bill be amended in sub-clause (2) by deleting the word 'prescribed' and substituting therefor the word 'reasonable'	THAT Clause 20 of the Bill be amended in sub-clause (2) by inserting the word "reasonable" immediately before the word "fees"	
Clause 21	KLRC Clause 21 (2) The Register shall contain such information as may be prescribed.	Agreed, it mirrors what is contained in sub-section 3	Agreed with proposed amendment	THAT, Clause 21 of the Bill be amended in sub-clause (2) by deleting all the words appearing after the word 'prescribed'		

<p>Clause 22</p>	<p><u>KLRC</u> Does not make sense as drafted because it is referring to other legislation which is not identified</p>	<p>Agreed, clause to be re-drafted to state "Any authorized officer designated as such in any county legislation shall be authorized officers for the purposes of this Act."</p>	<p>Agreed with proposed amendment</p>	<p>THAT, Clause 22 of the Bill be amended by deleting sub-clause (2) in its entirety and substituting therefor the following new sub-clause; (2) Any authorized officer designated as such in any county legislation shall be authorized officers for the purposes of this Act.</p>	<p>THAT Clause 22 of the Bill be amended by deleting sub-clause (2) in its entirety.</p>	
<p>Clause 23</p>	<p><u>County Executive</u> Add 'in concurrence with County Chief Officer' after shall</p>	<p>Disagreed. The CECEM is the overall head of the sector</p>	<p>Disagreed with the proposal</p>	<p>THAT, Clause 24 of the Bill be amended as follows:-</p>		
<p>Clause 24</p>	<p><u>KLRC</u> A licensing officer may, on producing a staff identity card- (1) enter any premises for the purpose of-</p>	<p>Agreed- so as to conform with the constitution on the right to privacy.</p>	<p>Disagreed - retain the clause 23 as drafted</p>	<p>a) in sub-clause 1(a) by deleting the following words 'licensed under this Act'</p> <p>b) in sub-clause 2 by adding the following words</p>	<p>THAT Clause 24 of the Bill be amended as follows:</p>	
	<p>i. Granting or renewing a trade licence; or</p>	<p>However, we disagree with the provision that the licence holder must consent to the entry</p>			<p>a) in sub-clause 1 paragraph (a) by deleting the words "licensed under this Act"</p>	

<p>ii. Finding out whether the holder of a trade licence is complying with the licence, or this Act or the rules made under this Act.</p> <p>(2) search the premises or any part of the premises;</p> <p>(3) inspect or examine anything in or on the premises;</p> <p>(4) seize anything that may afford evidence of the commission of an offence against this Act;</p> <p>(5) take extracts from and take copies of any documents in or on the premises;</p> <p>(6) require licence holder or any person found in the premises</p>	<p>and that the licensing officer suspects the commissioning of an offence.</p> <p>Enforcement officers must be given powers to enter any premises during business hours and they should not require consent to enter.</p>	<p>immediately after the word 'holder' - 'and shall carry out his duties with due diligence'.</p> <p>c) By adding the following new sub-clause immediately after sub-clause (2)</p> <p>3) 'Any person who hinders or obstructs an officer performing their duties under this section shall have committed an offence and is liable to pay a fine not exceeding Kenya shillings one hundred thousand or imprisonment for a term not exceeding six months or both'.</p>	<p>immediately after the word "premises"</p> <p>b) in sub-clause (2) by inserting the following words immediately after the word 'holder' "and shall carry out his duties with due diligence"</p> <p>c) By inserting the following new sub-clause immediately after sub-clause (2)</p> <p>"(2) A person who hinders or obstructs an officer performing their duties under this Section commits an offence and shall be liable on conviction to a fine not exceeding Kenya shillings one hundred thousand or to imprisonment for a term not exceeding six months or both'.</p>
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to give reasonable assistance

(2) A licensing officer shall not enter premises unless-

- i. The owner or occupier consents to the entry; or
- ii. The entry is made when the premises are open for the conduct of business or otherwise open for entry; or
- iii. The licensing officer suspects on reasonable grounds that an offence is being committed against this Act in or on the premises

TISA

If an authorized officer is trained as such, then such a case of malpractice is prohibited in their authorization letter. This is also provided for in the Inspectorate Act which applies to all enforcement officers. No need to include it in our Act

Agreed with the proposal

Clause 24

Include 'and shall carry out his duties with due diligence' after word holder

County Executive

Delete '*licensed under this Act*' in clause 24(a)

Add sub-clause 3 to read as: -

(1) Any person who hinders or obstructs an officer performing their duties under this section shall have committed an offence and is liable to pay a fine not exceeding

Agreed, to include the amendment

	<p>Kenya shillings one hundred thousand or imprisonment for a term not exceeding six months or both.</p>					
<p>Clause 25</p>	<p>KNCCI Clause 25 (1) A clause for review of fines payable to reflect economic times and value for money.</p>	<p>Disagreed. Amendments can be done later on we do not need such a provision in our bill.</p>	<p>Disagreed with the proposal</p>			
	<p>County Executive Clause 25 (3) Include imprisonment for a term not exceeding six</p>	<p>Agreed.</p>	<p>Agreed with the proposal Reduce to 3 months</p>	<p>THAT, Clause 25 of the Bill be amended in sub-clause 3 by adding the following words after the word 'thousand' - 'or imprisonment for a term not exceeding three months'.</p>	<p>THAT Clause 25 of the Bill be amended as follows:</p> <p>i. in sub-clause (2) by inserting the following words after the word 'thousand' 'or imprisonment for a term not exceeding three months, or to both'.</p>	

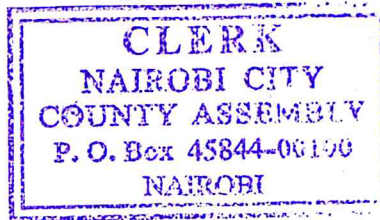
					<p>ii. in sub-clause (3) by inserting the following words after the word 'thousand' 'or to imprisonment for a term not exceeding three months, or to both'.</p>	
<p>Clause 26</p>	<p>No comment</p>	<p>NA</p>	<p>Agreed with the Clause as drafted</p>	<p>NA</p>	<p>NA</p>	
<p>Clause 27</p>	<p><u>KLRC</u> Include the information that shall be contained in the register. <u>County Executive</u> Add:- Procedure for application and licensing of E-Business</p>	<p>Agreed Agreed.</p>	<p>Agreed with proposed amendment Agreed with proposed amendment</p>	<p>THAT, Clause 27 of the Bill be amended in sub-clause (2) by inserting the following new paragraphs after paragraph (g) (h) 'Information that shall be contained in the register' (i) 'Procedure for application and licensing of E-Commerce'</p>	<p>THAT Clause 27 of the Bill be amended as follows; i. in sub clause (2) paragraph (g) by inserting the words "and e-commerce" immediately after the word "electronic" ii. in sub-clause (2) by inserting the following new</p>	

<p>Clause 28</p>	<p>KLRC</p> <p>1) This section applies to any by-law relating to business permits made by a local authority within the county if that by-law was in force immediately before the commencement of this Act.</p> <p>(2) On and after the commencement of this Act, the by-law continues in force as if- had been made by the county government;</p>	<p>Redrafted for clarity</p>	<p>Agreed</p>	<p>THAT, Clause 28 of the Bill be deleted in its entirety and substituted with the following new clause;</p> <p>28 (1) This section applies to any by-law relating to business permits made by a local authority within the county if that by-law was in force immediately before the commencement of this Act.</p> <p>(2) On and after the commencement of this Act, the by-law</p>	<p>paragraph immediately after paragraph (2)</p> <p>NEW PARAGRAPH</p> <p>“g A” Information that shall be contained in the register under Section 21’</p> <p>THAT Clause 28 of the Bill be amended as follows: -</p> <p>(1) By inserting new sub clauses immediately after Clause 28 as follows: -</p> <p>NEW SUB CLAUSE</p> <p>“(1) A” Any person who was authorized to trade within Nairobi City</p>	<p>Clarity</p>
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CLERK
NAIROBI CITY
COUNTY ASSEMBLY
P. O. Box 45844-06100
NAIROBI

<p>reference in the by-law local authority were a reference to the county government; reference in the by-law clerk, however described, were a reference to the Directorate; and fees or charges payable to the local authority were payable to county government</p> <p>(3) A business permit issued under the by-law continues in force as if-</p> <p>a) It had been made by the county government;</p> <p>b) A reference in the by-law to a local authority were a reference to the county government;</p> <p>c) A reference in the by-law to clerk, however described, were a reference to the Directorate; and</p> <p>d) Any fees or charges payable to the local authority were payable to the county government</p> <p>(3) A business permit issued under the by-</p>	<p>County on the basis of an approved trade licence before the coming into force of this Act shall make a fresh application to the Directorate of trade licensing upon expiry of the licence currently in possession.</p> <p>(1) B” The Provisions of Schedules 2.2, 2.3, 2.4, 2.5, 2.6, 2.7 and 2.8 of the Nairobi City County Revenue Act, 2015 are repealed.</p>	<p>County on the basis of an approved trade licence before the coming into force of this Act shall make a fresh application to the Directorate of trade licensing upon expiry of the licence currently in possession.</p> <p>(1) B” The Provisions of Schedules 2.2, 2.3, 2.4, 2.5, 2.6, 2.7 and 2.8 of the Nairobi City County Revenue Act, 2015 are repealed.</p>
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				<p>law continues in force as if it were a trade licence granted under this Act by the county government.</p>		
<p>New Schedule</p>				<p>Attached to the report</p>	<p>Attached to the report</p>	



25th April, 2019

The Clerk
Nairobi City County Assembly
NAIROBI.

RE: COMMITTEE STAGE AMENDMENTS TO THE NAIROBI CITY COUNTY TRADE
LICENSING BILL, 2018

NOTICE is given that the Chairperson of the Sectoral Committee on Trade, Tourism and Co-operatives intends to move the following amendments to the Nairobi City County Trade licensing Bill, 2018, at the Committee Stage.

LONG TITLE

THAT the Long Title of the Bill be amended by deleting the expression "regulation of trade" and substituting therefor the expression "grant of trade licences within Nairobi City County"

SHORT TITLE

THAT the Short Title of the Bill be amended as follows;

- i) by deleting the numerical "2018" and substituting therefor the numerical "2019"; and by including the word "Trade" immediately before the word "Licensing"
- ii) by inserting the word "Trade" immediately after the word "County"

CLAUSE 2

THAT Clause 2 of the Bill be amended as follows; -

- (i) by inserting the following definitions in their proper alphabetical sequence:

- a) "licence holder" means a person or entity granted a license by the director of trade licensing to operate a trade within the county;
- b) "committee" means the Trade Licensing Appeals Committee established under Section 12 of this Act.
- c) "e-Commerce" means any form of transaction or business conducted electronically through the internet;
- d) "hawker" means a person who, whether on his or her own account sells goods by retail other than in trading premises or in a market established by the county.
- e) "street vendor" means a person who offers goods or services for sale to the public without having a permanently built structure but with a temporary static structure or mobile stall;
- f) "trader" means a person who buys and sells goods and services within Nairobi City County;
- g) "trading premises" means and includes shops or premises used for a retail trade or business;
- h) "provisional licence" means a licence issued by the Director of trade licensing after application to allow a trader to continue operating the business or trade before the issuance of the main trade licence;
- i) "profession" means a paid occupation governed and regulated by a professional body which involves prolonged training and a formal qualification
- j) "specified goods" means any goods or good of any particular class, declared as such under of this Act.

- (ii) In the definition of the word "trade" by deleting the definition of the word "trade" in its entirety and substituting therefor the following: -
 "trade means any business whereby goods, services, wares, merchandise or provisions are sold in any trading premise or in any other manner including

electronically, through the internet whether by retail or wholesale for which a license is required under this Act”

- (iii) In the definition of the word “business” by deleting the definition of the word “business” in its entirety and substituting therefor the following: -

“business means any commercial activities conducted for the purpose of facilitating such buying and selling of goods and services with a clear definition of operating times or trade and includes exempted businesses.”

CLAUSE 3

THAT Clause 3 of the Bill be amended as follows; -

- (i) By inserting the words “with the exemption of professions” immediately after the word “Nairobi”
- (ii) By inserting a new Clause immediately after Clause 3 as follows: -

NEW CLAUSE

Objects of the Act “3 A” The objects of this Act is to provide for a legal framework for –

- (a) provision of business licence management functions as spelt out in part 2 of the Fourth schedule of the Constitution of Kenya, 2010;
- (b) provision of a legal basis for the implementation of the County Business plan;
- (c) provision of a conducive environment for fair business practices;
- (d) assignment of roles and responsibilities of various county officers in the directorate;

- (e) control and regulation of business practices and management in the County; and
- (f) provision of an enabling regulatory framework which promotes growth and development in the sector, promotes self-regulation by trading associations and ensures accountability.

CLAUSE 4

THAT Clause 4 of the Bill be amended as follows;

- (I) in sub-clause (1) by deleting the expression “within the County Sector”
- (II) By inserting a new sub clause immediately after sub clause (2) as follows: -

NEW SUB CLAUSE

“(2) A” The Directorate shall be guided by the following principles including--

- a) The regulation of licensable activities in order to set minimum standards relating to such activities and to ensure-
 - i. National unity;
 - ii. Public safety and hygiene;
 - iii. Environmental protection;
 - iv. Inclusion of marginalized trading populations, including hawkers and street vendors; and
 - v. Promotion of transparency and public participation
- b) Licences shall be issued on the basis of clearly defined and transparent criteria.

CLAUSE 5

THAT Clause 5 of the Bill be amended as follows: -

- (i) in sub-clause (1) by deleting the expression “in consultation with the County Executive Committee Member”

- (ii) by inserting the following new sub-clause immediately after sub-clause (2)

NEW SUB CLAUSE

“2” A A person shall be eligible for appointment as a Director of Trade Licensing if the person --

- a) possesses a university degree in any area related to trade, business or commerce from university recognized by the Commission for University Education;
- b) has at least 3 years’ experience working in trade, business, commerce or business management;
- c) is person of integrity and meets the requirements of Chapter 6 of the Constitution of Kenya;
- d) is not convicted of any criminal offence whose penalty does not exceed six (6) months.

CLAUSE 6

THAT Clause 6 of the Bill be amended in the marginal note by deleting the word ‘Functions’ and substituting therefor the word ‘Powers’

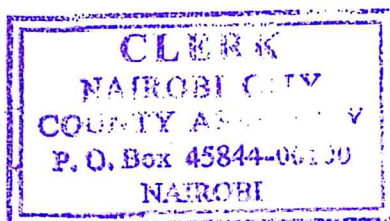
CLAUSE 7

THAT Clause 7 of the Bill be amended as follows: -

- i. In sub clause (1) by inserting the word “trade” immediately before the word “licence”
- ii. In sub clause (2) by deleting sub clause (2) in its entirety and substituting therefor the following: -

7 (2) “A person who operates a trade or business without a trade licence commits an offence and shall be liable upon conviction to a fine not exceeding Kenya Shillings one hundred thousand or to imprisonment for a term not exceeding six months or to both such fine and imprisonment”

CLAUSE 8



THAT Clause 8 of the Bill be amended

- i. by deleting the clause in its entirety and substituting therefor the following new Clause 8: -

NEW CLAUSE 8

Application
for Licence

(8A) (1) An application for the grant of a trade licence shall ---

- a) be lodged with the Directorate of Trade Licensing;
- b) be in the approved form;
- c) contain such information and be accompanied by such documents as are required by the approved form;
- d) be signed in a manner specified in the approved form; and
- e) be accompanied by the prescribed application fee in the First Schedule.

(2) An application may be made in an electronic format approved by the Directorate.

(3) The Directorate may, before dealing with an application, require the applicant to furnish such additional information or documents as is necessary to enable the application to be dealt with.

(4) The Directorate shall keep and maintain an updated database of all licence holders.

(5) The prescribed application fee shall not be refundable

- iii. By inserting a new Clause immediately after Clause 8 as follows: -

NEW CLAUSE 8

Hawkers
and Street
Vendors
Licence

(8B) (1) No person shall trade as a hawker or a street vendor unless he or she is in possession of a valid hawker or street vendor's licence granted to him or her for that purpose by the directorate of trade licensing unless they operate a business exempted from licensing under this Act.

(2) The licence described in sub section (1) shall be in such form as may be prescribed and shall be granted subject to the following conditions ---

- a) The kind of goods which may be hawked;
- b) The area within which the hawking shall be operated;
- c) The hours during which the goods may be hawked, and such other conditions as licensing authority may think fit to impose.

CLAUSE 12

THAT Clause 12 of the Bill be amended by deleting Clause 12 in its entirety and substituting therefor the following: -

Appeals

"12 (1) 'There is established the Trade Licensing Appeals Committee comprising of the following persons --

- (a) The Director responsible for Trade and Enterprises Development who shall be the chairperson to the Committee;
- (b) an officer designated by the County Executive Committee Member for the time being responsible for finance;
- (c) the Director of Revenue;
- (d) the County Attorney; and

(e) the Director of Markets.

(2) The Members of the Committee shall be appointed on such terms and conditions as the County Executive Committee Member may determine.

(3) The County Executive Committee Member shall designate a Member of the Committee to be the secretary to the Committee.

(4) The Members shall serve in the Committee for a period of five (5) years and shall not be eligible for reappointment

(5) A person aggrieved by a decision of the Director of Trade Licensing shall within seven (7) days appeal in writing to the Committee against the decision;

(6) The Committee may, where it entertains a notice of appeal, decide the appeal by-

- a) confirming the decision of the Directorate of Trade Licensing;
- b) varying the decision;
- c) quashing the decision;

(7) The Committee shall consider the appeal within fourteen (14) days after receipt of the appeal and make recommendations to the Executive Committee Member.

(8) The Committee shall regulate its own procedure.

CLAUSE 15

THAT Clause 15 of the Bill be amended as follows: -

- i. In sub clause (1) by inserting the word "either" immediately before the word "annually"

- ii. In sub clause (2) by deleting sub clause (2) in its entirety and substituting therefor the following: -

“A provisional licence may be granted to an applicant by the Directorate of Trade Licensing and shall be valid for a maximum period of three (3) months”

CLAUSE 16

THAT Clause 16 of the Bill be amended in sub clause (1) paragraph (b) by inserting the following new paragraphs immediately after paragraph (b) as follows: -

NEW PARAGRAPHS

“b a” “is operating an illegal business”

“b b” “the licence was fraudulently acquired”

CLAUSE 20

THAT Clause 20 of the Bill be amended in sub-clause (2) by inserting the word “reasonable” immediately before the word “fees”

CLAUSE 22

THAT Clause 22 of the Bill be amended by deleting sub-clause (2) in its entirety.

CLAUSE 24

THAT Clause 24 of the Bill be amended as follows: -

- a) in sub-clause 1 paragraph (a) by deleting the words “licensed under this Act” appearing immediately after the word “premises”
- b) in sub-clause (2) by inserting the words “and shall carry out his duties with due diligence” immediately after the word ‘holder’
- c) By inserting the following new sub-clause immediately after sub-clause (2)

NEW SUB CLAUSE (2) A

“(2) A” A person who hinders or obstructs an officer performing their duties under this Section commits an offence and shall be liable on conviction to a fine not exceeding Kenya shillings one hundred thousand or to imprisonment for a term not exceeding six months or both’

CLAUSE 25

THAT Clause 25 of the Bill be amended as follows; -

- a) in sub-clause (2) by inserting the words ‘or to imprisonment for a term not exceeding three months, or to both’ immediately after the word ‘thousand’
- b) in sub-clause (3) by inserting the words ‘or to imprisonment for a term not exceeding three months, or to both’ immediately after the word ‘thousand’

CLAUSE 27

THAT Clause 27 of the Bill be amended as follows; -

- i. in sub-clause (2) by deleting paragraph (e) in entirety
- ii. in sub clause (2) paragraph (g) by inserting the words “and e-commerce” immediately after the word “electronic”
- iii. in sub-clause (2) by inserting the following new paragraph immediately after paragraph (g)

NEW PARAGRAPH

“g a” ‘Information that shall be contained in the register under Section 21’

CLAUSE 28

THAT Clause 28 of the Bill be amended as follows: -

- (i) By inserting the following new sub clauses immediately after Clause 28: -

NEW SUB CLAUSES

“(1) A” Any person who was authorized to trade within Nairobi City County on the basis of an approved trade licence before the coming into force of this Act shall make a fresh application to the Directorate of trade licensing upon expiry of the licence currently in possession.

(1) B” The Provisions of Schedules 2.2, 2.3, 2.4, 2.5, 2.6, 2.7 and 2.8 of the Nairobi City County Revenue Act, 2015 are repealed.

iv. By inserting a new schedule immediately after Clause 28 as follows: -

NEW SCHEDULE

FIRST SCHEDULE

1.1. GENERAL TRADERS SHOPS AND RETAIL SERVICES

This category includes traders, wholesalers, hypermarkets, departmental stores, supermarkets, showrooms, boutiques, exhibitions, retail shops, chemists, take-away, butcheries, kiosks

Hyper-supermarket: Over 100 employees / Over 5001 sq.m	150,000
Mega-supermarkets / Wholesalers: 50 -100 employees / 3001 - 5000 sq.m	100,000
Large trader shop or retail service: 21- 50 employees / 300 - 3000 sq.m / prime location	50,000
Medium trader shop or retail service: 5 - 20 employees / 50 - 3000 sq.m / fair location	20,000
Small trader shop or retail service: Up to 4 employees / less than 50 sq.m / far away location	5,000
Kiosk: Light or temporary construction less than 5 sq.m	4,000
Other general merchant shop and retail service	4,000

1.2. TRANSPORT STORAGE AND COMMUNICATIONS

Includes maritime and airlines / international carriers / freight forwarders / operation of taxis, matatus, buses, lorries, planes, boats / driving school / tours / safari operator - owned and hired vehicles. Fixed line and wireless communication providers / IT support companies / private vehicles parking / petrol stations / storage facilities / cold storage facilities. Publishing companies, e.g. newspapers, books, texts / radio / TV broadcasters / film producers.

Mega transport company: Over 50 vehicles & / or premises over 1000 sq.m		160,000
Large transport company: 30 - 50 vehicles & / or premises of 500 - 1000 sq.m		100,000
Medium transport company: 6 - 30 vehicles & / or premises of 300 - 500 sq.m		36,000
Small transportation company: 2 - 5 vehicles & / or premises of 50 - 300 sq.m		25,000
Other transportation company: 1 vehicle / up to 50 sq.m		15,000
Independent transport operator: 1 vehicle / 1 Taxi & not in an office		7,000
Large petrol filling station: over 6 pumps or with garage / workshop and spares retail shop		30,000
Medium petrol filling station: 4 - 6 pumps or with garage / workshop or spares retail shop		20,000
Small petrol filling station: Up to three pumps and without garage / workshop or retail shop		10,000
Large cold storage facility: Over 1000 sq.m		70,000
Medium cold storage facility: From 101 - 1,000 sq.m		30,000
Small cold storage facility: Up to 100 sq.m		15,000
Large storage facility: Over 5000 sq.m go down / warehouse liquid storage tanks complex		60,000
Medium storage facility: From 1000 - 5000 sq.m		30,000
Large private vehicles parking: Capacity; over 100 vehicles		500,000
Medium private vehicles parking: Capacity; 51 - 100 vehicles		300,000
Small private vehicles parking: Capacity; 1 - 50 vehicles		200,000
Small storage facility: Up to 1000 sq.m		15,000

Mega communications company: Over 100 employees & / or premises over 1500 sq.m		200,000
Super large communications company: 61 - 100 employees & / or premises of 1001 - 1500 sq.m		200,000
Large communications company: –over 50 employees & / or premises of 500 - 1000 sq.m		100,000
Medium communications company: 21 - 50 employees & / or premises of 300 - 500 sq.m		60,000
Small communications company: 1 - 20 employees & / or premises of 1 - 300 sq.m		40,000
Other transport, storage and communications		10,000
Large Transport Network Companies (Uber, Taxify, Little Cab et al) capacity over 100 vehicles	Per annum	300,000
Medium Transport Network Companies (Uber, Taxify, Little Cab et al) :Capacity 51-100 vehicles	Per annum	100,000
Small Transport Network Companies (Uber, Taxify, Little Cab et al) capacity 1-50 vehicles	Per annum	50,000
FINANCIAL SERVICES		
Bank Head office/branch/money lender/hire purchase/Sacco/co-operative ATM machines/Mortgage providers/Money transfer and bank agency		
Money transfer agents and bank agency :over 2 tellers		15,000
Other financial services with 1 teller for money transfer /bank agency		7,000
Other transport, storage and communications		10,000

1.3. ACCOMMODATION AND CATERING

Includes international hotels / tourist camps / outside catering / lodging houses / restaurants / bars / eating houses / tea & coffee houses / butcheries with meat roasting & or soup kitchen facilities / membership clubs / nightclubs & casinos

Large high standard lodging house / hotel D class with over 100 rooms		200,000
Medium high standard lodging house / hotel D class with 41 to 100 rooms		140,000
Small high standard lodging house / hotel D class with up to 40 rooms		70,000
Large lodging house with restaurant and / or bar B/C class basic standard with over 15 rooms		55,000

Medium lodging house with restaurant and / or bar B/C class basic standard with 6 to 15 rooms		45,000
Small lodging house with restaurant and / or bar B/C class basic standard with up to 5 rooms		35,000
Large lodging house B/C class basic standards with over 15 rooms		70,000
Medium lodging house B/C class basic standard with 6 to 15 rooms		45,000
Small lodging house B/C basic standard with up to 5 rooms		35,000
Large fully serviced and furnished apartments: Over 10 apartments		120,000
Medium fully serviced and furnished apartments; from 6-10 apartments		90,000
Small fully serviced and furnished apartments: from 1-5 apartments		70,000
Mega restaurant with bar / membership club with over 70 members/ customers		100,000
Large restaurant with bar / membership club with 31 - 70 customers / members		50,000
Medium restaurant with bar / membership club with 11 - 30 members / customers		30,000
Small restaurant with bar / membership club; Up to 10 customers / members		20,000
Mega eating house / snack bar / tea house / outside catering / hotel with no lodging or alcohol served with over 50 customers		35,000
Large eating house / snack bar / tea house / outside catering / hotel with no lodging or alcohol served with 20 - 50 customers		25,000
Medium eating house; snack bar / tea house / no lodging or alcohol served; 6 - 20 customers		20,000
Small eating house; snack bar / tea house / hotel with no lodging or alcohol served; Up to 6 customers		15,000
Butchery with roast meat and / or soup kitchen		15,000
Large bar / traditional beer seller; Over 50 customers		20,000
Medium bar / traditional beer seller; 16 - 50 customers		15,000

Small bar / traditional beer seller; Up to 50 customers		10,000
Large night club / casino; Over 500 sq.m		100,000
Medium night club / casino; 100 - 500 sq.m		60,000
Small night club / casino; Up to 100 sq.m		40,000
Other catering and accommodation		10,000
Mega agricultural producer, processor, dealer, exporter with over 60 employees		100,000
Large agricultural producer, processor, dealer, exporter with 36 - 60 employees		80,000
Medium agricultural producer, processor, dealer, exporter with 11 - 35 employees		40,000
Small agricultural producer, processor, dealer, exporter with 4 - 10 employees		25,000
Other agricultural producer, processor, dealer, exporter with over up to 3 employees		20,000
Large mining or natural resources extraction operation with over 50 employees		200,000
Medium Mining or Natural Resources Extraction operation with 4- 50 employees		100,000
Small mining or natural resources extraction operation with upto 3 employees		50,000
Other agricultural, forestry and natural resources exploitation; 1 person acting individually		45,000

1.4. TECHNICAL AND FINANCIAL SERVICES

Data processing / liaison offices / landlord or care taker offices / secretarial support / agencies / clearing & forwarding / import & export / bookmaking / casinos / international affiliation / cleaning services / cybercafés / bureaus / security services etc. / bank head office / branch / money lender / hire purchase / real estate / property developers / SACCO / co-operative societies

Large financial services including Saccos and co-operative societies with over 25 employees & / or premises over 300 sq.m		150,000
Medium financial services including Saccos and co-operative societies with 6 – 24 employees & / or premises of 100 – 300sq.m		95,000
Small financial services including Saccos and co-operative societies with up to 5 employees & / or premises up to 100sq.m		65,000

Other financial services including financial consultants / creditors / loans on assets firms with no money accounts / 1 person acting individually etc.		40,000
Money points / ATMs / money machines separate from branch / office (per ATM)		50,000
Large Financial Agent and M-PESA; Over 5 outlets/Tellers separate from Branch office (per A.T.M)		30,000
Medium Financial Agent and Mpesa: from 2-5 outlets/Tellers		20,000
Small financial agent and Mpesa: Up to 1 outlet/Teller		10,000
Large cyber cafes / bureaus with over 20 computers / machines		30,000
Medium Cyber cafes / bureau with 6 – 20 computers / machines		20,000
Small Cyber cafes / bureau with 2 – 5 computers / machines		15,000
Other professional and technical services with 1 computer / 1 machine		10,000

1.5. PRIVATE EDUCATION, HEALTH AND ENTERTAINMENT

Private education institution including nursery / primary or secondary school / polytechnic / professional training centre / computer management / accountancy / secretarial / technical professions / universities / private health clinics / doctors surgeries / consulting offices of doctors / dentists / physiotherapists / physiologists & other health professionals / herbalists and traditional medicine practitioners / funeral homes / entertainment facilities including cinema / theatre / video shows / amusements arcade / juke box / arcade games / machines arcade / sports club / gym / massage parlours

Small complementary education institutions 1-200 pupils		8,000
Medium complementary education institutions 201-350 pupils		10,000
Large complementary education institutions over 350 pupils		15,000

Mega private higher education institutions; any type of private university college or higher education institution with over 200 students		150,000
Private higher education institution; any type of private university college or higher education institution with 100 - 200 students		90,000
Large private education institution; nursery, primary & secondary schools with over 100 pupils or fees of Kshs. 50,000 - 100,000 per year		50,000
Medium private education institution; with 31 - 100 pupils or fees of kshs. 30,000 - 50,000 per year		30,000
Small private education institution with 30 pupils or fees of up to kshs. 30,000 per year		20,000
Large private health facility hospitals, clinic, nursing home etc. providing over 30 beds overnight		150,000
Medium private health facility with 11 - 30 beds		70,000
Small private health facility with up to 10 beds		45,000
Health clinic / doctor's surgery/ doctor / dentistry / physiotherapist / psychologist or other health professional office with no overnight accommodation available		15,000
Traditional health services; herbalist traditional healer etc.		25,000
Large entertainment facility; cinema / theatre / video show / amusement arcade / games machines arcade / sports club / gym etc. over 100 seats / over 10 machines / over 50 members		100,000
Medium entertainment facility with 50 - 100 seats / 4 - 10 machines / 16 - 50 members		50,000
Small entertainment facility with up to 50 seats / up to 3 machines / up to 15 members		35,000
Mobile cinema operator; 1person acting individually		30,000
Other education, health and entertainment services		20,000

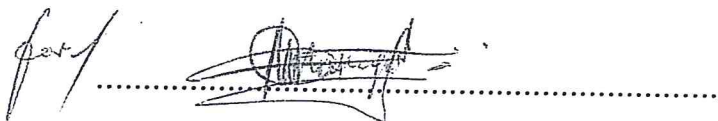
1.6. INDUSTRIAL PLANTS, FACTORIES, WORKSHOP, CONTRACTORS

Includes manufacture, process and assembly of products / vehicles / machinery / equipment and workshop servicing and repairing products / vehicles / machinery / equipment. Also including contractors of new buildings, construction and old buildings restoration, plumbing and other services / repair

Large industrial plant with over 75 employees & or premises over 2500 sq.m		150,000
Medium industrial plant with 16 - 75 employees & or premises of 100 sq.m - 2500 sq.m		100,000
Small industrial plant with 6 - 15 employees & or premises of 51 sq.m - 100 sq.m		60,000
Other industrial plant / factory with 1 - 5 employees & or premises of 1 sq.m - 50 sq.m		25,000
Mega workshop with over 50 employees & or premises of over 1000sq.m		100,000
Large workshop / service / repair contractor with 21 - 50 employees & or premises of 501 sq.m - 1000 sq.m		70,000
Medium workshop / service / repair contractor with 6 - 20 employees & or premises of 25 sq.m - 500 sq.m		30,000
Small workshop / service / repair contractor with up to 5 employees & or premises of up to 25 sq.m		15,000
Other manufacturer / workshop / factory / contractor with one person acting individually		10,000
Application fee		200
WEIGHBRIDGE –NANYUKI ROAD DEPOT		
1 - 4,990	Per kg	100
5,000 - 6,990	Per Kg	120
7,000 - 8,990	Per Kg	160
9,000 - 14,990	Per kg	180
15,000 - 19,900	Per kg	200
20,000 - 29,990	Per Kg	240

1.7. SMALL TRADES SERVICES

Item Description	Unit Measure	of	Charges
Hire of Open Space at ward level	Per day		7,000
Hawkers (outside C.B.D.)	Per day		30
Hawkers	Per Month		500
Kiosks			
Small Size	Per week		250
Medium Size	Per week		350
Large Size	Per week		550
Firewood Traders	Per day		200
INFORMAL SECTOR			
Item Description	Unit of Measure		Charges
1 Hawker with motor vehicle on a designated area	Per annum		15,000
1 hawker without motor vehicle	Per annum		7,000
1 vendor at Uhuru Park	Per annum		5,000
Small informal sector trader/service provider e.g. shoe shiner shoe repair, street vendor (newspapers, soda, sweet, cigarette etc.)	Per annum		2,500
Semi-permanent informal sector trader;-up to 2 Persons In Verandah or temporary building	Per annum		3,500
Other informal sector	Per annum		2,000



Hon. Charles Thuo Wakaridi

Chairperson, Trade, Tourism and Co-operatives

This.....^{29th}.....day.....^{April}.....2019

