

THE NAIROBI CITY COUNTY GOVERNMENT



THE NAIROBI CITY COUNTY ASSEMBLY

SECOND ASSEMBLY – FIRST SESSION

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

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

ON
THE INDUCTION WORKSHOP HELD FROM THURSDAY 16TH TO SUNDAY 19TH
NOVEMBER, 2017 AT THE SAI ROCK HOTEL, MOMBASA COUNTY

NOVEMBER, 2017

Induction report

Clerk's Chambers,
CITY HALL,
NAIROBI.

Edition: December 2017

*Paper laid on
6/12/17 by Hon.
Charles Thuo
Hatoriseli*
[Signature]
6/12/17

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

Establishment and Mandate

Hon. Speaker,

The Sectoral Committee on Trade, Tourism and Cooperatives is established on 5th October, 2017 pursuant to the Standing Order 203, the Committee's mandate amongst others, as outlined under Standing Orders 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 analyze the relative success of the departments as measured by the results obtained as compared with their 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. to 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.

Committee Membership

The Committee Membership comprises of:

1. Hon. Charles Thuo Wakarindi, MCA – Chairperson
2. Hon. Lawrence Otieno Odhiambo, MCA – Vice-Chairperson
3. Hon. Samuel Ng'ang'a Mwangi, MCA
4. Hon. Paul Ndung'u Irungu, MCA
5. Hon. Jayendra Virchand Malde, MCA
6. Hon. Maurice Ochieng Onyango, MCA
7. Hon. Naftaly Wagura Mathenge, MCA
8. Hon. Wilson Ongele Ochola, MCA
9. Hon. Benson Mwangi Macharia, MCA
10. Hon. Millicent Wambui Mugadi, MCA
11. Hon. Wilfred Oluoch Odalo, MCA
12. Hon. Redson Otieno Onyango, MCA
13. Hon. James Mwangi Wambui, MCA
14. Hon. Doris Ngoyo Kanario, MCA

15. Hon. Jacinta Wanjiru, MCA
16. Hon. Mary Njuguna Njambi, MCA
17. Hon. Emily Ondahe Oduor, 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. Following the constitution of County Assembly Committees on 5th October, 2017 and consequent election of Chairpersons, the Sectoral Committee on Trade, Tourism and Cooperatives held its induction workshop from 16th to 19th November, 2017. The objectives of the meeting included the following;

- Appreciate and understand role and place of Committees in the County Assembly;
- Appreciate the role and mandate of the Sectoral Committee on Trade, Tourism and Cooperatives;
- Appreciate and understand the role the Committee Chairperson, and the structures of the Committee;
- Understand the management of an effective Committee;
- Appreciate the practice and procedure in the Committee

Acknowledgement

Hon. Speaker, I wish to acknowledge with gratitude the offices of the Speaker and the Clerk of the County Assembly for the support extended to the Committee to facilitate its first induction workshop.

Finally, much thanks to the Members of the Committee and the Secretariat for their dedication, untiring commitment and valuable contributions during the induction workshop.

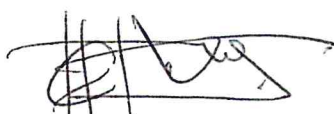
Hon. Speaker, it is therefore my pleasant duty and privilege, on behalf of the Members of the Sectoral Committee on Trade, Tourism and Cooperatives to table the first report of the Sectoral Committee on Trade, Tourism and Cooperatives on the induction workshop held from 16th to 19th November, 2017, at Sai Rock Beach Hotel, Mombasa County.

Signed

Hon. Charles Thuo Wakarindi, MCA

Chairperson

Date



5th Dec, 2017

1.0 INTRODUCTION

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. Following the constitution of County Assembly Committees on 5th October, 2017 and the consequent election of Chairperson and the Vice-Chairperson of the Committee on 10th October, 2017, the Sectoral Committee on Trade, Tourism and Cooperatives undertook its induction workshop held from 16th to 19th November, 2017 at Sai Rock Beach Hotel, Mombasa County.

The workshop entailed the overview, establishment and role of Committees in achieving the mandate of the County Assembly, legal underpinning of Committees of the Assembly, rationale for Committees in the Assembly, limitation of mandate of Committees, overview of the management and operation of Committees in the Assembly, mandate of the Sectoral Committee on Trade, Tourism and Cooperatives, roles/duties of Committee Chairperson, Members and the Secretariat, management of Committee, procedure and practices in Committee.

1.1 Official Opening

The workshop was officially opened by a word of prayer by the Chairperson before welcoming Members to the meeting. The Chair then invited Members, the facilitator and the Secretariat to introduce themselves and subsequently urged Members to actively participate in the proceedings to enable them grasp the basics on the establishment, management and operations of the Committee. In his introductory remarks, the Chairperson stated the following as the objectives of the retreat;

- a) To appreciate and understand the role and place of Committees in the Assembly;
- b) To appreciate the role and mandate of the Sectoral Committee on Trade, Tourism and Cooperative;
- c) To appreciate and understand the role of the Committee Chairperson and structures of the Committee; and
- d) To appreciate practice and procedure in Committees.

In his opening remarks, the facilitator – **Dr. Philip Buchere- Director, CPST** informed the Committee that they were tasked with the responsibility of facilitating the entire induction programme and congratulated Members for being appointed to the Trade, Tourism and Cooperative Committee in the Nairobi City County Assembly. He further informed that the training came at an opportune time when various policies, legislations and regulations were being developed at the County level. The training would therefore equip Members with requisite skills necessary in understanding the roles of the Committees in scrutinizing the proposed laws, policies and Regulations. He then invited his co-facilitator **Mr. Christopher Gitonga- Clerk Assistant-Senate** to take Members through the induction programme.

2.0 PRESENTATION BY THE FACILITATOR

The facilitator took the Members through the induction on various topics as follows;

2.1 OVERVIEW OF ROLE OF COMMITTEES IN ACHIEVING THE MANDATE OF AN ASSEMBLY

a) Role of County Assembly

The Presenter informed that the County Assembly performs the following functions;

- the County Assembly exercises legislative authority pursuant to Article 185 (1 & 2) of the Constitution of Kenya, 2010;
- scrutinizes and monitors the actions of the County Executive pursuant to Article 185 (3) of the Constitution of Kenya, 2010;
- vet and approve key County Government appointees;
- ensure the laws and budgets it has approved are being properly implemented;
- subject the County Executive plans, policies and actions to public debate and hearings as provided in Articles 185 (4) and 196 of the Constitution of Kenya, 2010; and
- approve the budget, expenditure and borrowing of the County Government.

b) Legal Underpinning of Committees of the Assembly

The facilitator informed that:-

Committees in the Assembly are smaller units or groups of Members of the County Assembly that allow the Assembly to perform several functions simultaneously.

The power of the County Assembly to appoint Committees is derived from:-

- The Constitution – Articles 124, 195
- Enabling Acts – County Governments Act, 2012, Parliamentary Powers & Privileges Act
- The Standing Orders
- Resolutions of the Assembly
- Practice

What Committees are capable of:-

- Finding out the facts of a case,
- examining witnesses,
- sifting through evidence, and drawing up reasoned conclusions.
- gathering of evidence from expert groups or individuals.
- 'take Parliament to the people' and allow direct contact between members of the public.
- promote public debate on a subject at issue.

c) General roles of committees

The Presenter highlighted the following as the general roles of Committees:-

- Oversight the County Executive;

- Initiating legislative proposals;
- Scrutinizing of legislative proposals and Bills;
- Conducting investigations and reporting to the plenary for action;
- Reviewing and approving the budget and expenditure;
- Reviewing audited accounts of County Government and public agencies;
- Approval of public appointments;
- Approval of county planning and development plans;

d) Rationale for Committees in the Assembly

The depth and breadth of work in a legislature cannot be conducted in plenary sessions; the detailed work of the legislature is thus carried out by specialized Committees.

- Provides the opportunity for more detailed, in-depth investigation and discussions;
- Allow review of policy matters or bills more closely than would be possible by the entire chamber;
- Serve as the focal point for legislation and oversight;
- Present their observations, findings and recommendations (reports) to the Chamber for the final debate; and
- Serves as point for people inside and outside the legislature to seek to influence legislative products by providing information about what they want/ will accept.

2.2 MANDATE OF THE SECTORAL COMMITTEE ON TRADE, TOURISM AND COOPERATIVES

The presentation covered the establishment of the Committee, its membership, functions, mandate and stakeholders.

2.2.1 Functions of the Committee

The functions of the Committee include the following;

- inquire and report on all matters relating to the management, activities, administration, operations and estimates of relevant departments;
- examine the programme and policy objectives and the effectiveness of the implementation;
- review all County legislations referred by the Assembly;

2.2.2 Mandate of the Committee

Pursuant to the paragraphs 4 and 7 of Part 2 of the Fourth Schedule to the Constitution and the Third Schedule to the County Assembly Standing Orders, the Committee's mandate covers the following areas which are in relation to the roles of the County Government;

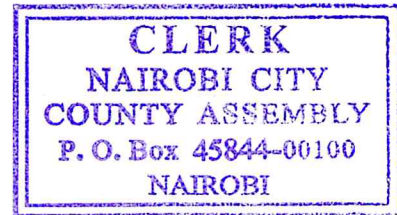
1. Public entertainment activities including – betting, casinos and other forms of gambling; and liquor licensing

2. Trade development and regulation. This includes; markets; trade licenses (excluding regulation of professions); fair trading practices; local tourism; and cooperative societies.

2.2.3 Committee's stakeholders

The following were identified as stakeholders of the Committee;

- Members of Public
- Cooperative Societies
- Department of Trade, Industrialisation, Cooperative Development, Tourism and Wildlife Sector
- Kenya National Chambers of Commerce – Nairobi chapter
- National Government –relevant ministry
- Kenya Wildlife Service
- Business Community
- Kenya Association of Manufacturers
- Kenya Private Sector Alliance
- Kenya Investment Authority



2.3 CONDUCT OF COMMITTEE BUSINESS

2.3.0 Overview of the Management of Committees

The presentation covered the role of the Chairperson and Vice-Chairperson of the Committee, attributes of an effective Chairperson and Members of Committee, Managing Members in a meeting and role of the Committee Secretariat.

2.3.1 Role of Chairperson of a Committee

The facilitator dissected roles of the Chairperson of the Committee as follows

a) Before the Meeting

- Agenda Setting
- Formulates the agenda in consultation with the Secretariat and Members,
- Develops a discussion plan

b) During the meeting

- Presides at meetings of the Committee,
- Perform the functions and exercise the powers assigned to the office of the Chairperson by the Committee, resolutions of the Assembly or legislation; and is the spokesperson of the Committee pursuant to Standing Order 172;
- Introduces agenda items - preliminaries, adoption of the agenda,
- Enforces rules of procedure, summarizes debate, highlight points of convergence or divergence,
- Allocates time to every agenda item and attempts to impress upon members to stick to set timelines,

- Ensures that democracy prevails and that equity in contributions is respected and achieved,
- Keep to the order of the agenda,
- Be familiar with the protocol of meetings e.g. insist that only one person at a time may address the meeting & that members address the chair,
- Fair, impartial/neutral,
- Decisions must specify way forward – purpose, resources, time frame, terms of reference, supervision,
- Allow AOB – devote ¼ time for preliminary & AOB and ¾ time for main business, (80-20 Rule)

c) After the meeting

The Chairperson ensures;-

- Action items are implemented,
- Must ascertain that typed minutes are a true reflection of the previous meeting, - minutes are effectively written (factual and correctly),
- Draft Minutes are circulated to members before next meeting if rules permit,
- Evaluates the meetings
- The spokesperson of the Committee
- Represents the interests of the Committee in the Liaison Committee;
- Tables and moves the report of the Committee, on behalf of the other Committee Members;

2.3.2 Role of the Members of a Committee

a) Before the meeting

- Familiarize themselves with the agenda items and prepare adequately to partake in the debate
- Know the venue
- Collect all supportive evidence
- Clarify unclear issues with the chairman or the secretary
- Thoroughly reads and understands Standing Orders/other rules applicable;
- Well informed/aware about various items on the agenda to be discussed;

b) During the meeting

- Attend meeting with open mind; Respect views of others
- Be a good listener and have keen interest in committee business /proceedings;
- Be receptive to new/other approach(es)
- Present views precisely, clearly & confidently
- Not allow personal preferences to obscure opposing views
- Help Chair maintain order; Note main points of meeting for future reference

- Preparedness to take the lead occasionally on particular items of agenda
- Bears in mind/focuses on the goals, mandates and functions of the committee
- professionally deals with and respects the secretariat/staff
- Raise points of order or information
- Support others to reach consensus for purposes of collective decision making
- Take part in voting(if any)

c) After the meeting

- Carry out tasks allocated(if any)
- Evaluate your performance and other members during the meeting
- Consult officials or members to clarify on tasks

2.3.3 Role of the Committee Secretariat

i. Clerk Assistant

- Rendering advice on procedural matters
- Identification of gaps or areas requiring legislation for consideration by the Committee through a review of existing legislation or a situational analysis of areas within the mandate of the Committee
- Formulation of ideas for conversion into legislative proposals
- Facilitating public participation and the consolidation and harmonization of amendments to Bills
- Planning and coordination of Committee's programmes and meetings
- Prepare and circulate Notices of Meetings
- Prepare Programme of Sittings
- Handle all Committee Correspondences
- Taking of Minutes
- Determine Quorum of Committee meetings
- Prepare Chairperson's brief
- Committee Documents/Papers– Maintaining and safe record
- Preparation of Draft Report
- Keep track of Committee Budget and Finances and advise the Committee accordingly
- Prepare Committee Work plan and Budget/Finances

ii. Legal Counsel

- Rendering legal advice
- Drafting Bills and Committee stage amendments to Bills
- Assisting Committees and Members to scrutinize Bills
- Carrying out legal research on legal and procedural matters

2.3.4 Attributes of an effective Chairperson and Members of a Committee

a) Attributes of an effective Chairperson of a Committee

- Sound planning and advance preparations for meetings
- Control over deliberation
- Effective use of the Standing Orders.
- Encourage Members' participation
- Guide the deliberations in terms of focus and relevancy
- Keep a firm hand on the proceedings by managing time and being consistent in applying the legislative rules.
- Drawing upon the talents and expertise of other Members
- Personal persuasions and management skills a critical asset
- Any question arising in a select committee shall be decided by vote and a good Chairperson would be advised to avoid taking a decision on a controversial matter without significant number of Members being present.

b) Attributes of effective Members of a Committee

- Committee Members should be committed and devoted and take their Committee business seriously so as to improve the level and quality of Executive accountability to the public.
- Punctuality – the Committee members must observe punctuality because the secretariat have powers to adjourn the meeting in the event there meeting lacks quorum pursuant Standing Orders 177.
- Avoid technical appearance
- Members of any Committee should respect the office of the Chairperson.
- Members should avoid discussing about the subject of their inquiry in public until their report is laid on the Table of the House so as not to pre-empt the debate.
- Prior to a meeting, it is important that the Committee meets at least thirty (30) to prepare Members and strategize for the meeting.

The success of any legislature depends on the effectiveness of its committees. Committees are effective where their membership and secretariat function optimally according to the required rules. This should apply to the Committee Leadership, Members and the Secretariat. Every Committee is as strong as its Leadership, Members and the Secretariat.

2.4 Rules and Procedures that govern Committee meetings

- The Procedure in Committees shall be as nearly as possible, the same as that in Committee of the Whole Assembly.
 - Deliberations in Committees must be confined to the mandate and limited to the matter referred to them by the Assembly.
- i) The following are some of the key Rules and Procedures Governing Committee Meetings:
- a) All proceedings should be conducted in Kiswahili, English or in Kenyan Sign Language – Standing Order 82;

- b) A sitting shall be held at such place, date and time as shall be determined by the Chairperson or on a petition made by at least seven members of that Committee – Standing Order 174. A Committee shall not sit during a sitting of the County Assembly without Speaker’s written permission pursuant to Standing Order 178 (2);
- c) A meeting of a Committee may not be held outside the precincts of Assembly without the approval of the Speaker – Standing Order 174.
- d) The Minutes of a Committee should be kept in the same form as the Votes and Proceedings of a Committee of the Whole – Standing Order 182;
- e) Members desiring to speak should address a request to the Chairperson – Standing Order 83;
- f) The substance of the proceedings of a Committee should not be made public before the Committee has tabled its report to the Assembly;
- g) A Member who wishes to speak on any matter in which the Member has a personal interest should first declare that interest – Standing Order 95;
- h) A Member should be responsible for the accuracy of his/her contributions.
- i) The quorum of a Committee is a third of its membership – Standing Order 170 (2);
- j) Unless quorum is achieved within thirty minutes of the appointed time, a meeting of a Committee of the Assembly shall stand adjourned – Standing Order 177;
- k) A notice of a meeting of a Committee should be given by the Clerk showing the date time, venue and agenda of the meeting – Standing Order 173;
- l) A member who fails to attend 4 consecutive sittings without the permission of the Chairperson (Speaker), the Committee should be notified and may resolve that the member be replaced – Standing Order 179;
- m) Every Member present should sign the attendance register - the names of Members present at each sitting of a Committee shall be entered in the minutes of that sitting;
- n) A Committee may establish sub-committees as it may consider necessary – Standing Order 175;
- o) A Member who is adversely mentioned in a matter under deliberation by a Committee should not be present at any meeting at which the Committee is deliberating on the matter, but he/she may appear to adduce evidence as a witness before that Committee – Standing Order 176;
- p) Every Committee should meet at least once in two months unless the Assembly resolves otherwise except for the Assembly Business Committee – Standing Order 178;
- q) Any question arising in a Committee should be decided by vote and the resolution on any such vote shall constitute the decision of the Committee on that question;
- r) Committee may, with the approval of the Speaker, engage such experts as it may consider necessary in furtherance of its mandate – Standing Order 195;

- s) Committee work should be limited to its mandate as provided for in any law, the Standing Orders or a resolution of the Assembly – Standing Order 189;
- t) Committees shall enjoy and exercise all the powers and privileges bestowed on County Assembly by Articles. 195 and 196 of the Constitution - power to Summon, call for evidence, Similar powers to High Court, Conduct business in open manner, facilitate Public participation; The statute, Section 17 of the County Governments Act, 2012 - Powers, privileges and immunities of a County Assembly provides that the national law regulating the powers and privileges of Parliament shall, with the necessary modifications, apply to a County Assembly;
- u) A Member of the County Assembly may attend and participate in a meeting of any Committee of which he or she is not a Member, but such Member shall not be entitled to vote on any matter. Such a Member May only speak if invited by the Chairperson to do so – Standing Order 187;
- v) The deliberations of a Committee shall be within the mandate of the Committee – Standing Order 189. The Committee may not consider any matter that is not contemplated within the mandate of the County Assembly under the Constitution. The County Assemblies have their Mandate limited to the devolved functions.

ii) What to expect in a Committee

- a) Communication with the Executive;
- b) Cooperation with other committees within the legislature;
- c) Institutional memory;
- d) Strengthening the link with other oversight bodies; and
- e) Neutrality in the performance of its functions

iii) Etiquette For Members

Meeting Etiquette refers to codes of behavior an individual ought to follow while attending meetings and discussions. This earns respect and appreciation. The following were some of the shared etiquettes;

- o Members not attend to phone calls during meetings unless it is an emergency;
- o Members to observe punctuality in meetings- never be late for meetings.
- o Be a good listener;
- o Members should not convert the meeting room into a battle ground. Speak politely and do respect your colleagues.
- o Members to attending meeting in official attire - never attend meetings in casuals.

2.5 Consideration of Bills, Petitions, Statements, Reports and Site Visits

The presentation covered procedures and practices in executing Committee mandates in line with consideration of Bills, Petitions, Statements, Reports and Site visits.

2.5.1 Consideration of Bills in the Committee

I. Consideration of Bill (During Pre-publication period)

Pursuant to Standing Order 121 the Committee undertakes the following:-

- The committee scrutinizes a bill within 21 days upon referral by the Speaker.
- The committee examines the proposal and seeks the views of the sponsor and the relevant CEC on the likely impact, effect, outcome and consequence of the legislative proposal and
- The committee may in consultation with the sponsor of the legislative proposal, suggest variations with a view to improving the legislative proposal, but the sponsor is not bound to incorporate such variations.
- After expiry of the 21 days, the Speaker may direct the publication of the bill, with or without the pre-publication scrutiny report of the committee.

II. Consideration of Bill(First Reading)

Pursuant to Standing Order 131

Once a Bill is read a first time, it is committed to the relevant Sectoral Committee which, among others, is expected to conduct public hearings and then prepare a report to the Assembly within 20 calendar days.

The report is then tabled in the Assembly which guides the Assembly in its deliberations on the Bill. It contains proposed amendments by the Committee.

2.5.2 Consideration of Petitions

In consideration of Petition the Committee undertakes the following procedures Pursuant to Standing Order 215

- The Assembly refers Petitions to the relevant Sectoral Committee.
- In not more than 45 calendar days from the time of reading the prayer, respond to the petitioner(s) by way of a report.
- The Petition Report is laid on the Table of the Assembly and not debated upon although the Speaker may, in exceptional circumstances, allow comments or observations but this is limited to not more than 20 Minutes.
- The Clerk shall, within 15 days of the decision of the Assembly, in writing, notify the petitioner(s) of the decision of the County Assembly on the petition.

Committee Processes Involved:

- The Committee Clerk through Consultations with the Chairperson creates timelines/Schedule for the Committee to adopt in working on the Petition.
- The Committee invites the stakeholders likely to be interested in the Petition.
- Conduct hearings with the Petitioner and Witnesses,
- Committee can proceed to writing the Report
- The report must be adopted by the Committee members in a sitting;
- Thorough proof reading is required and the must sign the report.

2.5.3 Consideration of Statements

Participants were taken through procedures undertaken when Statement requested is committed to relevant Assembly Committees for response pursuant to Standing Order 45 (2); procedures are:-

- A Member requests for statement on particular matters of interest
- The relevant officer of the County Executive under whose purview the matters raised in the Statement fall, should be invited to a meeting of the Committee to deliberate on the Statement;
- The Member who requested for the Statement shall be invited when the Committee is deliberating on the matter;
- The Chairperson of the Committee shall report to the Assembly the Committee's consideration of a Statement request on the progress
- A response to a Statement as tabled by a Chairperson of a Committee may not be debated, unless the Speaker directs so for the convenience of the Assembly.

2.5.4 Conduct of Site Visits

The Committee should be able to conduct site visits to ascertain issues raised during its meetings or statements requested by Hon. MCAs in the Chamber.

The information gathered from the site visits informs the Committees report on the matter under inquiry. Examples of Visits can be to County Markets, local tourism centres in the County among others.

The Secretariat is expected to:

- Coordinate and obtains authority from the Speaker on advice by the Clerk;
- Do all the logistical arrangements which include availing transport for Members and informing the local administration of the visit to ensure Security for Members;
- Coordinate with the County Executive to have technical officers to accompany the Committee.

2.5.5 Consideration of Committee Reports

The Committee's work is communicated through the reports it tables *including half year reports*.

The half year progress report usually addresses the following issues: -

- Bills Committed to the Committee,
- Statement requests,
- Petitions,
- Inquiries/ investigations,
- Studies from field visits
- The Committee findings and recommendations to the Assembly are critical when the Assembly adopts the Committee report.
- When Assembly adopts the report, the recommendation gets the force of a formal Assembly's resolution.

- Therefore the Assembly will have monitored County Executive compliance with these recommendations through the Select Committee on Implementation.

The Committee was further briefed on key issues of finance in the County. The presenter highlighted on key budget documents such as Sectoral plans (Section 109 of the County Governments Act, 2012), County Integrated Development plan (Section 108 of the County Governments Act, 2012), Annual Development plan (Section 126 of the Public Finance Management Act, 2012), County Fiscal Strategy Paper (Section 117 of the Public Finance Management Act, 2012) and the Budget Estimates.

3.0 EMERGING ISSUES AND WAY FORWARD

After a successful vigorous induction of Members of the Sectoral Committee on Trade, Tourism and Cooperatives, the Committee made a number of deliberations and therefore made the following proposals;

a) Emerging issues

- o Developing of Committee Work plan
- o Plan for a meeting with County Executive Committee Member, Chief Officer and Directors of Sector of Commerce, Tourism and Cooperative.

b) Challenges

- o Quorum
- o Cooperation of the Members
- o Conflict of interest
- o Failure to honour invitation and summon by the County Executive and other witnesses
- o Committee Venue

c) Way forward

- ✓ Identifying more stakeholders for the Committee to work with during its lifetime;
- ✓ Seek clarification from the Liaison Committee on the overlap of the mandate on liquor licensing;
- ✓ Review and understand all the sources of revenue in the County under the Sector for the purpose of improving the revenue collection in the County;
- ✓ The Committee to work towards developing a good rapport with the County Executive for the effective operations of the Committee and the County at large;
- ✓ Plan for training of Members on the budget related issues such as budget calendar, budget documents, financial provisions in the Public Finance Management Act, 2012;
- ✓ Members to develop trust among themselves. The Committee to instill itself with some virtues such as trust, openness among others.

APPENDIX 1: GROUP PHOTO



INDUCTION WORKSHOP FOR THE MEMBERS OF THE NAIROBI CITY COUNTY ASSEMBLY
SECTORAL COMMITTEE ON TRADE, TOURISM AND COOPERATIVES HELD FROM 16TH TO
19TH NOVEMBER, 2017 AT SAI ROCK BEACH HOTEL, MOMBASA COUNTY

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

ADOPTION OF THE FIRST REPORT ON THE INDUCTION WORKSHOP HELD AT THE
SAI ROCK BEACH HOTEL, MOMBASA COUNTY

NAME

SIGNATURE

- | | |
|---|------------------|
| 1. Hon. Charles Thuo Wakarindi, MCA Chairperson | <u>C.T.W</u> |
| 2. Hon. Lawrence Otieno Odhiambo, MCA Vice-Chairperson | <u>Lawrence</u> |
| 3. Hon. Samuel Ng'ang'a Mwangi, MCA | <u>Samuel</u> |
| 4. Hon. Benson Mwangi Macharia, MCA | <u>Benson</u> |
| 5. Hon. Naftaly Wagura Mathenge, MCA | <u>Naftaly</u> |
| 6. Hon. Jacinta Wanjiru, MCA | <u>Jacinta</u> |
| 7. Hon. Jayendra Virchand Malde, MCA | <u>Jayendra</u> |
| 8. Hon. Mary Njuguna Njambi, MCA | <u>MNN</u> |
| 9. Hon. Paul Ndungu Irungu, MCA | <u>Paul</u> |
| 10. Hon. Millicent Wambui Mugadi, MCA | <u>Millicent</u> |
| 11. Hon. James Mwangi Wambui, MCA | <u>James</u> |
| 12. Hon. Doris Ngoyo Kanario, MCA | <u>DORIS</u> |
| 13. Hon. Wilfred Oluoch Odalo, MCA | <u>Wilfred</u> |
| 14. Hon. Emily Ondenje Oduor, MCA | <u>Emily</u> |
| 15. Hon. Redson Otieno ^{ONYANGO} Odhiambo, MCA | <u>Redson</u> |
| 16. Hon. Jane Muasya, MCA | <u>Jane</u> |
| 17. Hon. Eve Malenya, MCA | <u>Eve</u> |
| 18. Hon. Wilson Ochola Ongele, MCA | <u>Wilson</u> |
| 19. Hon. Maurice Ochieng Onyango, MCA | <u>Maurice</u> |

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

THE NAIROBI CITY COUNTY GOVERNMENT



THE NAIROBI CITY COUNTY ASSEMBLY

SECOND ASSEMBLY, FIRST SESSION

THE SECTORAL COMMITTEE ON TRADE, TOURISM AND CO-OPERATIVES

PROGRAMME FOR THE INDUCTION OF MEMBERS – CAPACITY BUILDING AND
THE MANDATE OF THE COMMITTEE FROM THURSDAY 16TH TO SUNDAY 19TH
NOVEMBER, 2017 AT SAI ROCK HOTEL, MOMBASA COUNTY

NOVEMBER 2017

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Duration: 4 Days (3 nights)

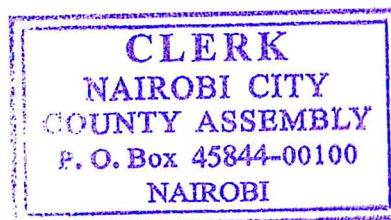
Dates: 16th to 19th November, 2017

Venue: Sai Rock Beach Hotel, Mombasa County

Objectives of the retreat:

At the end of the retreat, the participants should:

- i.) Appreciate and understand the role and place of Committees in the Assembly
- ii.) Appreciate the role and mandate of the Sectoral Committee on Trade, Tourism and Cooperatives
- iii.) Appreciate and understand the role of the Committee Chairperson and the structures of the Committee
- iv.) Appreciate practice and procedure in Committees



Day 1: Thursday, 16th November, 2017

Evening ; Arrivals and check-in in Mombasa

Day 2: Friday, 17th November, 2017

8.30 – 9.00 am Registration

Responsible Officer: Mr. Kevin Wasike

SESSION 1: OPENING SESSION

Session Chair: *Hon. Charles Thuo, MCA (Chairperson)*

9.15 – 10.00 am

- Prayers
- Welcome remarks and Introductions (*Hon. Charles Thuo, MCA*)
- Objectives of the Workshop
- Opening Remarks by the *Committee Chairperson, Hon. Charles Thuo, MCA*
- Adoption of the Workshop Programme – Setting out Workshop objectives and expected outcomes

10.00 – 10.30 TEA BREAK

SESSION 2: THE COMMITTEE SYSTEM

OVERVIEW OF THE ROLE OF COMMITTEES IN ACHIEVING THE MANDATE OF AN ASSEMBLY

Session Chair: *Hon. Emily Oduor, MCA*

10.30 – 11.30am An introduction to the Committee System:

Emphasis shall be on the following:-

- *The place of Assembly Committees under the Constitution of Kenya, 2010*
- *Legal underpinning of Committees of the Assembly*
- *Why Committees in the Assembly?*

*Presenters: Dr. Philip Buchere – Director, CPST
Mr. Christopher Gitonga*

SESSION 3: MANDATE OF SECTORAL COMMITTEE ON TRADE, TOURISM AND COOPERATIVES

Session Chair: *Hon. Naftaly Mathenge, MCA*

11.30 – 12.30pm Focus shall be on the following:-

- *Overview of the mandate of the Trade, Tourism and Cooperatives Committee*
- *How the Trade, Tourism and Cooperatives Committee undertakes its mandate*
- *Mandate and functions of the Committee on Trade, Tourism and Cooperatives*
- *Understanding of the Fourth schedule to the Constitution of Kenya, 2010 in relation to the Committee mandate*

12.30 – 1.00pm Plenary Discussions

*Presenters: Dr. Philip Buchere – Director, CPST
Mr. Christopher Gitonga*

1.00 – 2.00 pm LUNCH BREAK

SESSION 4: CONDUCT OF COMMITTEE BUSINESS

Session Chair: *Hon. Maurice Ochieng, MCA*

2.00 – 3.30pm Managing Committee business: - Focus shall be on the following:-

- *Management of Committee meetings*
- *The roles of the Chairperson, Members and the Secretariat*
- *Attributes of an effective Chairperson and Members of Committee*
- *Rules and Procedures that govern Committee meetings*

3.30 – 4.00pm Plenary Discussions

*Presenters: Dr. Philip Buchere – Director, CPST
Mr. Christopher Gitonga*

4.00pm TEA BREAK AND END OF DAY 2

Day 3: Saturday, 18th November, 2017

SESSION 5: PROCEDURE AND PRACTICE IN THE COMMITTEE

Session Chair: *Hon. Jacinta Wanjiru, MCA*

9.00 – 10.00am Focus shall be on: General overview of procedure and practice- process of conduct of business of a committee meeting.

- *General overview of procedure and practice in Committees*
- *Chairing of Select Committees and quorum*
- *Sittings of Select Committees – management of Committee meetings*

- *Failure to attend meetings*
- *List of attendance*
- *Minutes of Select Committees*
- *Powers and Privileges of Committees*
- *Voting in the Committee*
- *Attendance by non-members of the Committee*
- *Limitation of Mandate*
- *Public access to meetings of Select Committee*
- *Etiquette for Members*

*Presenters: Dr. Philip Buchere – Director, CPST
Mr. Christopher Gitonga*

SESSION 6: PROCEDURE AND PRACTICE IN THE COMMITTEE (Cont'd)

Session Chair: *Hon. Lawrence Odhiambo, MCA (Vice-Chairperson)*

10.00 – 11.00am Focus on executing Committee business in line with:

- *Consideration of Bills in Committees*
-Overview of a Bill and its processes
- *Consideration of petitions*
- *Consideration of Statements*

*Presenters: Dr. Philip Buchere – Director, CPST
Mr. Christopher Gitonga*

11.00am – 11.15am **TEA BREAK**

SESSION 7: PROCEDURE AND PRACTICE IN THE COMMITTEE (Cont'd)

Session Chair: *Hon. Benson Mwangi, MCA*

11.15 – 12.30pm Focus on executing Committee business in line with (Con't):

- *Conduct of Site visits and reporting*
- *Consideration of Committee Reports*

12.30 – 1.00pm **Plenary Discussions**

*Presenters: Dr. Philip Buchere – Director, CPST
Mr. Christopher Gitonga*

1.00–2.00pm **LUNCH BREAK**

SESSION 8: EMERGING ISSUES AND WAY FORWARD

Session Chair: *Hon. Wilfred Odalo, MCA*

2.00–3.00pm To focus on emerging issues from program, recap of key identified issues, challenges and way forward

- a) Emerging issues
- b) Challenges and way forward
- c) Recommendations of the workshop

Closing Remarks by the Chairperson

4.00 pm

Tea Break and End of Day 3

END OF THE PROGRAMME

DAY 4: Sunday 19th November, 2017

DEPARTURES TO NAIROBI
Programme Coordinator
Mr. Kevin Wasike
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MINUTES OF THE 9TH SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY SECTORAL COMMITTEE ON TRADE, TOURISM AND COOPERATIVES HELD ON TUESDAY 5TH DECEMBER, 2017 AT 10.30 AM AT CHARTER HALL, CITY HALL BUILDINGS

PRESENT

1. Hon. Charles Thuo Wakarindi, MCA – Chairperson
2. Hon. Jayendra Virchand Malde, MCA
3. Hon. Wilson Ongele Ochola, MCA
4. Hon. Naftaly Wagura Mathenge, MCA
5. Hon. Jacinta Wanjiru, MCA
6. Hon. Paul Ndung'u Irungu, MCA
7. Hon. Doris Ngoyo Kanario, MCA
8. Hon. Redson Otieno Onyango, MCA
9. Hon. Maurice Ochieng Onyango, MCA
10. Hon. Mary Njuguna Njambi, MCA
11. Hon. Wilfred Oluoch Odalo, MCA
12. Hon. Eve Malenya, MCA
13. Hon. Emily Ondeje Oduor, MCA

ABSENT

1. Hon. Lawrence Otieno Odhiambo, MCA – Vice-Chairperson
2. Hon. Jane Muasya, MCA
3. Hon. Benson Mwangi Macharia, MCA
4. Hon. James Mwangi Wambui, MCA
5. Hon. Samuel Ng'ang'a Mwangi, MCA
6. Hon. Millicent Wambui Mugadi, MCA

SECRETARIAT

1. Mr. Kevin Wasike – Clerk Assistant

MIN.041/SC-TTC/DEC/2017 – PRELIMINARY

The Chairperson called the meeting to order at 10.30 am and said the opening prayers. He then welcomed the Members present to the meeting and read the agenda which was adopted for discussion with amendment to defer agendas 5 and 6 as proposed by Hon. Jayendra Malde and seconded by Hon. Redson Otieno as follows;

1. Preliminaries (prayers & adoption of the Agenda),
2. Confirmation of Minutes – 8th Sitting
3. Matters Arising
4. Adoption of the draft report on the induction workshop held from 16th to 19th November, 2017 at the Sai Rock, Mombasa County
5. Deliberation on the programmes and plans of the Commerce, Tourism and Cooperative Sector for the FY 2017/2018;
6. Deliberation on the status of the Sector ongoing projects and the new projects for the financial years 2016/2017 and 2017/18.
7. Any Other Business
8. Adjournment

MIN.042/SC-TTC/DEC/2017 – CONFIRMATION OF PREVIOUS MINUTES

The Chairperson read the minutes of the 8th sitting held on 30th November, 2017. The minutes were confirmed to be the true record of the proceedings as proposed by Hon. Naftaly Mathenge and seconded by Hon. Jayendra Malde.

MIN.043/SC-TTC/DEC/2017 – MATTERS ARISING

In reference to MIN.036/SC-TTC/NOV/2017– MATTERS ARISING on the overlap of the Committee's mandate, the Committee was informed that the office of the Clerk had considered the matter and advised that whereas the subject areas of the Sectoral Committee on Trade, Tourism and Cooperatives include trade licenses and fair trading practices, it was prudent for the Sectoral Committee on Culture and Community Services to oversee matters of liquor control, betting, casinos and other forms of gambling. He added that the subject area of the Sectoral Committee on Trade, Tourism and Cooperatives to include liquor licensing whereas the Sectoral Committee on Culture and Community Services to include liquor control, betting, casinos and other forms of gambling. The proposal was to be considered by the Select Committee on Procedure and Rules for the amendment of the Third Schedule to the Standing Orders. The Committee agreed to the advice.

MIN.044/SC-TTC/DEC/2017 – ADOPTION OF THE DRAFT REPORT ON THE INDUCTION WORKSHOP HELD FROM 16TH TO 19TH NOVEMBER, 2017

The Committee deliberated on the report on the induction workshop held from 16th to 19th November, 2017 at the Sai Rock Beach Hotel, Mombasa County and adopted it as proposed by Hon. Jayendra Malde and seconded by Hon. Naftaly Mathenge.

MIN.045/SC-TTC/DEC/2017 – A.o.B

Following the approval of the Motion to deter commercial sex workers within the County, Members were concerned with the massage parlors that were operating within the County. The matter was to be considered in the next Committee meeting.

MIN.046/SC-TTC/DEC/2017 – ADJOURNMENT

There being no other business the meeting was adjourned at 11.20 am. The next meeting was scheduled for Wednesday, 6th December, 2017.

CONFIRMED AS TRUE RECORD OF THE PROCEEDINGS

SIGNATURE
(Chairperson)

DATE.....th 6 Dec, 2017

SIGNATURE
(Clerk Assistant)

DATE..... 6/12/2017

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