

COUNTY GOVERNMENT OF NAIROBI CITY



Approved
[Signature]
6/12/2022.

NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY

(FIRST SESSION)

[PUBLIC PETITION PURSUANT TO STANDING ORDER 213]

BY THE PUB ENTERTAINMENT & RESTAURANTS ASSOCIATION OF KENYA ON
THE PUBLIC NOTICE ON REVOCATION OF LICENSES FOR BARS AND NIGHT
CLUBS DATED 25TH NOVEMBER 2022 BY THE GOVERNOR, NAIROBI CITY
COUNTY.

WE THE UNDERSIGNED Citizens of Kenya who are residents of Nairobi City County;
DRAW the attention of the County Assembly of Nairobi to the following:-

AWARE THAT, Article 185 of the constitution vests the legislative authority and oversight
of the County governments in the county assembly;

THAT Part 2 of the Fourth Schedule of the Constitution of Kenya vests the function and
powers of the county cultural activities, public entertainment and public amenities
including liquor licensing in the county government;

THAT Article 27 of the Constitution provides that every person is equal before the law
and has the right to equal protection and equal benefit of the law and the State shall
not discriminate directly or indirectly against any person on any ground, including race,
sex, pregnancy, marital status, health status, ethnic or social origin, colour, age,
disability, religion, conscience, belief, culture, dress, language or birth;

BY THE PUB ENTERTAINMENT & RESTAURANTS ASSOCIATION OF KENYA ON THE PUBLIC NOTICE
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THAT Article 10 of the Constitution imposes an obligation on state organs and agencies to conduct meaningful and qualitative public participation in major policy decisions;

THAT, Standing Order 213 of the Nairobi City County Assembly Standing Order provides that a member of the public can request the County Assembly to consider any matter within its authority;

AWARE THAT, the Nairobi City County Alcoholic Drinks Control and Licensing Act, 2014 establishes the Alcoholic Drinks Control and Licensing Board and the Sub-County Alcoholic Drinks Control and Licensing Committees under Section 4 and 6 respectively and vests in them the duty to control and license all persons in the county engaged in the business of Alcoholic Drinks;

THAT, Section 4 (3) of the Fair Administrative Action Act, states that where an administrative action is likely to adversely affect the rights or fundamental freedoms of any person, the administrator shall give the person affected by the decision

- a) Prior and adequate notice of the nature and reasons for the proposed administrative action;
- b) An opportunity to be heard and to make representations in that regard;
- c) A statement of reasons; or
- d) Information, materials, and evidence to be relied upon in making the decision or taking the administrative action.

FURTHER THAT WHEREAS, on 25th November 2022, the County Government issued a unilateral public notice to cancel licenses of bars, restaurants and night-clubs without the input of the Petitioners and other stakeholders who are greatly affected by the said decision;

THAT, the directive of the county government was made despite the Petitioners having had discussions with officers of County Government and the various Resident Associations to resolve the problem;

AND THAT WHEREAS the members of the Pubs, Entertainment & Restaurants Association of Kenya have been paying for licenses to Nairobi City County in accordance with Section 8 of the Alcoholic Drinks Act;

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NOTING THAT, the sudden and unilateral decision by the County Government of Nairobi to shut down the businesses that it has licensed to operate, is not only a direct and immediate threat to livelihoods and massive loss of employment but also against the principle of fair administrative action. The businesses affected had already paid for the requisite licenses leading to losses by the businesses;

AND THAT, the decision of the County Government to shutdown bars, restaurants, and nightclubs while leaving out churches, construction sites and mosques is openly discriminatory and unconstitutional;

AWARE THAT night clubs pay annual liquor licence fee of KES 130,000 per licence which translates to about KES 52,000,000 in liquor licence fees paid to Nairobi County every year;

THAT, we confirm that the Petitioners herein have tried to resolve the matter by writing letters and calling for a meeting with His Excellency the Governor of Nairobi but our efforts have borne no fruit;

AND THAT, all the matters in respect of which this petition raises are not pending before any court of law or constitutional body;

NOW THEREFORE, your humble Petitioners **PRAY** that the County Assembly of Nairobi County intervenes and ensure that;-

- a. The Public Notice issued by the County Government on 25th November 2022 be lifted;
- b. Enforcement of the Public Notice by the county government of Nairobi and the Inspector General of the National Police Service be suspended;
- c. The Petitioners and the County Government hold a joint discussion to develop guidelines on how to curb noise pollution by pubs and restaurants including but not limited to sound proofing;
- d. The revoked licenses by the County Government as a result of the Public Notice dated 25th November 2022 be lifted;
- e. The Nairobi City County Alcoholic Control & Licensing Act, 2014 be amended.

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And your Petitioners will forever pray.

Presented by;

Hon.Speaker.

On behalf of;

- The Pubs, Entertainment and Restaurants Association of Kenya

And by extension;

- All members of the association.

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PUBLIC PETITION PURSUANT TO STANDING ORDER 214


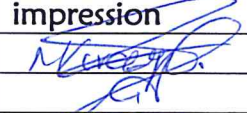
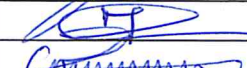
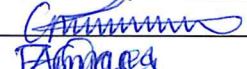
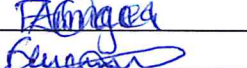



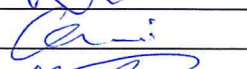
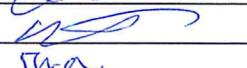

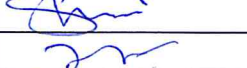




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COUNTY

Presented by;

Michael K. Muthami.....NATIONAL CHAIRMAN

On behalf of;

- The Pubs, Entertainment and Restaurants Association of Kenya

| No. | Name of Petitioner | ID or Passport Number | Full address or mobile number | Signature or thumb impression |
|-----|--------------------|-----------------------|-------------------------------|---|
| 1 | MICHAEL MUTHAMI | 29401356 | 0701098347 |  |
| 2 | AMOR THIGE | 11182984 | 0729476636 |  |
| 3 | JULIUS KIHORO | 10507858 | 072226247 |  |
| 4 | MWONGI KOMBUNGU | 24569542 | 0725707112 |  |
| 5 | EUNICE OGEA | 27992742 | 0714563912 |  |
| 6 | HENRY MWINGIRI | 11327304 | 072055551 |  |
| 7 | ERIC AOKO | 10823424 | 0784904023 |  |
| 8 | GRACE NYAMURA | 28199700 | 0721513865 |  |
| 9 | JAMES KINANI | 25296794 | 071987203 |  |
| 10 | GEORGE GIKARIA | 29045500 | 0754625007 |  |
| 11 | EUNICE WAWeru | 28225017 | 0712430047 |  |
| 12 | JACINTA GICHUKU | 11421871 | 0720177724 |  |
| 13 | STEPHEN GATHURI | 13644494 | 0721177742 |  |
| 14 | RUFUS MUNENE NJOGU | 24167476 | 0720106364 |  |
| 15 | JACKSON KANYARI | 5502519 | 0724642506 |  |
| 16 | Virginia Nerima | 24434616 | 0723616562 |  |

And by extension;

- All members of the association.

