



**COUNTY GOVERNMENT OF NAIROBI CITY**

**THIRD ASSEMBLY - (SECOND SESSION)**

**NAIROBI CITY COUNTY ASSEMBLY**

**VOTES AND PROCEEDINGS**

**TUESDAY, MARCH 14 2023 AT 2.30 PM**

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

**QUORUM OF THE ASSEMBLY**

The presiding Chair (Hon. Antony Kimemia, MCA) having confirmed that there was no Quorum caused the bell to be rung for ten minutes.

The Speaker having confirmed that there was a Quorum at the expiry of 10 minutes called the Assembly to order.

**3. COMMUNICATION FROM THE CHAIR:-**

The Hon. Speaker conveyed the following communication:-

**COMMITTEE SITTINGS DURING ASSEMBLY PLENARY SITTINGS**

“Honorable Members, of recent days, the County Assembly has witnessed an upcoming trend by Committees sitting outside the Assembly precincts during the Sittings of the County Assembly without the permission of the speaker.

Honorable Members, Standing Order 178 states that “A sitting of a committee shall be held at such place, date and time as shall be determined by the Chairperson or on a petition made by at least a third of the members of that committee but no meeting of a Committee may be held outside the precincts of County Assembly without the approval of the Speaker”.

Honorable Members, Standing Order 182 (2) states that “Except for the County Assembly Business Committee, a select committee shall not meet during a sitting of the County Assembly without the written permission of the Speaker”.

Furthermore, standing Order 182 (4) provides that “The proceedings of a meeting of a committee held contrary to paragraph (2) shall be void”.

Honorable Members, the Assembly Committees sitting outside the precincts during Assembly Sitting days are a breach of the provisions of the

Standing Orders we are supposed to uphold and adhere to. Honorable Members, I here therefore direct that no Committee shall sit outside the precincts of the County Assembly during the Assembly sitting days being Tuesdays, Wednesdays and Thursdays.

Honorable Members, the proceedings of such a meeting of the Committee held contrary to paragraph (2) of Standing Order 182 shall be void.

Honorable Members, it is so directed.

Thank you.

#### **4. STATEMENT PURSUANT TO STANDING ORDER 47(2)(f)**

The following response to statement will be issued:-

- i. The Chairperson of the Sectoral Committee on Environment and Natural Resources will respond to statement requested by Hon. Peter Mwangi, MCA regarding the County plans on mitigation of effects of climate change. **(Response satisfactory)**

#### **5. MOTION: CONTROL OF NOISE POLLUTION FROM BARS, NIGHTCLUBS AND RELIGIOUS BUILDINGS.**

Motion moved and seconded

**THAT**, aware that paragraph 3 of Part Two of the Fourth Schedule of the Constitution of Kenya, 2010 provides for the functions and powers of County Government on control of air pollution, noise pollution, and other public nuisances; **FURTHER AWARE** that the County Assembly passed the Nairobi City County Public Nuisance Act, 2021 which provides for the control of public nuisance within the County, Section 20 of the Act provides that *a person shall not upon other premises play, operate, cause or allow to be played or operated, any musical instrument, wireless, gramophone, amplifier or similar instrument thereby making, causing or authorizing noise to be made which is loud and continuous or repeated as to constitute a nuisance to the occupants or dwellers of any premises in the neighborhood or to passersby on the street;* **CONCERNED THAT** in recent years there has been an upsurge in noise pollution especially from bars, nightclubs and religious buildings near residential areas which has caused discomfort and lack of peace among residents; **FURTHER CONCERNED** that such noise has health effects which include but are not limited to impairing cognitive functioning in children, affecting people's sleep and concentration levels, as well as biological stress among others; **ACKNOWLEDGING THAT** the National Environment Management Authority developed the Environment Management and Coordination (Noise and Excessive Vibration Pollution Control) Regulations, 2009 that prohibit the production of loud, unreasonable, unnecessary or unusual noise which annoys, disturbs, injures or endangers the comfort, repose, health or safety of others and the environment; **FURTHER ACKNOWLEDGING** that Paragraph 10 of Part Two of the Fourth Schedule of the Constitution requires the County to implement specific national government policies on environmental conservation, this Assembly resolves that the County Executive to:-

1. Implement all the legislations both at the County and National Levels on noise pollution to control all forms of public nuisance which has

- resulted in public outcry;
2. Develop regulations on noise mitigating measures pursuant to provisions of Section 35 of the Nairobi City County Public Nuisance Act, 2021 to curb all forms of noise pollution in residential areas in the County; and
  3. Mandate proprietors to effect and install noise reduction and containment measures such as soundproofing, cut-offs, installing glass shields, repositioning of speakers and internal self-regulation mechanisms to minimize noise within the County.

Question proposed  
Debate ensued;  
Motion: Withdrawn

**ASSEMBLY ROSE** - at Thirty Minutes Past Four O'clock.

**MEMORANDUM**

The Speaker will take the Chair on  
Wednesday, March 15<sup>th</sup>, 2023 at 2.30pm

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