REPUBLIC OF KENYA

COUNTY ASSEMBLY OF LAIKIPIA

THE HANSARD

Tuesday, 2nd March, 2021

The House met at the Assembly Chambers at 2.30 p.m.

[The Deputy Speaker (*Hon. Daniel Nyausi) in the Chair]*

PRAYERS

PETITION

LIQUOR LICENCES FOR 2020

Hon. Joseph Kiguru: Thank you Mr. Speaker, Sir. I have a Petition by Laikipia Bar Owners Association concerning liquor licences for the year 2020 for all bars and restaurants that remained closed.

PAPER LAID

LIQUOR LICENCES FOR 2020

Hon. Joseph Kiguru: Thank you Mr. Speaker, Sir. First I have a Paper to lay on a report by the joint Committee comprising of Finance and County Planning and Labour, Social, Welfare and County Services on a Petition to the County Assembly by Laikipia County Bar Owners Association.

(Hon. Joseph Kiguru laid the paper on the table)

Hon. Catherine Nyawira: Mr. Speaker, I would like to find out how a Paper that has not be laid out in this House has found its way to my table. The same paper he is laying is the same Paper I have on my document. It's on my document.

Deputy Speaker: Hon. Members, I would like to give a response on what the Hon. Nyawira has just raised. Let us all remember that this is a Petition and a response to a petition to that matter. In our Standing Orders No. 202(2) on Petition;

> *'Whenever a Petition is committed to a Sectoral Committee, the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the Assembly and no debate on or in relation to the report shall be allowed, but the Speaker may, in exceptional circumstances, allow comments or observations in relation to the Petitions for not more than twenty Minutes.*

So then, it is very clear, the Petition should be laid on the Table of the Assembly. I think that is how it should be. Hon. Catherine, you are still not satisfied?

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Hon. Catherine Nyawira: Yes Mr. Speaker. Just as you have read that, the same document should not come to us after 60 days. I note that this petition was received in this House on 7th July, 2020. Those are not only more than 60 days but eight months.

Deputy Speaker: It has delayed in the process due to some problem and due unavoidable circumstances and it's never too late now that the Committee responsible has got time to respond on it. Hon. Kiguru proceed.

Hon. Joseph Kiguru: Thank you, Mr. Speaker. The report on the said Committee on Finance and County Planning and the Labour, Social Welfare and Community Services. The report is to Laikipia County Assembly on the issues raised by the bar owners. Mr. Speaker, I will go directly because Hon. Members know and they have the same papers. The right of Kenyan citizens to petition public authorities and parliament is a right conferred by the Constitution under Articles 37 and 119. The Laikipia County petition to County Assemblies Act, 2014 and by Standing Order 194 of the Laikipia County Assembly.

The right to petition is an essential citizen participatory tool that allows for direct intervention by the Assembly on issues relating to the promotion and protection of the rights of citizens.

Mr. Speaker, Sir, on behalf of the Members of Finance and County Planning Committee and Labour, Social Welfare and Community Services and as required under the Laikipia County Standing Orders, I hereby present to this House, the joint committee's report on the petition by the Laikipia County Bar Owners Association.

The petition was received by the Clerk on 7th July, 2020, and later committed in the Assembly to the joint committee of Finance and County Planning and Labour, Social Welfare and Community Services for further consideration with the view to respond to the issues raised in the petition.

Mr. Speaker, Sir, pursuant to provision of Article 119 and Standing Orders 198, the petitioners sought answers to the following prayers;

That to mitigate the severe effects of COVID-19 and the subsequent orders of M.O.H;

1. Laikipia County Assembly waives the liquor license of the year 2020 to all bars, restaurants that remain closed.
2. Reduce by half single business permit for this year to the affected businesses and allow payments in instalments when they are allowed to open.
3. Waive all penalties to all licenses.
4. Compel the liquor licensing authority to convert bar licensing to wines and spirits take away only during this COVID period.
5. To include all liquor license applicants who were approved in the County and National Government stimulus programme without disabling conditions, e.g. payment of licenses, CRB listings etc.

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6. To amend Laikipia Alcoholic Drinks Act Sec 67c and include a representative of bar owners in the license committees in order to understand their problems.
7. Laikipia County Government to find a way to cover or waive the cost of COVID compliance process for bars/restaurants/hotel owners who are most affected by the closure order since their source of income has been severely affected.

Mr. Speaker, Sir, the joint committee sought a response of the County Government of Laikipia and other relevant agencies on the above petition. In this regard, the joint committee report gives a detailed summary of the issues and the responses by various entities of the County Government including Department of Finance and County Planning, Department of Administration and Public Service and the Laikipia County Revenue Board. The committee received oral submissions from the said entities which formed the basis of the committee's observations and the requisite interventions towards the prayers sought.

Mr. Speaker, Sir, it is significant to mention that County Governments should appreciate that every person has a right to petition parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.

The joint committee invited the CECM-Department of Finance and County Planning, CECM- Department of Administration and public service and members of the Laikipia County Revenue Board. Their submissions were as follows;

1. The LCRB had already waivered the penalties for the month of April and May 2020 to all bars and restaurants in the county.
2. Though the penalties for the above months had been waivered, at least 36% of the bars and restaurants had already paid for their licenses as tabulated below;

	Sub-county	No. of premises	No. of premises that have paid up	Amount in Kshs.
1	Laikipia East	572		5,442,000
2	Laikipia North	116		448,000
3	Laikipia West	600		4,244,000
	TOTAL	1288	467	

Mr. Speaker, Sir, I will go directly to the observations because the Members have the same report.

Mr. Speaker, Sir, having met the relevant entities of the County Government, the joint committee made the following observations;

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1. Despite most businesses being affected by the Corona pandemic, the county government still has revenue targets to fulfil.
2. The hospitality industry had been adversely affected due to the closure of hotels, restaurants and eateries, bars, wines and spirits at the advent of the Corona pandemic. A presidential directive was issued for the said businesses to sell takeaways only.
3. After some period of time some protocols were developed to assist in the gradual opening of restaurants and eateries. Bar operators were not considered yet they pay their taxes and levies as required by the law.
4. Bar operators have reduced operations which has been caused by disruption of the supply chain and depressed consumption due to restriction of movement of people. This has led to rent arrears, expired stock, loan arrears for the businesses and decrease in their credit-worth.

THE COMMITTEE'S RECOMMENDATIONS

Mr. Speaker, having considered the petition by the members of the Laikipia Bar Owners Association, the Joint Committee made the following recommendations:

1. The Laikipia County Government should periodically review its revenue target as the pandemic has affected various sectors of the economy. Section 159 of the PFM Act clearly states that the CECM Finance may waive a County tax fee or charge imposed by the County Government or its entities in accordance with the criteria prescribed in the regulations.
2. The CECM Finance should explore measures that will be aimed at cushioning the County economy and small business enterprises that have been adversely by the pandemic.
3. The County Government should not penalise the operators that had fully closed down their premises due to the pandemic.
4. The County Government should establish a fund that is geared to cushioning the businesses that have been affected. Also, it should continually support and stimulate the bar operators by issuing them free sanitizers, and provision of clean water at their premises.

Mr. Speaker, this is the Committee's observation. For both Committees, I think it's high time for the Members to adopt this Report because we have engaged with the petitioners and the Report of both Committees, we have considered all the issues in the deliberations which we make with the relevant entities. I urge the Assembly to adopt this Report, thank you.

Deputy Speaker: Hon. Members if there are some of you who want to give their observations on the same, you can always give your input, if any.

Hon. Daniel Mugweru: Thank you, Mr. Speaker. I wish to also make my contributions on the said Report and to key in my observations on it. As much as we're talking about bars I

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was asking myself as I was seated here if Laikipia has turned into a County of so many bars meaning that Laikipia has turned into a County of many drunkards.

In Laikipia East, having 572 bars means each and every ward has 114 bars. I started imagining Umande having 114 bars which means three times the number of shops that are there. I was looking at Laikipia North having 116 bars which translates into each ward having 29 bars. Laikipia West having 600 bars translates into 100 bars per ward.

Looking at that, if you go to an average as a County it means each and every ward has over 80 bars. As much as we're enjoying collecting revenue, on the other hand I don't think the same drunkards will be able to work. We're not entitled to just collect revenue from bars but from people who work hard as well. It seems we are not encouraging them to work hard and that we only want to collect revenue from bars.

Anyway, having said that, I wish to support the Joint Committee for having time to sit down with the respective people and gather the right information which has directed them to have the recommendations that are there. As I was looking at the reduction of permits on page 9, that when the Finance Act in the Financial Year 2020/2021 will be submitted to the County Assembly. A reduction on the permit may be considered although this will affect a total Revenue that shall be collected in the Financial Year.

Mr. Speaker, when we are reviving our businesses we should not even consider or count the reduction that will be there in our Revenue collection. I wish to thank the Committee because in their recommendation they have considered all that.

The County government has greatly assisted many businesses by supplying free sanitizers, supply of fresh water for hand washing in major points, and facilitated payment of staff samples for testing. I am not sure but I feeling I should say that I have doubts in this. I have never seen the County Government in Umande Ward assisting in free sanitizers or fresh water for hand washing.

Either they are saying Umande is not a major point or there is no shopping centre that has a major point. I have never seen any. I feel like this one is not giving true information on what the Government is doing.

Also talking of facilitating staff payment sample for testing. Of late, you are told to go the Nanyuki Teaching and Referral Hospital and you pay for yourself. I am not sure of how they are facilitating and maybe they are planning to do so. Now the most unfortunate thing is that they are doing it or they are planning to do it.

In the recommendations, I thought we are supposed to add more weight on this recommendation. When we say the County Government should have periodical review on its Revenue target as the pandemic has affected various sectors, we need also to include the percentage at which the reduction will be. Today we can say that the county Government should consider reviewing the target because it should periodically do reviews. Reviewing doesn't necessarily mean to decrease. It can be reviewed and increased. It can be reduced to zero or reduced to a single shilling and still say we have reduced.

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In the recommendation, we were supposed to put a percentage because we are the representative of those business people. When we leave it that way, we are leaving a loophole where by the County Government can reduce the target with only a single shilling and we cannot question them. The recommendation was reduced. Even if they reduce with a single shilling, automatically they have reduced. They can even wake up and reduce it to 0 shilling they have reduced. So we should at least have a remedy on how we are doing it. We should also lay the criteria on how that deduction and regulation will be implemented.

In the recommendation, that the County Government should establish a fund that is geared that it's cautioning the business that have been affected. It should continually support stimulate the bar operators by issuing them free sanitizers and provision on clean water at the premises.

I am sure we are supposed to add in this report that we should continually give those services and also to start where they have not started. If it is in Umande they have never started, then they should start doing the same because Laikipia is one. When we talk of bars, a bar in Laikipia and another one in Nanyuki are the same. So when we are doing such things we should not do them selectively considering the big towns and forgetting that COVID was not selective because it was killing people in towns, villages and also in shopping centres. That is why the law should not be selective.

Mr. Speaker, the committee has done a good work but it should add more weight on recommendations because now the Executive will implement the recommendations that are here which lacks weight. We should put more weight on them so that they may do well to our people. Therefore, I support and urge the joint committee to add some statements in the report that will put more weight on the recommendations. Thank you.

PAPER LAID

LAIKIPIA COUNTY FINANCE BILL PUBLIC PARTICIPATION REPORT 2021

Hon. Joseph Kiguru: Thank you, Mr. Speaker. I also have another paper to lay on Finance and County Planning Public Participation report on the Laikipia County Finance Bill, 2020 dated 10th February, 2021. In this report, we went to three sub counties and therefore the report is well detailed and I wish to lay the paper.

(Hon. Joseph Kiguru laid the Paper on the table)

NOTICE OF MOTION

LAIKIPIA COUNTY FINANCE BILL PUBLIC PARTICIPATION REPORT 2021

Hon. Joseph Kiguru: Thank you, Mr. Speaker, Sir. I beg to give notice of the following motion;

THAT this House adopts the report on Public Participation for the Laikipia County Finance Bill, 2020 by the Finance and County Planning Committee dated 10th February, 2021.

STATEMENTS

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STATUS OF LAIKIPIA COUNTY WEIGH BRIDGE

Hon. Joseph Kiguru: Thank you, Mr. Speaker, Sir. Due to unavoidable circumstances, I would like to urge the Chair to give us extension of time to give response on Status of Weigh Bridge. A statement was tabled in this Assembly by Hon. Peter Matunge on 3rd December, 2020 requesting for a response regarding the statement status of Weigh Bridge.

Mr. Speaker, the committee sent a letter to the CECM for Finance, Planning and County Development vide Ref No: CGL/CA/CM/007/02VOL2/018 dated 24th February, 2021. The committee is yet to receive any response and so the committee hereby requests for an extension of 15 days period so as to table a comprehensive report on the statement. Thank you.

CONSIDERED RULING

Deputy Speaker: Therefore, Hon. Joseph you are requesting for an extension of time to respond on the statement of Weigh Bridge which is in Laikipia. Today you have brought us a petition which is late. I would like to put across to the House that we are serving the public and once every time we are getting delayed even if it is not from our end but probably from the people we were expecting to get responses from, then I would like to say that we are not doing justice to our people.

Therefore, I don't think that it is fair for us to keep on punishing our people because at the moment we all know that those lorries are going to Isiolo. Especially the lorries which usually take sand from our place are all heading to Isiolo.

As a government we are losing revenues and our people are lacking jobs. I would like to ask the committees to at least try to meet the deadlines and also encourage you that before the deadline you give the response. If you haven't gotten a response then you should just come and report and then from there this House will take the next step.

If this committee has been waiting for all that time and it has not gotten any response, please let me discourage you from trying to think on behalf of other people that if you add more time they will be able to respond. Probably they won't even respond now. Since it is a burning matter allow me to give you a week so that at least next Tuesday at a day and a time like this you will be able to bring a comprehensive report on the same. If they will not have responded, please come with the feedback that you have not responded to despite of giving extra time.

ADJOURNMENT

Deputy Speaker: You may rise. The sittings of this House now stands adjourned until tomorrow Wednesday, 3rd March, 2021 at 9.00 a.m.

The House rose at 3.05 p.m.

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