

REPUBLIC OF KENYA

NYANDARUA COUNTY ASSEMBLY

2ND ASSEMBLY- 2ND SESSION

OFFICIAL REPORT

Wednesday 21st March 2018

The Assembly met at the Assembly Chamber at 2.30 p.m.

[Hon. Speaker (Ndegwa Wahome) in the Chair]

Prayer

QUORUM CALL AT THE COMMENCEMENT OF THE SITTING

(The clerk-at-the-table confirms that there is quorum)

Speaker: Hon. Members, quorum having been recognized we can proceed with the business of the sitting.

First order.

COMMUNICATION FROM THE CHAIR

VISIT BY URUKU PRIMARY SCHOOL

Hon. Members, I have a brief communication to make which is in regard to some visitors who are with us today. The same is to the effect that I wish to notify you that today the 21st day of March 2018, we have the honour of welcoming teachers and the pupils of Uruku primary school in Central ward, Ndaragwa sub county of our county, Nyandarua. They are a total of twenty (27) pupils and four (4) teachers who are leading the delegation. The teachers are;

1. Mr David Mukundi the deputy head teacher.
2. Mr Job Geria
3. Madam Margaret Kimani
4. Madam Monica Gichuki

In the delegation, we also have the leadership of the pupils led by;

1. Samuel Njenga, the school's President
2. Veronica Wanjiru, the school's Deputy President

As an assembly, we have a long-standing practice of warmly welcoming our visitors more so pupils who come to learn as we deliberate on important county matters. I therefore ask

you Hon. Members to join me in applauding the teachers and pupils of Uruku primary school as aforesaid.

Finally, I wish to thank the Hon. Member of the County Assembly for the area, Central ward namely Hon. David Mwangi Maitai for ensuring that the school is accommodated appropriately at the assembly during today's plenary.

Next order.

PAPERS

(PAPER TO BE LAID)

COUNTY INTEGRATED DEVELOPMENT PLAN 2018-2022

Yes, the member for Kanjuiri Ridge and Chairperson Committee on Finance and Economic Planning, Hon. Suleiman Kihika Kimani.

Hon. Suleiman Kimani: Thank you Mr Speaker. I rise to seek leave that the paper be laid another day because the document is not ready and I know each member is aware that the document is huge crucial and needs abundant time scrutinize it page by page so that we can have a very good document. We are aware that this the document that will inform the annual development plans for the five years. On behalf of the committee, I seek leave to table it on Tuesday next week and move it on Wednesday if leave is granted. Thank you Mr Speaker

Speaker: Members, I have been made aware by both the committee chairman and the CECM for Finance and Economic Planning about the work that required to be done on the document. At the policy level, it is agreed on the direction of the document. It is at the technical level where all the concerns of the members are being incorporated into the final document. Being a very important and big document, as you can remember I did not have a choice but to agree that we need to give the committee more time to bring that particular document.

In my thinking Hon. Members, we should have the document tabled on Tuesday so that members can have the entire Wednesday and Thursday morning to look at it then the motion will be moved on Thursday afternoon.

Next order.

NOTICE(S) OF MOTION

COUNTY INTEGRATED DEVELOPMENT PLAN 2018-2022

That was an order on the document that was to be filed by the chair of the Committee on Finance and Economic Planning and therefore it is dispensed.

Next order.

MOTION(S)

NYANDARUA COUNTY ALCOHOLIC DRINKS CONTROL BOARD FOR THE PERIOD BETWEEN JUNE 2015 AND JUNE 2017

Yes member for Githioro and Chairperson Committee on Education Gender Affairs Culture and Social Services Hon. Simon Sambigi Mukuriah.

Hon. Sambigi Mukuriah: Thank you Mr Speaker, I beg to move the following motion:

That this House does adopt the report of the Committee on Education Gender Affairs Culture and Social Services on consideration of the report of the Nyandarua county alcoholic drinks control board for the period between June 2015 and June 2017 as a report of this House and the recommendations therein as resolutions of this House.

Thank you Mr Speaker.

Mr Speaker, sir, the committee is beholden to the office of the Speaker and the Clerk of the County Assembly for the support extended to it in the execution of its mandate. Moreover, I take this opportunity to profoundly thank the Members of this Committee for their immense contribution towards the realization of the Committee's mandate. Finally, Mr Speaker, It is my distinguished duty and pleasure, on behalf of the Committee on Education, Gender Affairs, Culture and social services to table this report and recommend it to the Assembly for deliberation and possible adoption.

Mr. Speaker, Sir, on the 5th day of December 2017, a report of the Nyandarua County Alcoholic Drinks Control Board for the period between June 2015 and June 2017 was tabled in the House and subsequently committed to the Committee on Education, Gender Affairs, Culture and Social Services, pursuant to Article 195 of the Nyandarua County Assembly Standing Orders.

On the 20th day of December 2017, the Committee invited the then County Executive Committee Member for Education, Gender Affairs, Culture and Social Services together with the Members of the Nyandarua County Drinks Control Board. The following were the issues tackled in the said meeting:

- i) The County Alcoholic Drinks Control Board's membership
- ii) The status of implementation of the functions of the Board
- iii) The challenges facing implementation of the Nyandarua County Alcoholic Drinks Control Board's functions
- iv) Whether the Nyandarua County Alcoholic Drinks Control Board requested for the percentage stated in Section 6 (7) of the Act.
- v) The outstanding allowances owed to the Board and the Sub-County Committees
- vi) The conduct of Sub-County Committee meetings
- vii) The possible areas of amendment to the Act and the Regulations
- viii) Any other challenge the Board has faced in the implementation of the Nyandarua County Alcoholic Drinks Act

Mr Speaker, in carrying out this noble task, I would like to appreciate the committee that did this job. The committee comprised of Hon. Geoffrey Ngaruiya Kariuki who unfortunately is not with us, Hon. John Mburu Githinji (Member), Hon. Milkah Wanjiru Ndirangu (Member), Hon. Loise Wanja Kimondo (Member), Hon. Jane Nyambura Waweru (Member), Hon. Sammy Ngumo Ngamau (Member), Hon. Gabriel Gathure Wambui (Member) Hon. Simon Mbogo Mburu (Member) and I, as the Chair. We were assisted by the secretariat that comprised of Ms. Irene Wangechi Kang'au (Committee Clerk), Mr. Samuel Irungu Kigotho (Research Officer), Mr. Moses Kinyua Mbutia (Clerk Assistant).

Mr Speaker I would like to begin with the committee's mandate. The Committee, as constituted under the provisions of Article 195 of the Nyandarua County Assembly Standing Orders is mandated 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. Vet and report on all the appointments that the Constitution and or any other law requires that the Assembly to approve,
- d. Make reports and recommendations to the Assembly as often possible including making recommendations on proposed legislation.

Mr Speaker I would like to go through chapter one. The Nyandarua County Alcoholic Drinks Control Act, No. 1 of 2014 (hereinafter referred to as “the Act”) was enacted by the County Government of Nyandarua in accordance with its Constitutional mandate as stipulated in Part 2 of the Fourth Schedule to the Constitution i.e. to regulate cultural activities, public entertainment and public amenities including liquor licensing.

The Act, with its Regulations were benign and aimed at protecting the welfare of the people of Nyandarua and in particular, to safeguard against the problem of underage drinking; health hazards associated with alcohol; non-productivity amongst the County’s populace; inadequate policies to control consumption of alcohol; insecurity and noise pollution within residential areas.

The drafting, debating and enactment of the Act was preceded by sundry consultations between the 1st Assembly and members of the public, pursuant to Articles 10 and 196 of the CoK and sections 87 and 115 of the County Governments Act.

Hitherto, Kenya had over 15 Acts of Parliament on alcohol or related substances making it very difficult to effectively implement alcohol policies and related legislation. A major constraint with these Acts is that they did not directly concern themselves with the enforcement or regulation of alcoholic drinks use. The few Acts of Parliament that regulated alcohol-related issues included:

- i) The Compounding of Portable Spirits Act (Cap 123)
- ii) The Industrial Alcohol (Possession) Act (Cap 119)
- iii) Methylated Spirits Act (Cap 129)
- iv) Alcoholic Drinks Control Act (No 4 of 2010)
- v) Traditional Liquor Act (Cap 122)
- vi) The Food Drugs and Chemical Substances Act (Cap 254)
- vii) The Narcotic Drugs (and Psychotropic Substances) Act (No 4 of 1994)

Mr. Speaker Sir, it is in the public domain that prior to enactment of the Alcoholic Drinks Control Act, 2010, the country, on a number of occasions, witnessed very sad and disconcerting incidents where hundreds of people lost their lives due to consumption of adulterated alcoholic substances. Additionally, scores of others were left permanently blind and/or seriously incapacitated and thus rendered economically unproductive.

It was extensively reported in the media that due to uncontrolled consumption of alcoholic drinks and particularly the illicit brews, population figures in some parts of the country had stagnated over the years or even plummeted. This was primarily blamed on the high numbers of men who had abdicated their marital responsibilities due to over indulgence in alcohol and the adverse effects thereof.

Mr Speaker sir I would like us to note that this trend has come back with a bigger force that it was before. To check the worrying trend aforesaid, Parliament in its wisdom enacted and passed the Alcoholic Drinks Control Act, 2010. The Act and the regulations made thereunder

provided a well thought out legal framework for regulation of production, sale and consumption of alcoholic drinks.

Mr. Speaker, Sir, there have been several attempts to address the grey areas in our county's Alcoholic Drinks Law. One such attempt during the first Assembly was in form of a Petition by the Nyandarua County Recreational and Entertainment Self Help Group, an organization drawing its membership from bar operators and dealers in alcoholic drinks within Nyandarua County. The petition, received in the Office of the Clerk on the 10th day of January 2017, largely touched on the Nyandarua County Alcoholic Drinks Control Act, No. 1 of 2014, thus;

- I. Failure to incorporate stakeholder's views that members of the beer business community be included in the Sub-County Alcoholic Drinks Regulation Committee.
- II. Failure to take into consideration the national law and standards on packaging of alcoholic drinks in 250ml containers by requiring that alcoholic drinks be packaged in 500ml containers.

Mr Speaker although alcohol regulation is a function of the county government, this act is in conflict with the superior law where it is required to have containers of not less than 250 mls.

- i) Some of the fines outlined in the Act are too punitive and the introduction of numerous licenses namely; trade license, liquor license and health license is cumbersome.
- ii) The hours of selling alcoholic drinks in the County, i.e. from 5 p.m. to 11 p.m., about six hours is unreasonably short.

Mr Speaker, these are businesspersons and they have costs that are associated including and not limited to rent to their premises and the work force that they employ. It is therefore not reasonable to have this business conducted between 5p.m. and 11 p.m. However, it is important to note that the Petitioners have subsequently moved to the High Court at Nyahururu *vide* Judicial Review Case No. 12 of 2017 where the County Assembly is listed as one of the interested parties.

In the above matter, Mr. Josphat Muiro (one of the Petitioners) sworn an affidavit on behalf of the *ex-parte* applicants in support of the application dated 10th May 2017 and filed on the 11th of May 2017.

Mr Speaker, Sir, without flouting the *sub judice* rule, it is the Committee's observation that the issues raised by the Petitioners are a classic example of rights of the larger public versus the petitioners' private rights.

Mr Speaker, I would now like to go to the committee's findings. At the core of the Committee's investigation is the current agitation against production and consumption of illicit liquor infamously known as "second generation alcohol" in various parts of the County. This chapter highlights the Act's shortcomings as pointed out by various shareholders since its enactment in 2014 and the salient issues observed during the various engagements with the CECM in charge of Education, Gender Affairs, Culture and Social Services and the Alcoholic Drinks Board by the Committee:-

On Objectives and Purpose of the Act, Section 3 of the Act reads in part, "the objective and purpose of this Act is to provide single business permit of the alcoholic drinks by the County Government pursuant to part ii of the Fourth Schedule to the Constitution so as to control production, sale and consumption."

There has been constant friction between bar owners and the Nyandarua County Government over the various levies previously charged. However, the Finance Act of FY 2017/2018 remedied this. It must, however, be noted that the issue of levying multiple licenses is one of the substantive matters before the Court.

The Alcohol Board Chairperson submitted that currently, the Board has 7 members. Although two members had resigned to pursue political ambitions, one resumed duty after political party nominations pursuant to a decision of the High Court of Kenya sitting in Kericho with regards to public officers leaving office to contest in elections. It was also reported that one member – an Advocate of the High Court of Kenya – left without tendering resignation and only cited lack of facilitation as the reason for leaving. The Chairperson, however, apprised the Committee Members that the Board is still quorate so there is no impediment in transacting its business.

Mr Speaker, I would like to point out that there is no office that can function without facilitation. From our investigation, we found out that the executive has largely ignored facilitation of the board and that has led to proliferation of the second-generation alcohol.

On conflict with the National law & the Constitution, The effect of S.33(2) of the County Alcoholic Drinks Control Act is to prohibit by criminal sanction the manufacture, sale, packaging, distribution and or possession of alcoholic drinks not packaged in glass containers of more than 500ml within the boundaries of the County.

The conflict, as emphasized by the Alcohol Board, is in the fact that the county law provides for a standard of manufacture and packaging of alcoholic products within the County which is different from the standard of manufacture and packaging provided in the National Legislation. The National law provides that alcoholic drinks may be manufactured and packaged in non-glass bottles of not less than 200 ml. e.g. Section 31 (2) of National Alcoholic Drinks Control Act provides that packaging material may be metallic, PET (Polyethylene terephthalate), or glass.

Mr. Speaker, Sir, though the county law should prevail because it relates to liquor licensing which is an exclusive function of the county under Part 2 of the Fourth Schedule to the Constitution, the Committee agrees with the Board's assertions that there is need to review the County legislation on this particular issue.

On the Name of the 'Board', Mr. Speaker, Sir, the Board's name is defined variously in the Act. While Section 2 defines the Board as the 'County Alcohol Control Board', Section 4 establishes in the County, 'the Alcoholic Drinks Control Board'. The said section reads as follows:- 4. (1)

“There is established in the County the Alcoholic Drinks Control Board which shall be under the direction and control in the county department of Culture and Social Services.”

There is need to review the said provision to eliminate ambiguity.

The Status of the Board; The CECM – Hon. Faith Mbugua, informed the Committee that the Board has not been suspended, rather, it is the operations of the Board that have been suspended until further notice.

Mr Speaker there is a thin line between suspending the operations of the board and suspending the board itself. By suspending the operations of the board, you have suspended the activities of the board. It is imperative to point out that the CECM was unconscious to how the various roles of the Board would be performed during the 'suspension of the Board's operations'.

Mr. Speaker, Sir, we have annexed herein a copy of a letter dated 5th January 2018 and received in your Office on the 20th of February 2018, lifting the said suspension. It is noteworthy that the suspension of the board had led to proliferation of the second generation products. It has encroached into the society rendering young men useless.

The operations of the County Alcoholic Drinks Control Board and the Sub-County Alcoholic Drinks Regulation Committee; from the Board's Submissions to the Committee, it is apparent that the board has succeeded in the following functions as provided for in Section 4(2) of the Act:

- i. Formulation of regulations related to the Act
- ii. Reviewing appeals from decisions made by the sub-county committees
- iii. Supervision, coordination and issuing guidelines for licensing.

The reason for non-performance in the various other functions was attributed to insufficient facilitation by the relevant CECM.

Mr Speaker it is disheartening that the sons of Nyandarua who are committed to eliminating and regulating consumption of alcohol in Nyandarua have not been facilitated despite their continued work. I urge the House that as they support the report to urge the executive to facilitate this board for effective control of alcohol and related issues.

In a letter received on the 13th day of February 2018, it was noted that the Sub-county Alcoholic Drinks Regulation Committees term of office expired on the 16th February 2018 (See copy of the letter attached herein)

This means that we do not have a committee in place to deal with licencing or inspection of various bars in the county. This is a problem that I would squarely put at the feet of the executive because they are the ones that should extend the life of these committees so that it can be in tandem with the life of the board, which is expiring within the next two months. This is the reason why we have no bars operating in the county and the bar owners face daily harassment from the provincial administration. On challenges faced by the Board on the implementation of the Act, the following were cited;

- i. Delay in facilitation of the Sub-county Committee leading to inefficiency
- ii. The board is owed a lot of money that would have gone a long way n make sure that they are efficient in discharging their services.
- iii. Lack of Terms of Reference for Board Members, (see copies of their letters of the appointment annexed herein). The Committee discussed the contents of the appointment letter and it was found that the letter indicated that they were to serve for a period of 3 years, renewable to a maximum of 2 terms.
- iv. Lack of a permanent office harbouring effective handling of liquor issues.
- v. Ambiguity in the Act, there are sections in dire need of clarity like; the Objects of the Act, and Composition of the Board among others. The matter has been addressed comprehensively in the former parts of this Report.
- vi. Lack of a County Alcoholic Drinks Control Enforcement Coordinating Committee
- vii. Apparent exclusion of the Board in the budget making process
- viii. Various pending court cases that have had a negative effect on revenue collection.

Mr Speaker Nyandarua being an agro economy and the only business that may be cuts across the county, it would be serious omission not to have revenue collected from these businesses. It would form a significant percentage of the revenue collected by this county.

- ix. Delay in conducting re-inspection of applicant's premises after the first phase of licensing, occasioned by delays in release of funds for the function.
- x. On the outstanding allowances owed to the Board, the arrears as at the 20th day of December 2017 was Kshs. 2.2 Million.

It is disheartening to see that these people have to go back to their pockets to work for this county just because the county is holding on to their allowances.

- xi. On the arrears owed to the Sub-County Committees, the actual and clear figure was not established as the data available was contradicting. It was reported that some of the sub-county committees fail to follow the stipulated schedule thus making it difficult to calculate their arrears.

In our investigations, we discovered that this money had been budgeted for and it is always withdrawn from the banks and directed to other uses.

Mr. Speaker Sir, Kshs. 8.9 M and 7.4 M was allocated to the Nyandarua County Alcoholic Drinks Control Board in the FY 2016/2017 and FY 2017/2018 respectively. Despite the Committee's fervent request for information on how the funds were spent, none was availed.

Mr Speaker, we ask that this House does more investigations to establish how this money was used yet the board and the sub county committees were not paid.

Mr. Speaker, Sir, the Nyandarua Alcoholic Drinks and Control Act states that it is illegal to sell alcohol before 5 p.m. and after 11 p.m. on weekdays and before 2 p.m. and after 11 p.m. on weekends. Upon consideration of the issue, it was observed that the offense that exists is that of selling alcohol before hours, and not drinking before the stipulated hours. The said count has since been invalidated by the Courts upon the advice of the Office of the Director of Public Prosecution (ODPP).

Mr Speaker the law enforcers are still arresting those that are drinking and not the bars owners because they are the ones that are supposed to know the times for opening and closing the bars.

Mr. Speaker Sir, the Sub County Alcoholic Drinks Regulation Committee is conspicuously exclusive of stakeholders. There is a varied opinion on the inclusion of stakeholders in these Committees bearing in mind the regulatory function expected of them, *vis a vis* the constitutional principles provided for in Article 10 and 27 of the Constitution.

On the same note, the Committee, for instance took cognizance of the contentions presented in Section 13(1), (a) of the Act as one of the grounds of refusal of license by the Sub – County Committee: if it is considered that the area already has adequate facilities, a provision regarded by the various Stakeholders to be unreasonable and contrary to the laws of demand and supply, free trade and a liberal economy. There is need to look into the contentions by the various stakeholders. On this one, we recommend that the executive carries out public participation because from what is happening, there are more bars in the small towns than the hotels. There are more bars than the shops in out small establishments. Since these are the people that consume the same, they should also be given an opportunity to determine the number of bars that should be in their locality.

Non-compliance with the Statutory Instruments Act, 2013; One of the functions that the Board was to execute, as provided for in Section 4(2) of the Act, is the formulation of regulations related to the Act, - The Nyandarua County Alcoholic Drinks Control Regulations, 2016. However, it was noted that the said regulations were forwarded to this House during the

1st Assembly but, inopportunately, the relevant committee failed to scrutinize them within the stipulated time and, as a consequence, they were deemed to have been acceded to by the House.

The danger with this is that if there were offending clauses in the said regulations, they could have passed because there was no scrutiny by the House.

On whether the county government has any control over the 'second generation' alcoholic beverages and drinks being sold; Mr. Speaker, Sir, from the challenges (noted previously in the report) facing the Board and the Sub-County regulation committees, the Committee observed that the Board could not adequately verify if the various alcoholic products are:-

- i. of high quality and manufactured under high standards, and,
- ii. are duly inspected and have been certified fit for human consumption by competent public bodies including:-
 - the Kenya Bureau of Standards (KEBS),
 - the Government Chemist,
 - County Public Health Officers, and,
 - the National Campaign against Drug Abuse Authority (NACADA)

The Committee noted that despite the inspection visits by the Public Health Department, various alcoholic selling outlets are in a deplorable state, for instance, many lavatory facilities are unusable. On the issue of enforcement, it was noted that section 8(4) of the Act on the composition of the sub-county committee does not include a representative from the National Police Service who would be instrumental in boosting the enforcement of the Committee's directives. I fail to understand how such an establishment without a toilet can be licenced. This is an issue that should be looked into because it is a health hazard.

The Designated Hours of Operations of Pubs and Wines and Spirits Shops; the Committee looked into the total number of hours of operation as provided for in the Act. General Retail Alcoholic Drink outlets are licensed to operate from Monday to Friday between 5.00 p.m. to 11.00 p.m. and during weekends and public holidays between 2.00 p.m. to 11.00 p.m. The major disputation was whether the time provided was unduly restrictive and detached from the realities on the ground including consumer needs, and general overheads such as the cost of labour and rent premises paid, on full time basis yet operating for minimal hours.

Appreciative of the fact that the hours were set as above in order to strike a proper balance between working hours and leisure hours- so that those workers who partake in alcohol do not engage in its consumption during working hours- It is the Committee's stance that there is more economic gain to be realized in limiting the operational hours than the loss in income incurred by the bar owners.

Mr Speaker, I would like to quote the governor of Kiambu who said that the loss to the economy and the county as a result of those drinks is higher than the gain by individual bar owners. In that regard we would like the county to gain more in reference to health than have individuals benefit from the sale of alcohol.

Mr Speaker, Sir, Sustainable development is one of our national values and principles of governance but it will remain a mirage if the most productive lot of the country's labour force continues to spend long hours in alcohol consumption.

The Steps that the Nyandarua County Alcoholic Control Board and Sub- County Alcoholic Drinks Regulation Committees have taken in Dealing with the Menace

Mr. Speaker Sir, On the Establishment of Rehabilitation Facilities and programs section 5. (1) of the Act provides that, The Board shall:-

- a) In collaboration with other relevant county and national government agencies establish treatment and rehabilitation facilities and programs for persons dependent on alcoholic drinks in each sub-county and one facility (referral) in the County headquarters;
- b) Ensure that the treatment and rehabilitation facilities have the necessary human resources for effective operation and service delivery;
- c) Ensure that the treatment and rehabilitation services are designed in a manner that is accessible and affordable to person's dependent on alcoholic drinks.

Mr Speaker, we are cognisant of the fact that in Nyandarua there is no such an establishment. We also know that in the recent past, there was drama in social media where one of the members had taken an alcoholic to a rehabilitation camp and the executive was fighting for the same accolades. We should not be talking about taking a single person to a rehabilitation camp. Almost the whole population of the youth is sick. One person is merely a drop in the ocean. That is what I would call public relations to say the least. I however congratulate the member for Karau for saving that soul.

It is dismaying to note that there is not a single functional rehabilitation facility within the County. That is what we should be striving to achieve and do away with the sideshows. However, there is yet hope as the Committee was informed that there are community groups working to bring together the recovering alcohol addicts ready to contribute meaningfully to the community. The two main documented community self-help groups are;-

- i) The Punguza Kamunywezo Self Help Group in Kinangop
- ii) The Polytech Welfare Group in Ol'Kalou

Section 9 (1) and (2) on the Application for Licenses; Mr. Speaker Sir, the Manufacturer/Distributor's license application form referred to in the above section is different from the retail/wholesale business application form in the Schedules.

There is also no provision for further information that a manufacturer is supposed to indicate concerning whether he/she is licensed in another county in the aforementioned application form, contrary to section 9(2) of the Act.

The distributors and manufacturers who are selling their products in Nyandarua have not disclosed if they are operating in other counties. This might mean that Nyandarua could be the only market for these alcoholic drinks.

Section 34 (2) on the Sale to Intoxicated Persons

Mr. Speaker Sir, it was noted that section 34(2) contradicts a similar provision in the Traffic Act, Cap. 403 and should therefore be harmonized with the penalties prescribed in the said Traffic Act.

Recommendations and Conclusion; in this chapter, the Committee, after protracted deliberations and consultations as presented in the two chapters above, makes the following recommendations;

1. That, the County Executive Committee Member in charge of Education, Gender Affairs, Culture and Social Services within 45 days introduces amendments in the House to address the inadequacies of the Nyandarua County Alcoholic Drinks Control Act, No. 1 of 2014.
2. That, the Nyandarua County Executive Committee Member in charge of Education, Gender Affairs, Culture and Social Services ensures that the Nyandarua County Drinks Control Board outstanding allowance arrears are paid.

This is a demotivating factor and it must be addressed because it is already budget for.

3. That, the County Executive Committee Member in charge of Education, Gender Affairs, Culture and Social Services does include the Nyandarua county alcoholic drinks control board during the formulation of the budget estimates. Mr Speaker this will not only ensure that in harmonizing the two but will ensure that they have set targets even in revenue collection.
4. That, the County Executive Committee Member in charge of Education, Gender Affairs, Culture and Social Services does ensure that section 4 (7) of the Act is adhered to.

Mr Speaker, we also recommend that the executive should stop interfering unlawfully with functions of boards and committees that are made or constituted by this assembly. It is showing disrespect to this assembly.

In conclusion, Mr. Speaker Sir, the commodity whose production, sale, distribution and consumption is regulated by the Act is in many ways unlike any other consumable available out there for the general public consumption. People take it, for instance, to entertain themselves; they take it to bond or socialize and some even take it as an alternative antidote to stress, to soothe their nerves.

Consumption of alcohol may also leave certain effects on its consumer. These effects may take one form or another and perhaps it is partly because of such effects that the reasons behind its consumption are as myriad as the effects it has on its partakers.

The trouble is that some of the effects alcohol has on its consumers are unintended and more often than not, detrimental to the consumers' health and their general well-being; it is not uncommon that in worst-case scenarios, these effects are fatal.

In the Committee's view, it is in the milieu of these circumstances that proper amendments to legislation and strict enforcement of the Act are paramount to the regulation, production, sale and consumption of alcoholic drinks, of course, bearing in mind the rights of all those involved and those not involved. The Committee therefore urges this August House to adopt the report and I know call upon my substantive vice chairperson Hon. Wanjiru Ndirangu to second.

Speaker: County member from Kiriita Hon. Milkah Wanjiru Ndirangu

Hon. Wanjiru Ndirangu: Thank you Mr Speaker for coming to my defence. In due course things will be of according to the will of God.

Mr Speaker I second this motion. As a member of the committee on education we I attest to the fact that we have looked into all the things that are in this motion. We visited many places and held numerous meetings on the issue of alcohol.

Alcohol abuse is not only affecting our county but also the country at large and we need to look into this issue with the seriousness it deserves. It has been mentioned here now and before that in the shopping centres there are many bars that there are shops. What does this mean? Are we selling alcohol more that we are selling food? This is something that needs to be checked. Our young people should not go extinct because of alcoholism. Most of the young men in this generation do not work because all they think about is going to the brew dens and get one for the road. At the end of the day, you will find drunk men in the centres in the morning while the women are working in the farms. This has resulted to diminished level of production in the county. The female gender is taking up male responsibility and is taking care of the families. The female gender is one that is providing for their families because the young men are going to the shopping centres to drink. The rogue businessmen sell these brews but they do not drink. Their children are not desperate. They can take them to school. That poor parent who

cannot afford school fees for their children and hence their children end up becoming useless. This is a sad situation in the county.

We are saying that the boy child has been neglected but we have not looked at the direct causes of this. We are not taking alcohol as one of the things that could be making the boy child look neglected yet he has power to lead. Once they start taking alcohol they cannot be leaders and the women take leadership the boy child looks neglected. It is important that this house see to it that Nyandarua County Alcoholic Drinks and Control Act No. 1 of 2014 is reviewed and amended accordingly. Some of the issues of the board mentioned here, we really do not know between the two names, which one is official and this can cause confusion.

We need to clearly know what the mandate of the Board is. What is it that the Board can do and cannot do without the interference of the executive or any other person? We need to know and empower this people so that they can really get to work properly to overcome this mess in our County.

The issue of arrears has been mentioned, and you can really pity this people, when we met them, they were crying and complaining and yet they have families to look after. They have to work and go all over the County but they are not even facilitated in their work. They sometimes sacrifice their finances and go to work, but you again find that there arrears are not even paid and at the end of the day they give up and the vice is allowed to continue.

We also need to look into the manufacturing and distribution of alcohol Mr Speaker, how are we distributing these substances? What kind of staff are we selling to our people? Can we regulate on the kind of alcohol we are selling? All this will be managed if we amend our act. There are many other things that we have mentioned.

In conclusion Mr Speaker, the proper amendments of Nyandarua County Alcoholic Act 1 of 2014 must be initiated with immediate effects, and this amendments when they become law, they should be strictly enforced by the relevant authority. This will go a long way in ensuring the production and consumption of illicit alcohol regulated in our County and we will be able to save our boy child and the level of production will increase. So the faster we get this amendment the better for us and our County. We will be answerable to the people who brought us here, in the same breath we will also need to balance so that no right is infringed, all stake holders considered, the sellers, the consumers and even the se who do not consume alcohol. All there rights should be respected in accordance to the law. With these I second.

(Question proposed)

Speaker: Yes County member from Wanjohi, Hon. Jane Nyambura Waweru.

Hon. Jane Waweru: Thank you Mr Speaker, I rise to support this document. First is to congratulate the committee on Education. I belong to this committee and I can tell you it was not an easy task. When we discussed this, we came up with all the recommendations you can see, and one of them was controlling alcohol, especially the second generation brews. This is because, we found out that a lot of divorce was happening in the families, school children are severely neglected and most of them not enrolled in high school. Alcohol consumption leads to infertility among the men. Teachers, especially the ECD teachers, are complaining that enrolment is going down. The other point, from the Bible, not from the Committee, is that after Eli drunk and laid on the ground naked, he brought a curse to his family. These are enough reasons to control alcohol in our County. With these remarks, I support

Speaker: Yes Member for Central, the Hon. Mwangi Maitai.

Hon. Mwangi Maitai: Thank you Mr Speaker, I rise to fully support this report, and before I do that let me recognise the pupils of Ruko Primary School and there teacher, welcome and feel free. I have gone through this report and it is a well done report. I appreciate the whole committee and congratulate them as well as the secretariat.

We all know that the Alcohol control Board is a requirement, we also know that *Wanjiku* is highly affected by over consumption of Alcohol. At the same time we need to recognise that it is a business just like any other, and because we have an act, it is important that it be followed so that we can be fair to all.

We also all know that over indulgence in alcohol has a lot of health hazards which leads to unproductivity especially during the working hours. This unproductivity will lead to one not affording an income. With no or less income, one will be unable to support the kids or even provide food for his family.

Just like the Committee has observed, alcoholism leads to insecurity, when a bar operates during the late hours, it gives room for insecurity to thrive. It leads to noise pollution and can affect the people who prefer their silence and even the students who reside near these bars can never study or even have a sound sleep.

On the issue of packaging, well it was agreed that we strictly adhere to the regulations and stick to the 500ml packets and do away with the 250mls. The committee also noted that we do not have the manufactures in Nyandarua, so we therefore need some amendments because we all know it is the manufactures who do the packaging.

On the issue of outstanding balances of the Board, we all know that without motivation, no one will rise up early to go to work or even extend to the late hours....

(Hon. Kariuki Muchiri rises on a point of order)

(Hon. Mbogo enters the House without a tie and exits immediately)

Speaker: What is it member for Murungaru? I think your point of order has been overtaken by events.

Hon. Kariuki Muchiri: Thank you Mr Speaker.

Speaker: Continue Hon. Maitai.

Hon. Mwangi Maitai: Thank you Mr Speaker, Now that that the affected member has left, it is worth notifying my students and teachers why the Hon. Member was rising on a point of order. It is because he has no tie and all male members are supposed to be dressed in a tie.

I was talking about the outstanding allowances, this 2.2 Million, which the committee noted in December 2017. This is quite a large amount of money which has not been paid. Let the CEC see to it that they are paid so that they get motivated. Some of the challenges facing this boards is lack of facilitation and lack of term of service, lack of offices, and the pending Court Cases. All this should be looked into.

(Pause)

Hon. Members I was forced to pause by my colleague Hon. Gathure who is making noise...

(Hon. Sambigi Mukuriah rises on a point of order)

Speaker: What is it member for Githioro Hon. Sambigi Mukuriah.

Hon. Sambigi Mukuriah: Thank you Mr Speaker. I was wondering whether it is in order or even parliamentary for an Hon. Member to refer to another member as 'being noisy'?

Speaker: I obviously believe that the member for Central knows that Hon. Members can never be noisy. So proceed member for central.

Hon. Mwangi Maitai: Thank you Mr Speaker, it was just on a light note. As I conclude, I want to support this report and suggest that I would urge the other committees that have not

presented their reports to do so, I belong to the Public Accounts Committee and we presented a report of its kind, so may the others do so. I support and rest my case.

Speaker: Yes, member For Gathanji Hon. Ngumo Ngamau

Hon. Ngumo Ngamau: Thank you Mr Speaker for catching my eye. I want to support this because of two things, in the first place I am a member of this Committee and I am a very frustrated person. The first meeting that we ever did in the office of the CEC, was about the Board. We sat down with the Board and that lot was very frustrated. Mr Speaker, sir, tell me, how can you withhold somebody's two million shillings? Who has worked for years and later sending a card to that person and tell him to go home gracefully?

Hon. Sambigi said, it is only after we asked, that they told us only the operations had been suspended and not the particular persons. To me, this is abusive language, you cannot tell someone to stop working and yet you have not even paid that person. Thirdly, the reason we have had the invitation of the illegal brew is because we have a vacuum. We do not have very serious people working on this matter.

I want to be very brief, now that the bill is here, I will want through you and your guidance Mr Speaker and the implementation Committee, and through the Chair. Mr Kung'u to give 60 days for us to see this laws being enacted and the Board being paid. Now that the term of this Board is peering in the next two months what will happen? Let me conclude by saying, the Chair implementation something is done to this effect.

Speaker: Member for Wanjohi Hon. Isaac Kung'u.

Hon. Isaac Kung'u: Thank you Mr Speaker, I rise to support this report. I know many members have spoken about the regulations. I want to take a different route, and by taking a different route, it does not mean that I support taking of beer in this County; taking of beer is a legal business in this County. And being legal, I am also sympathising with the bar owners, who as we speak today, they are all camping in Ol'kalou, the ones whose businesses are here are all camping at the police station, at this very hour. Why are they there? Because they do not have licenses'. And why don't they have licenses? Licence issuance was frozen because inspection has not been done and this has now become an avenue for the police officers to get money. You go there and part with Kshs 30,000 to 40,000. This are people from Nyandarua and they have created employment for our people. I don't support taking of illicit brew or second generation liquor. This county has failed in terms of how this matter is handled. In this county, we do not manufacture bear. One of the challenges that have been highlighted in this report is that, even the board itself cannot tell the standard bear. There is an organization that gets money from ex-chequer in this country called KEBS. I don't know what is happening with that body. The question I have been asking myself is, how do we end up with second generation liquor in this county?

What I am trying to say is that this is not a problem that we can be able to fight as a county. It requires national intervention. KEBS must come forward and straighten this up by telling us how we end up with this liquor and where it is manufactured. The police concentrate so much on harassing the bar owners who don't even have the knowledge to tell whether the bear is standard. They should put that effort in looking for the manufacturer of that bear.

The other question is, how is this bear transported? It's by our roads and we have traffic police. They allow it to be brought to Nyandarua where the bar owners and the people who take it are the ones who get punished. We have a responsibility as a country to deal with the source of this bear instead of dealing with the repercussions.

We have a very big number of people who are jobless, frustrated, depressed and they end up in these bars to take bear. As much as the county addresses that issue of regulation and licencing, we want it to be done in a sober manner. If all the pubs in this county are shut down, what will happen to those who take it? They will end up going to the sources of this second generation liquor. It is a very emotive issue that requires a lot of concern. Freezing and

suspending the board does not help, it will make the matter worse. We therefore, would urge the executive that if they feel the board is not doing well, there is a proper way of handling the issue. Let them bring the amendment as proposed by the committee and revisit the issue with the involvement of all stakeholders so as to get a solution. Otherwise, if we fight, we will never get a solution.

It is high time that the stakeholders sat down, starting with the manufacturers, security officers, county government, and non-state actors including the church so that we can find a solution instead of going to the pubs and pouring the bear but after six months the situation goes back to normal. We should now deal with this once and for all as a county and a nation. Thank you.

Speaker: Yes, the Member for Murungaru, Hon. Kariuki Muchiri.

Hon. Kariuki Muchiri: Thank you Mr Speaker for giving me an opportunity to contribute to this debate. I rise to support the report by the Education, gender affairs, cultural and social services committee. It's a job well done.

With issues of alcohol, I normally have a lot of reservations, although I know that bear selling is an economic activity, bear taking is a recreational activity, I have lost kin, friends and also seen some friends being taken to rehabilitation centres and are not reforming. I have a friend who has turned into 'cabbage' for taking bear excessively. I don't advocate for it but because of the nature of human beings, I say it is okay for those who take bear, but I applaud those who don't.

I want to say that this is a very important board in the county because it is supposed to control the licencing and alcohol taking. We are all aware what bear has done and especially to our youths. Controlling the bear taking timelines is very important because if not controlled, this might turn into a bear taking county.

I have a problem with the licencing because of late I have noticed that bars are being started in the rural areas and we are even having bars which are away from the trading centres and it is very dangerous to our youth. The number of bars being licenced should be checked, see the hotels and the butcheries because you will find that in some centres, there are more bars than restaurants. Some of these bars are very close to learning institutions like primary schools and the law is very clear that, they should be 300 metres from schools. So these are some of the issues we would like the county to address. Since this is business, the people in it should be given the necessary documents for the operation of their businesses so that they can also earn a living.

One of the recommendations that the committee has made is that, the board has worked and it has not been paid, therefore, it is not right for a board that was constituted by this county works and gets no payment. Let the executive make enough allocation to cater for the board so that the members get their dues. With those remarks, I support the report. Thank you.

Speaker: Yes member for Gathaara, Hon. Andrew Kimani.

Hon. Andrew Kamau: Thank you Mr Speaker for giving me this chance. I congratulate the committee for coming up with this good report and secondly the secretariat for their cooperation.

One, this report talks about drunkenness. It results to family break ups because the people who practice it cannot bring a family together. This practice leads to quarrels and lack of understanding. I think this is the high time we take action.

Secondly, there is lack of development because the people who practice drunkenness cannot be able to participate in any development activity. As I practice my veterinarian profession, I found that there are people who go to pubs in the morning, stay there till evening, leaving their livestock unattended to. They even don't milk their cows leading to mastitis and in most cases, the entire family depends on that milk. So bear taking should be regulated.

Thirdly, this practice leads to poverty. You find that most people who seek bursary funds are the drunkards. It also affects personal health whereby a lot of funds are needed in cases like rehabilitation. If this is regulated, a lot of money in the health sector will be saved and be used in other sectors leading to development. So we should try to save our people, our county and our country, Kenya. So I support.

Thank you.

Speaker: Yes member for Kaimbaga, Hon. Gabriel Gathure Wambui.

Hon. Gathure Wambui: Thank you Mr Speaker. I rise to support this motion and also as a member of this committee. When our chair said that he has a substantive vice chair, I was caught unawares and wondered if the government was overthrown while I was away.

I would like to say that alcohol selling in this county needs to be regulated because it affects the livelihood of our communities negatively. Although they are businesses like the others, they are their own kind. As Hon. Kariuki Muchiri has said, this matter needs to be handled with caution.

Some of us do take alcohol and it's not bad but it is always said that we should drink responsibly. I am one of those who take their bear responsibly and I have no apology. The former president Hon Mwai Kibaki also said that he takes white cup. I would like to say that even one of the stake holders who we are dealing with, some do not cooperate. As Hon. Isaac Kung'u has said, some from Karau and Kaimbaga wards went to the Ol'Kalou police station to see the OCS for various reasons, but I don't think that I can set my foot there because I have the privilege to get certain information since am in finance and education joint committee as the chairman.

After carrying out the public participation in the whole county, the finance committee saw it prudent to set aside a day to meet the bar stakeholders so that they can air their grievances. None of them came. So these issues rose even before the second Nyandarua County Assembly was formed.

It is worth noting that the bar owners do not pay for their licences for what they termed as multiple licencing. As an Assembly, we sympathized with them and thought that something needs to be done. I think the board failed in that. The members of the Finance Committee will agree with me since this problem has not started now. There was even a court case about it and when the Assembly tried to arbitrate, they never showed up. What has the board done about it, or how many reports has it brought to this Assembly? As much as the board is concerned, let them get their dues paid but then, they should also show what they have done.

Kaimbaga ward is the most affected but when we generalize, there are those stakeholders who will be affected and those who will not. There are those that sell licit liquor but there are liquor dens like those in Huruma Estate and other places that stock *chang'aa*¹ and *busaa*². Owners of the latter are the ones that we should go for. Even the president has demonstrated that alcoholism is a menace in our society. Kiambu County is a leading example of counties that are seriously fighting alcoholism.

It is good to appreciate that most Members of the County Assembly and some officers of the Executive are new in office bearing this in mind that we are the first to put money for rehabilitation services in the budget. One cannot say that it was not good enough for the Governor to take a boy to a rehabilitation centre. Rome was not built in a day. We should appreciate the Governor and Hon. Kenn Mukira for taking a resident of Karau to a rehabilitation centre. The Executive has plans to construct a rehabilitation centre; it was initially supposed

¹ Illegal local brew from fermented flour and other ingredients

² Illicit spirit brew

to be constructed in Kaimbaga but the CIDP indicates that the rehabilitation centre will be built at Ndemi; *hapo Mheshimiwa wa Wanjohi alinipiga chenga kidogo*³.

We should agree that there is separation of powers. The Constitution stipulates that our roles are oversight, legislation and representation. The work of the Executive is formulating policies and implementing what we pass as an assembly. But however independent we are, we must correlate. We collaborate in preparation of documents like CIDP and County Fiscal Strategy Paper. So before one claims that the Executive has not delivered they should ask themselves what they have done. The only Members in this House who might tell that the Governor has not delivered are Hon. Kariuki Muchiri, Hon. James Gachomba, Hon. Wambugu King'ori and Hon. John Githinji Mwaniki. This is because they have been in the county government for a longer time. However, the rest of us have done little in our wards. If, for example, I am put to task to explain what I have done in Kaimbaga by now I would have a difficult moment because I have done nothing. Even the MPs are yet to receive the CDF fund. Nonetheless, as an Assembly we are going to do our work and the Executive should do its work. With those remarks I beg to support. Thank you.

Speaker: Yes the Member for Leshau Pondo, Hon. Gathungu Kamau.

Hon. Gathungu Kamau: Thank you Mr Speaker. I commend the Committee on Education, Culture and Social Services for a job well done. As legislators of Nyandarua, we should be remembered for fighting the menace of alcoholism which is turning our youth into zombies. I long for the day that there will be no illicit liquor stocked in bars in small trading centres such as Duka-Moja Trading Centre in Leshau Pondo. This is possible with the recommendations of the report at hand. At the said trading centre there is a bar but no Posho Mill.

Yesterday I listened to the Governor of Kiambu being interviewed by Inooro FM on his administration's war on second generation liquor. I heard from him that there was a time when Norway experienced the menace of overindulgence in alcohol. The government country had to take a drastic measures to alleviate the menace. I have never been to Norway but I understand that now government agencies are the ones that sell alcohol there.

The county government, in collaboration with the national government, should fight alcoholism in our county. We are losing many youths and even professionals. We have seen professionals such as police officers and teachers indulging in liquor and ending up losing their jobs.

Mr Speaker, local chiefs, ward administrators and the clergy should be involved in liquor licensing. I would like to see a scenario where people in and around trading centres regulating the number of bars that should be established there.

Mr Speaker, people who are legally in the business of selling alcohol should not be harassed, though I know about ninety eight percent of those who sell alcohol do it illegally. The Executive should take up this matter seriously. That way we will help the county get out of the problem of alcoholism. I know that the experience of people with alcoholism in Leshau Pondo is the same experience in all the other wards. With those few remarks I support the motion.

Speaker: Yes, the Member for Weru, Hon. Mbogo Mburu.

Hon. Mbogo Mburu: Thank you Mr Speaker for giving me this chance to support the motion on the report by the Committee on Education, Culture and Social Services, which I am a member. There are parents who pay fees for their pupils or students with the money generated through legal sale of alcohol. The only challenge is that we do not have a way of identifying those that sell alcohol legally and those that do it illegally. It is as if control of liquor selling has gone out of our hand. The County Commissioner should come up with a modality of

³ The Hon. Member for Wanjohi (Ward) shortchanged me.

controlling liquor sale. Sometimes when we make a law regulating something, some people take advantage of it to make money. Enforcement officers usually extort money from bar owners in order to allow the latter continue selling liquor.

We need to properly regularize liquor sale to protect those who do it legally. We should look for a way of stopping illegal liquor sale. We cannot deny that a good percentage of local revenue is generated through liquor licensing. I have no issue with bar owners who sell alcohol within the stipulated time. We should not demonize them.

It is clearly stipulated that if the county government has not alerted bar owners on licensing and times of selling alcohol, it should not go on arresting them. But this happened some time back. Actually, I know of a scenario where enforcement officers arrested some bar owners accusing them of selling illicit brew, yet the bar owners had gotten the alcohol from a vendor.

If the Alcoholic Drinks Control Act is changed, there will be a clearly stipulated way of selling alcohol. This will protect legitimate bar owners from being demonized. I am very sure that the economy of our county significantly depends on the alcohol industry.

Thank you Mr Speaker.

Speaker: Yes the Member for Karau, Hon. Kenn Mukira.

Hon. Kenn Mukira: Thank you Mr Speaker. I rise to support the motion. There is a need to form an alcoholic board that is well constituted and facilitated. We also need to give our community information on alcohol so that people can make informed decisions.

What should happen is that before one starts a pub at a place, they should be allowed by the surrounding community. For the last five years this has not been happening. I have not heard a case where members of a section of the community have been called to give views on how many pubs they want in their area, or whether they want pubs in the area. Should this happen I believe I believe many people would condemn sale of alcohol in their locality.

Sale of alcohol has always been allowed through the sub county and ward administrators as well as the alcohol control board. Nevertheless, today we need to exercise our authority and conduct public participation exercise on control of alcohol sale. Kijabe is an example of a locality whose residents live peacefully due to prohibition of alcohol sale. We can make Nyandarua a Kijabe; Governor Waititu is showing an example. In Kiambu, bar owners are demonstrating. Normally, it is the community that demonstrates against sale of second generation liquor that reduces its consumers, many of whom are young people, to nothing. We have to use legal means to avert alcoholism; let the bar owners demonstrate.

There is no need of earning revenue from alcohol industry and leaving our young people already destroyed by alcoholism. We need to be harsh if we are to protect the future of our people. There is no use of making laws in this House if years later we will regret that our people have been reduced to nothing by alcoholism.

We need to have an Alcoholic Drinks Control Board that is well facilitated. It is this board that should educate the people about their rights with regard to alcohol sale and also give them information about the same. To be quite sure, the numbers of bars and pubs in our county far outnumbers the total number primary and secondary schools.

I also listened to the Governor of Kiambu. He said that he was not able to establish enough rehabilitation facilities. I took one boy to a rehabilitation centre in Kiambu and I can confirm to you that rehabilitation services are costly. The cost of retaining one person in a rehabilitation centre is forty thousand shillings per month. It would be very costly to handle rehabilitation case in our county. My ward has twenty nine persons who need rehabilitation services. The Governor of Kiambu said that he spends three hundred thousand shillings every month to take care of the people at the rehabilitation centres. This money, among others, caters for their supper and lunch. He moulds them by involving them in activities such as tree planting, an example being the tree planting programme rolled out by the deputy President. The people

who are engaged in tree planting under this programme in his county are people from the rehabilitation centres who have been moulded and taken back to the society. People are demonstrating to have their pubs and liquor selling stores opened in Kiambu County but the 3,000 people who have been rehabilitated will support the Governor in his fight to get rid of them.

We are talking a lot about this county, our children and the future of this country. Just the other day, leaders were fighting to get some premises back to Nyandarua. But, do we have enough people to occupy them? We don't because we are making a dark avenue for our children if we don't solve this issue of alcohol.

I support the Committee on Education, Gender Affairs, Labour and Social Services for this report and motion. It is so sad that two members of the Alcoholic Board had to quit their jobs. Upon enquiring, I was told that they were not appreciated and remunerated properly yet they are our sons and daughters. These people were doing a lot of work. They even used to travel at night just to discourage the youth from taking alcohol and other wrong activities. Mr Speaker, some people get to offices and forget that they are serving the people outside those offices. They only remember that they are in Nyandarua when they get home. We should not make others suffer because of our own interests. If people are serving the residents of Nyandarua in the Alcoholic Board, let them get their fair share and let us support them in order to achieve our targets. People don't have to come to your office crawling and begging so that you can feel that you are the boss because you will be letting the people of this County down.

Mr Speaker, given a chance to be in that board to make a recommendation, I would wish that the beer-taking time be reduced. The standard working hours in this country is 8 hours; from 8.00 a.m. to 5.00 p.m. You cannot then have another six hours for alcohol consumption because majority of people will end up consuming what they earned. I think the time for taking alcohol should be reduced to at most half of the working hours, to amount to four hours, that is, from 5.00 p.m. to 9.00 p.m. This will allow them to get home on time because there are other important duties that are of benefit to the country in terms of population in the coming 20 years.

With that, I am grateful and I support.

Speaker: Yes, Member for Engineer, Hon. Samuel Kinyanjui Njatha.

Hon. Samuel Njatha: Thank you Mr Speaker Sir. I rise to support this document. I would like to commend the committee for a job well done but there are areas that I would like to comment on. Although I have commended them, I would like to criticize them. I have heard them say that they need rehabilitation centres. This seems to be double speak. It is as though they want to spoil our people and then rehabilitate them. The chairperson had said that the time for selling alcohol is not enough implying that he wants our people to be destroyed so that they can be rehabilitated. I can only say that the work was good but the Chair has spilt the 'flour on the floor'...

(Hon. Wanjiru Ndirangu rises on a point of information)

Speaker: Member for Engineer, do you need that information?

Hon. Samuel Njatha: I don't need it Mr Speaker.

(Laughter)

Speaker: Very well. Hold your peace County Member from Kiriita. Proceed Member for Engineer.

Hon. Samuel Njatha: As a committee, they did a good job but they have spilled the 'flour on the floor'. Those were just my lamentations. Otherwise, I support. Thank you.

Speaker: You can now call the mover.

Hon. Samuel Njatha: Being the last person to contribute, I now wish to call the mover.

Speaker: Yes the mover and the Member for Githioro, Hon. Simon Sambigi Mukuriah.

Hon. Sambigi Mukuriah: Thank you very much Mr Speaker. I really want to thank the Hon. Members for the very vibrant way that they have contributed to this debate. It cannot be gainsaid that despite alcohol selling being a legitimate business to some extent, it is also decimating our population. Even from a political perspective, we find that as a community, we need to up our numbers because of political competition. It is clear that many young men don't have families as a result of alcohol abuse.

Mr Speaker, there are so many social problems that are associated with alcohol and it will not serve justice for this committee not to highlight them even as we exit. We know that there is a lot of disharmony, fights and break ups in our families with alcohol being the main contributor. We also know that as a result of taking alcohol and especially third generation drinks, the cost to the county as far as health is concerned, is very high. These people are weak, their immunity is suppressed and they succumb to very small problems which is a major cost of health problems.

Due to family break ups, there is a general increase in the number of street children without education or proper care. This problem can be checked if we control alcohol taking. There is low work productivity resulting to low income. This brings about insecurity because people who take alcohol end up stealing from others in order to sustain their lifestyle.

Mr Speaker, by suspending the licencing board and the sub-counties licencing committees, we will not be making the situation any better. In fact, by having the provincial administration raid the drinking joints, we will be worsening the problem because it will resemble bhang-taking, get more expensive, more exciting and kill more people. The solution is not to get rid of it but to regulate it.

Hon. Kenn Mukira has said it all. The problem that we have is that of people sleeping on the job. There are public servants like the CECMs, the directors and the chief officers who are charged with the responsibility of serving our people. When they are paid by the end of the day and they don't perform their duties, I would call that neglect of duties and they should be told to wake up and perform their duties. This issue should not involve emotions.

Hon. Njatha has come out very strongly about destroying our people and the reason we don't need rehabs. Let me tell him that we want rehabs because we already have a sick population. We can only help them through rehabilitation. If you ban all those alcoholic drinks today, these people are going to suffer a lot from withdraw symptoms and they can even be a danger not only to themselves but also to the larger community.

To wind it up Mr Speaker, I won't be serving my committee right if I don't borrow from the Member for Weru, *Mheshimiwa* Mbogo or I think it was the Leader of Majority Party who has talked about Norway. I am requesting this House, with your support, to send my committee to Norway for benchmarking.

(Laughter)

I have also heard some people say that as a result of the County Executive failing to licence the bars, the provincial administration is wreaking havoc on them. I, however, would like to refer them to Nyandarua County Gazette Supplement Act of 2014, Part II, on Administration. I read:

“There is established in the County the Alcoholic Drinks Control Board which shall be under the direction and control in the county department of Culture and Social Services.

(1) The functions of the Board, among others, shall be to:

- a) Supervise and coordinate the functions of the sub county alcoholic control committee including licensing.”

We should also know that in the event that the County Executive does not licence, the bar owners who have previously been operating, then, it is legally assumed that the existing licences continue to be in force. So, you cannot be arrested for not having a current licence if you have the previous one. This is because it is not your responsibility to licence yourself. Maybe our people should be educated about their rights. With that, I beg to move this motion and thank the whole House for the support.

Thank you Mr Speaker.

(Question put and agreed to)

Speaker: The motion is taken and it is going to be communicated immediately to the Executive so that they are able to work on the very good amendments to the Nyandarua County Alcoholic Drinks Control Act, 2014.

Another issue is that the law might not be able to regulate this sector in the county. It is a question of goodwill. Actually, there are people within the Executive who run with hares and hunt with wolves. They are the same people who constitute the board to fight alcohol and then they refuse to fund the board to ensure it does not do its work. These are the same people who have mapped up bars in this county. For instance, they know that Ol’kalou sub-county has seventeen bars, and then when it is time to renew the licences in August, 150 people renew licences and they don’t ask any questions. Those people are holding valid licences.

This is not a problem of the bar owners or the drinkers but a problem of the government. The rot is within the government and I am happy with the sentiments raised by the member for Wanjohi. We are looking at the symptoms not the causes of the disease and we end up treating it superficially. We are not digging deep enough to deal with the actual problem in this county. There is no reason why we issued the current licences. Nobody has been punished despite a lot of talks that licences were issued during transition and that the board was not notified. Nobody has asked the board which bars were licenced without going to it. It was the committees at the sub-county level that did that. The board is left out completely such that it is not a regulatory authority at all.

The committees are wreaking havoc obviously with godfathers within ourselves here within government. Then, when we take one boy to a rehabilitation centre, we shout all over how we are doing good for this county while in reality we have destroyed hundreds. We know the solutions to these problems. We have to be honest and sincere with our people if we have to deal honestly, sincerely and conclusively with the menace of alcohol.

As it has been said by the Chair, why would you not renew a licence for a person? If you are honest, genuine and your conscience is clear, why then don’t you reject that application? Why would you receive an application from me and instead of acting on it or even rejecting it, you keep it in the drawer? This is because you know what you ‘ate’ in order to issue the licence in the first place. The law is very clear and that is why the bar owners are going to courts and getting orders every day. Our Act is also very clear. If you have a licence for last year, it remains in operation until application for the next year is either rejected or accepted. We have neither accepted nor rejected any application. We are a government that cannot make any decisions. That is why our young people will continue suffering because they elected us, but we cannot make simple decisions.

If we cannot make a decision whether to allow opening or closing of a bar, then what decision can we make on hospitals, roads and water if we cannot say yes or no to a person who wants to open a bar? These are the issues we are talking about. We have to confront them head

on if we are to get solutions to the problems that have bedevilled this country since 1963. We have been singing the same song for 54 years because we do not mean what we say.

Let us put our foot down as an Assembly. The Chairperson of the Committee on Education should follow up on this issue and ensure that the board is operationalized by being remunerated appropriately. Ensure also that the licences that have expired are reconstituted. The amendments required in this law are brought to this house as indicated within 45 days and we will be able to streamline this sector so that we can move our county forward.

Hon. Members, we are talking about building big industries and becoming a first world country with drunkards all over. What kind of county are we building here? We are building nothing. We have to deal with basics so that we can start talking big and that is how we are going to build this county.

Next order.

ADJOURNMENT

Hon. Members, the business for the sitting having been exhausted, this House will now adjourn to tomorrow, that is, Thursday, the 22nd day of March 2018 at 2.30 p.m.

(The House rose at 4.32 p.m.)

