

REPUBLIC OF KENYA

NYANDARUA COUNTY ASSEMBLY

1ST ASSEMBLY- 4TH SESSION

OFFICIAL REPORT

SPECIAL SITTING

Wednesday 14th December, 2016

The Assembly met at the Assembly Chamber (P.C.E.A Hall) at 2:30 P.M

The Speaker, Hon. Ndegwa Wahome, in the Chair

PRAYER

QUORUM CALL AT THE COMMENCEMENT OF THE SITTING

(There is no quorum as confirmed by the Clerk-at-the-Table)

Speaker: Hon. Members, quorum having not been recognized I invoke the provisions of standing order number 34 and direct that the bell be rung for an initial ten minutes or until such time within the ten minutes that quorum will have been achieved.

(The bell rings for ten minutes and there is no quorum as confirmed by the clerk-at-the-table)

Very well, Hon. Members quorum having not been achieved within the ten minutes, I invoke the provisions of standing order 34 (2) and direct that the division bell be rung for further five minutes.

(The bell rings for one minute and quorum is achieved as confirmed by the clerk-at-the-table)

Quorum having been achieved we can now proceed with the business for the afternoon session.

First order.

COMMUNICATION FROM THE CHAIR

AMENDING THE STANDING ORDERS

Hon. Members, this is a very brief communication but very important and the same is to the effect that:

Hon. Members, I wish to communicate that pursuant to article 232 of the standing orders, the House Business Committee is in the process of amending the standing orders. Article 232 of the standing order states that;

At least once in every term of Assembly, not later than six months to the end of the term, the Procedure and Rules Committee shall review the Standing Orders and make a report to the Assembly recommending the Standing Orders, if any, to be amended.

It is in line with the above provisions and pursuant to the letter addressed to you and dated 24th November, 2016 that I wish to further request all the Hon. Members to make written submissions on any amendment that you would wish to have incorporated in the Standing Orders. As the first Assembly, we have a duty to make the running and management of this House better than when we came in.

The submissions should be deposited with the office of the Clerk latest by 16th December, 2016 at 5.00 P.M. It is my sincere hope that we shall all contribute to this noble exercise of making the standing orders of Nyandarua County Assembly better of the good of the people and better transaction of business.

Thank you Hon. Members and I will say that this is very critical. This is a tool that you have been using. You know the weaknesses that could be in this tool that we call the Standing Orders. Try as much as possible to point out any area that you have found some confusion or lack of clarity, mischief and have your input by Friday so that the House Business Committee can sit and within the provisions of article 232 of the Standing Orders and within the six months before the expiry of our term, we are able to have the final edition of our standing orders. Next order.

MOTION

GUIDELINES ON PUBLIC HEARINGS AND THE RULES ON PUBLIC ACCESS TO MEETINGS OF SELECT COMMITTEES

Speaker: Yes, the Deputy Speaker, Hon. Edinald Wambugu King'ori.

Hon. Wambugu King'ori: Thank you Mr Speaker. I beg to move the following motion;

That this House does adopt the Report of the House Business Committee/Chairpersons' Panel on the Guidelines on Public Hearings and the Rules on Public Access to meetings of select committees as a report of this House and the recommendations there in as resolutions of this house.

Mr Speaker, this is the second report that has been submitted to this House by the two committees, the House business committee and the Speaker's panel Chairpersons. In this report there is much that can be adopted by this House in relation to the hearings and access to the meetings by the public.

The House business committee is established under Standing Order 152. It is comprised of the leadership of the House and its mandate is ensuring a smooth running of the businesses in the House. The members of the Speaker's panel preside over the sittings of the House in absence of the Speaker and the Deputy Speaker.

Mr Speaker, the members of the speaker's panel are a subcommittee in the House Business Committee in the National Assembly. This is one amendment that I would like considered by the House Business Committee and be included in the standing orders so that it

will be known that the members of the Speaker's panel are also incorporated in the House Business Committee.

These two guidelines Mr speaker, will ensure that the public are aware of the responsibilities of the Assembly. The public will also be aware of what is happening in the assembly.

This report has been with the Members and it does not need so much emphasis but the Members have to internalize it so that they will know how to handle the public when they attend a committee meeting.

In the recommendations

1. The house does approve the Guidelines on Public Hearings and the Rules on Public Access to meetings of select committees pursuant to requirement for approval provided for in the standing order number 52 (5) (a) of the Nyandarua county assembly standing orders.
2. The Nyandarua County Assembly should fast track the enactment of the Nyandarua County Assembly powers and privileges act. Mr Speaker we have not customised the powers and privileges act and it is necessary to do so because we are almost going to the new precincts of the assembly. We are hoping that the facility is equipped for us.
3. The Nyandarua county assembly to develop media regulation to guide the media coverage. This will make sure that the media is not reporting what was not said in the assembly
4. The department of the sergeant-at-arm should come up with a security policy on issues pertaining security in the precincts of the county assembly. In the morning we adopted the speaker's rule that security should screen for sophisticated weapons before the members of the assembly or staff of the county assembly
5. The directorate of information and corporate communication services undertake the designing of the said guidelines on brochures once adopted.

Those are the recommendations that we came up with for the Guidelines on Public Hearings and the Rules on Public Access to meetings of select committees.

The two reports have the same recommendations. I urge the house to adopt and approve the same and I call upon Hon. Kirumba to second.

Speaker: Yes, Deputy Leader of Majority and the member for Kipipiri Hon. Michael Njoroge Kirumba.

Hon. Michael Kirumba: Thank you Mr Speaker, I second this report. Coincidentally, in your communication you said that we want to leave this House better than we found it. Members might not find it necessary because of where we are sitting now, however, we shall need them when we go to the new precincts of the Assembly where we desire that everything is put the way it should be. Currently, we domesticate what is done in the National Assembly and this is mostly because of the security of the members. The second and subsequent assemblies would want to find this in place.

One may wonder why we took all that time before coming up with this but it should be remembered that in our current set up, it would not have been possible. We have been within a church and at times we have had to leave as you have been on record saying and therefore we could not have implemented this. That however does not stop us from putting such guidelines in place. The most appropriate time is this, when we are at homestretch so that during the time for the second assembly, we shall have done what we are supposed to do. This report is purely a House keeping procedure so that there can be order.

The members can read the report for themselves and remember I said that we have customized some of them from those of the National Assembly. I urge the members to adopt the report. I second.

(Question proposed)

Speaker: Yes, County Member from Githioro, Hon. Dorcas Nyambura Kihara.

Hon. Dorcas Kihara: Thank you Mr Speaker, I rise to support the report on the Guidelines on Public Hearings and the Rules on Public Access to meetings of select committees. These ones are meant to guide the public when they want to access the committee proceedings. Right to access of information is in the Constitution and this will help the public to be aware of what is happening. They are also guiding on how a member of the public can communicate his issues to the committee by writing to the committee through the Clerk and how the committee should communicate to the public.

It also says the language that should be used during a public hearing. In the constitution it states English and Kiswahili but we know very well that not all our people know how to speak any of the two. The guidelines say any and therefore the public can be able to follow the proceedings. This will give a way to use sign language since everyone has a right to information. It is also giving the time frame that a participant should use during the public participation so that the chairperson of the committee are able to control such meetings. The committees are an extension of the House and this will guide on the procedure during that time. The public will be able to air their views without fear.

These guidelines will be so useful especially when we go to the new county assembly precincts and for the second Assembly which I hope that most of us will be. I support the report.

Speaker: Yes member for Rurii Hon. Wahome Kamoche.

Hon. Wahome Kamoche: Mr Speaker, I rise to support the report on Guidelines on Public Hearings and the Rules on Public Access to meetings of select committees. During the passing of the Alcoholic Drinks Control Bill, I was one of the Members that went around during the public participation. We had a very difficult time because we would go to places where there was even no security and at times we were shouted down. When people heard that there is a bill on alcohol control, they stopped doing everything and they came. They asked us so many questions but we did not get time to negotiate with them. This is a good report so that we can be protected especially when we are going for public hearings. This report is supported by the Standing Orders and the law and I ask that after this report is adopted, we have it gazetted so that the committee on Delegated County Legislation can look at it.

This will make people differentiate government meetings. When we went to Ndaragwa, a police officer came to the meeting and said that it was an illegal meeting. He did not seem to understand the role of the Assembly. We ask that this is made into a law. This is campaign time and you opponent may disrupt your meeting using some hooligans. We ask that this is done to safeguard the right of the public and to safeguard the Hon. Members so that they are secured during public hearings. We were sworn in in front of you by the high court judge. People went for public participation in Nyeri and some hooligans were sent there and they caned the members of the county assembly. I ask that this be gazetted. I call the mover to respond.

Speaker: Yes mover, and the vice chairperson of the committee Hon. Edinald Wambugu King'ori

Hon. Wambugu King'ori: Thank you Mr Speaker, I beg to move.

(Question put and agreed to)

Speaker: Just as we have the directions in the Speaker's rules, we should have the same published. We have a memorandum of understanding with Kenya Literature Bureau and we shall have the same published for use by the Assembly and the committees.

Next order

ADJOURNMENT

The business of the session having been exhausted the House adjourns to tomorrow Thursday 15th December 2016 at 2.30 P.M.

(The house rises at 3.10 P.M.)