

REPUBLIC OF KENYA



COUNTY GOVERNMENT OF BOMET

BOMET COUNTY ASSEMBLY

REPORT OF THE COUNTY ASSEMBLY COMMITTEE ON ADMINISTRATION, PEACE, JUSTICE AND LEGAL AFFAIRS ON THE IMPLEMENTATION STATUS OF THE ALCOHOLIC BEVERAGES AND CONTROL MANAGEMENT ACT, 2014

18TH FEBRUARY, 2015

TABLED ON
12/05/2015



BOMET COUNTY ASSEMBLY
JOURNALS & TABLE OFFICE
TABLED: 12/5/2015
P.O. BOX 590-20400
BOMET.

PREFACE ^X

Mr. Speaker Sir,

On behalf of the Administration Peace Justice and Legal Affairs committee and pursuant to the provision of Standing Order 182(1), it is my pleasant privilege and pleasure to present to this House a report on implementation status of Bomet County Alcoholic Beverage Control and Management Act, 2014.

The Committee derives its mandate from Standing Order 190(5) which states:

The functions of a Sectoral Committee shall be to-

- (1)(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) study and review all county legislation referred to it;
- (d) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- (e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- (f) to vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 186(Committee on Appointments) ; and

(g) make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation

(2)(a) scrutinize the resolutions of the County Assembly (including adopted committee reports), petitions and the undertakings given by the County Executive Committee and examine –

(b) whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary; and

(c) whether or not legislation passed by the County Assembly has been operationalised and where operationalised, the extent to which such operationalisation has taken place within the minimum time necessary.

(3). The Committees may propose to the County Assembly, sanctions against any member of the County Executive Committee who fails to report to the relevant select Committee on implementation status without justifiable reasons.

COMMITTEE MEMBERSHIP

The composition of the Committee as currently constituted comprise of the following members:

1. The Hon. Robert Bett	Chairperson
2. The Hon. Nancy Chepkirui	Vice Chairperson
3. The Hon. Sammy Chelule	Member
4. The Hon. Josphine Rotich	Member
5. The Hon. Benct Too	Member
6. The Hon. Reuben Langat	Member
7. The Hon. John Molel	Member
8. The Hon. Stephen Changmorik	Member
9. The Hon. Benard Ngeno	Member

BACKGROUND INFORMATION

Committee on Administration, Peace, Justice and Legal affairs is a committee mandated on several tasks which includes:-

- a. dealing with administration, constitutional affairs, peace and administration of law and justice,
- b. Ensuring and coordination participations of communities in governance, assist communities and locations develop administrative capacity for effective functions and powers,
- c. Assisting communities and locations develop administrative capacity for effective functions and powers,
- d. To investigate, inquire and report on all matters of administration, management, activities, operations and estimates of their sector
- e. To study and review all county legislation touching their sector
- f. Make reports and recommendations to County Assembly as often as possible including recommendations of proposed legislation.

APPRECIATION

The Committee is grateful to the House through the Hon. Speaker for the support granted in executing its mandate.

The Committee is also grateful to the office of the Clerk for facilitating and providing technical support to the Committee in the execution of its mandate. Further the Committee acknowledges the exemplary services rendered by staff of the County Assembly namely; the Budget and Research Department and the Legal and Legislative Department. Indeed their commitment and devotion to duty have made work of the committee and production of this report successful.

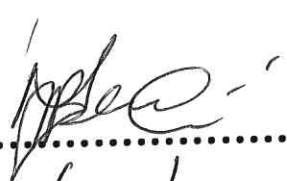
I wish to express my appreciation to the Honourable Members of the Committee who sacrificed time away from their families and residents to participate in the activities of the Committee including the extended committee sittings and report writing exercises.

Mr. Speaker Sir,

I wish to confirm that the recommendations of the Committee in this report were unanimous.

It is therefore my pleasant duty and privilege, on behalf of the County Assembly Committee on Administration Peace Justice and

Legal Affairs to table a report on the Implementation status of the Bomet County Alcoholic Beverages and Control Management Act, 2014 for debate and adoption.

SIGNED: 

DATE: 26/2/2015

HON. ROBERT BETT, MCA
CHAIRPERSON

ADMINISTRATION & LEGAL AFFAIRS COMMITTEE

ACKNOWLEDGEMENT

We members of Administration, Peace Justice and Legal Affairs committee do hereby affix our signatures to this report to affirm the correctness of the contents and support for the report:

1. The Hon. Robert Bett
2. The Hon. Nancy Chepkirui
3. The Hon. Sammy Chelule
4. The Hon. Josphine Rotich
5. The Hon. Bency Too
6. The Hon. Reuben Lang'at
7. The Hon. John Molel
8. The Hon. Stephen Changmorik
9. The Hon. Benard Ngeno

.....
.....
.....
.....
.....
.....
.....
.....
.....

INTRODUCTION

Largely and by, since its inception, the committee has deliberated on various issues touching on its mandate. The committee oversaw the passage of several bills which have contributed largely to the ranking of our county as the best in terms of legislation.

Among them include:

- a) The Bomet Alcoholic Beverage Control and Management Act, 2014
- b) The Bomet County Coordination of Government Functions Act, 2014
- c) The Bomet County Attorney Act, 2014
- d) The Bomet County Assembly Service Act, 2014

All these bills were passed on the second quarter of the F/Y 2013/2014. The committee largely utilized most of its time in deliberating on the Bills. This report will highlight on the implementation statuses of the Alcoholic Beverage Control Management Act.

The committee derives the this specific mandate from Standing Order no. 190 (2) (a) which among others states that *"Scrutinize the resolutions of the County Assembly including adopted committee reports), petitions and the undertakings given by the County Executive Committee and examine – (c) whether or not legislation passed by the County Assembly has not been operationalized and where operationalized, the extent to which such operationalization has taken place within the minimum time necessary."*

THE BOMET COUNTY ALCOHOLIC BEVERAGE AND CONTROL MANAGEMENT ACT, 2014

The Act is the first to be passed by the County Assembly. The objects of the Act is to provide for licensing of alcoholic beverage so as to regulate the production, sale, distribution, promotion and consumption of alcoholic beverage and the promotion of research, treatment and rehabilitation for persons dependent on alcoholic beverage.

The Act aims to protect the health of individuals in the light of the dangers of excessive consumption of alcoholic beverage, persons underage, consumers of alcoholic beverage from misleading or deceptive inducements and inform them of the risks of excessive consumption of alcoholic beverage, protecting the health of persons under the age of 21 years by preventing their access to alcoholic beverage, inform and educate the residents in the county on health, economic and social consequences of the consumption of alcoholic beverage, adopt and implement effective measures to eliminate illicit trade in alcohol including smuggling, hawking, illicit manufacturing and counterfeiting, ensure fair and ethical business practices related to the production, distribution, promotion and sale of alcoholic beverage and reduce and mitigate the negative health, social and economic impact on communities resulting from production, sale and consumption of alcoholic.

It emerged that it is a major hindrance to the health, social and economic development of the county and the country at large. It has also observed that alcohol abuse has a cancerous problem that is affecting people of all ages and social classes hence the need to have a legal framework to regulate the

same and come up with solutions to mitigate effects of alcohol and drug abuse within Bomet County. The above challenges led to the birth of the Act.

The committee has been investigating on whether the Act is fully operational. In doing so, the committee visited all the sub county headquarters to check on how far the implementation process has been carried out. During its visit to the sub counties, the committee made the following observations that has contributed to poor implementation of the Act and other laws:

ADMINISTRATION & LEGAL AFFAIRS COMMITTEE

CHALLENGES FACING THE IMPLEMENTATION OF THE ACT

The Committee visited all the sub counties to investigate into the implementation status of the Act. The schedule is as follows:

1. Sigor - Chepalungu Sub County 26th September, 2014 at 9.00 am
2. Longisa- Bomet East Sub County 26th September, 2014 at 2.00 pm
3. Silibwet-Bomet Central Sub County 26th Sep, 2014 at 4.00pm
4. Sotik Sub County on 29th Sept, 2014 at 10.00 am
5. Mogogosiek in Konoin Sub County at 12.00 noon

CHALLENGES AND RECOMMENDATIONS FROM SIGOR

1. That the members of the public received the passage of the Act positively and some have been in the fore front fighting illegal drinks and illicit brewers.
2. There are several challenges with regard to implementation:-
 - a) Lack of reinforcement officers
 - b) Lack of cooperation from the national administrative officers e.g A.Ps and Regular police officers
 - c) Corruption
 - d) Failure to arraign offenders in courts
 - e) Reluctance by the prosecutors
 - f) Lack of proper legislation due to existence of national and county legislation
 - g) Lack of enough security personnel
 - h) Poor cooperation from members of the public

- i) That the Act failed to capture any form of relationship between the county and the national government.

RECOMMENDATIONS

3. Suggestions were made to the effect that the security officers employed by the county government should be reshuffled thus will reduce conflict of interest and will enhance effective and efficiency in delivery of services.
4. That the Sub county board had already been established as provided for in the Act although the Agency had not been established.
5. That there should be inter relation between the county and the national government which has not been manifested during the implementation of the Act.
6. That the ward administrators be taken for a workshop on capacity building on issues relating to law.

CHALLENGES AND RECOMMENDATIONS FROM LONGISA-BOMET CENTRAL SUB COUNTY

1. That the members of the public received the passage of the Act positively and some have been in the fore front fighting illegal drinks and illicit brewers.
2. There are several challenges with regard to implementation:-
 - j) Lack of reinforcement officers
 - k) Lack of cooperation from the national administrative officers e.g A.Ps and Regular police officers
 - l) Corruption

- m) Lack of enough security personnel
- n) Poor cooperation from members of the public
- o) Lack of clear guidelines on distributors licences.
- p) That courts are too lenient to the offenders
- q) That courts only recognize the national legislations only

3. That community policing officers be incorporated in the Bill.

4. That the Sub county board had already been established as provided for in the Act although the Agency had not been established.

5. That there should be inter relation between the county and the national government which has not been manifested during the implementation of the Act.

6. That the ward administrators be taken for a workshop on capacity building on issues relating to law.

7. That the security officers be protected by the law.

8. That there be established county government chemists

9. That County law courts be established.

10. That there be a central registration of distributors as opposed to sub county levels.

11. Security officers be incorporated in the Act.

CHALLENGES FACING IMPLEMENTATION IN SOTIK SUB COUNTY

1. That the members of the public received the passage of the Act positively and have been helping the administrators through whistle blowing.

2. There are several challenges with regard to implementation:-

- a. Lack of reinforcement officers
- b. That it has been difficult to identify counterfeits
- c. That there's competition between the two levels of government
- d. Corruption. Especially in Kapletundo ward. Illicit brews are being sold near police stations
- e. Opposition from the MCAs as they view administrators as their enemies and competitors.
- f. Lack of enough security personnel
- g. Lack of regulations from the relevant CEC. Facing challenges on how to charge for licences.
- h. That majority of bar owners are security officers hence conflict of interest.
- i. Challenge in controlling the distributors from other Sub counties.
- j. Inter boundary challenges. Lack of similar laws from neighbouring counties.
- k. Poor cooperation from members of the public
- l. Lack of clear guidelines on distributor's licences.

RECOMMENDATIONS

1. That a county chemist be established.
2. Establish some funds for rehabilitation centres in the sub counties
3. That a provision for local brewers be introduced in the Act
4. That smoking of cigarettes and other drugs be captured in the Act
5. That County law courts be established.
6. That there be a central registration of distributors licences as opposed to sub county levels.
7. Wines and spirits dealers not to be licensed in small towns
8. That officers from national government be reshuffled as majority of them are from one tribe. That since Sotik is cosmopolitan officers should be from various region in the country.

CHALLENGES AND RECOMMENDATIONS RAISED FROM MOGOGOSIEK-KONOIN SUB COUNTY

1. Lack of cooperation from police officers and administration officers
2. Civic education has not been done to the members of the public and the ward administrators
3. That it has been difficult to identify counterfeits
4. Lack of proper relations between the national and county government
5. Corruption.
6. Lack of laws regulating the local brews.
7. Harassment of administrators and security officers by the brewers on baseless allegations.
8. Non-Gazettement of the Act with the Government printers
9. Non recognisance of the County law by the regular police

10. Charges brought against the offenders are lesser compared to what they were arrested with.
11. Lack of enough security personnel
12. Allegations that ward administrators misuse public vehicles
13. Challenge in controlling the distributors from other Sub counties and neighbouring counties eg Nakuru, Narok, Kericho.
14. Inter boundary challenges. Lack of similar laws from neighbouring counties.
15. Poor cooperation from members of the public

RECOMMENDATIONS

- I. That a county chemist be established.
- II. The County to have its own prosecutors
- III. County courts be established
- IV. Reshuffling be done on the part of national administration
- V. Copies of the Act be circulated
- VI. A forum be arranged where the administrators would be taught on the interpretation of the law
- VII. Security officers be supplied with enough vehicles.
- VIII. Promotion of intergovernmental relations.
- IX. That a provision for local brewers be introduced in the Act
- X. That smoking of cigarettes and other drugs be captured in the Act
- XI. That there be a central registration of distributors licences as opposed to sub county levels.

Committees Recommendations

The Article 6 of the Constitution of Kenya 2010, states that “(1) *the territory of Kenya is divided into the counties specified in the first schedule. (2) the governments at the national and county levels are distinct and interdependent and shall conduct their mutual relations on the basis of consultation and cooperation....*”

The committee urges the County Government of Bomet to have proper relation with the National and other County Governments through the framework provided in the Intergovernmental Relations Act, 2012.

The committee viewed this as a major setback to the implementation process. The committee visited Kakamega County for bench marking in order for it to table a comprehensive report on how to fully implement the county laws.

The Committee observed that Kakamega County has a County Court which comes in handy in the implementation of the law. The court in particular is important especially in the enforcement of the Revenue related laws; this has enabled the county to effectively collect revenue.

OVERALL CHALLENGES FACED BY THE COMMITTEE

The main challenges faced by this committee in exercising its mandate are:

- i. Failure to raise quorum during committee meetings since members of this committee are also members in other committees
- ii. Lack of capacity building to the members.

RECOMMENDATIONS

1. That the County Government do partner with the Judiciary to establish county law courts.
2. That any laws passed by the County Assembly should be published in the county Gazette and Kenya Gazette as stipulated under section 25(2) of the County Governments Act, 2012.
3. The County Government should consult and coordinate with the national government through the office of the County Commissioner and neighbouring county governments to aid in the implementation of the Act as envisaged in Article 189 of the Constitution.
4. That the County Government should establish a County Chemist.
5. Civic Education should be carried out to create public awareness on the existing county laws.
6. The County Assembly to constitute an implementation committee.

**MINUTES OF THE COMMITTEE ON ADMINISTRATION PEACE JUSTICE
AND LEGAL AFFAIRS HELD ON 26TH SEPTEMBER, 2014 DURING A SITE
VISIT IN LOGISA BOMET EAST SUB COUNTY AT 12.00 NOON.**

MEMBERS PRESENT

Hon. Robert Bett	Chairperson
Hon. Sammy Chelule	Member
Hon. Reuben Langat	Member
Hon. Stephen Changmorik	Member

MEMBERS ABSENT WITH APOLOGY

Hon. Nancy Chepkirui	Vice chair
Hon. Benard Ngeno	Member
Hon. John Molel	Member
Hon. Josphine Rotich	Member
Hon. Bency Too	Member

IN ATTENDANCE

Veronica Waweru	Clerk
Edward Rop	Sergeant at arms
Edna	Sub County Adm
Ann Mutai	Ward Adm
Elijah Keter	Ward Adm Kemu
Robert Rotich	Ward Adm Mirigi
David Langat	Security Officer

AGENDA

1. Preliminaries
2. Fact finding on the implementation status of the Alcoholic Beverage Control and Management Act, 2014

3. A.O.B

ADM MIN 26/26/ 09/14: PRELIMINARIES

The chair called the meeting to order then welcomed everyone in the meeting.

ADM MIN 27/26/09/14: FACT FINDING ON THE IMPLEMENTATION STATUS OF THE ALCOHOLIC BEVERAGE CONTROL AND MANAGEMENT ACT, 2014.

The chair briefed the ward administrator and the members on the agenda of the day. He then welcomed the ward administrator to contribute.

The following issues were raised:

1. That the members of the public received the passage of the Act positively and some have been in the fore front fighting illegal drinks and illicit brewers.
2. The there are several challenges with regard to implementation:-
 - a) Lack of reinforcement officers
 - b) Lack of cooperation from the national administrative officers e.g A.Ps and Regular police officers
 - c) Corruption
 - d) Lack of enough security personnel
 - e) Poor cooperation from members of the public
 - f) Lack of clear guidelines on distributors licences.
 - g) That courts are to lenient to the offenders
 - h) That courts only recognize the national legislations only
3. That community policing officers be incorporated in the Bill.
4. That the Sub county board had already been established as provided for in the Act although the Agency had not been established.
5. That there should be inter relation between the county and the national government which has not been manifested during the implementation of the Act.
6. That the ward administrators be taken for a workshop on capacity building on issues relating to law.
7. That the security officers be protected by the law.
8. That there be established county government chemists

9. That County law courts be established.

10. That there be a central registration of distributors as opposed to sub county levels.

11. Security officers be incorporated in the Act.

ADM MIN 28/26/09/2014: A.O.B AND ADJOURNMENT

There being no other business the meeting was adjourned.

Ann prayed.

SIGNED BY:

DATE

The Chair: 

..... 18/02/2015

The Secretary: 

..... 18/02/2015

**MINUTES OF THE COMMITTEE ON ADMINISTRATION PEACE JUSTICE
AND LEGAL AFFAIRS HELD ON 26TH SEPTEMBER, 2014 DURING A SITE
VISIT IN SIGOR SUB COUNTY AT 10.00 AM**

MEMBERS PRESENT

Hon. Robert Bett	Chairperson
Hon. Sammy Chelule	Member
Hon. Reuben Lang'at	Member
Hon. Stephen Changmorik	Member

MEMBERS ABSENT WITH APOLOGY

Hon. Nancy Chepkirui	Vice chair
Hon. Benard Ngeno	Member
Hon. Josphine Rotich	Member
Hon. Bency Too	Member

IN ATTENDANCE

Veronica Waweru	Clerk
Edward Rop	Sergeant at arms
Mr. Rop	Sigor Ward Administrator

AGENDA

1. Preliminaries
2. Fact finding on the implementation status of the Alcoholic Beverage Control and Management Act, 2014
3. A.O.B

ADM MIN 23/26/ 09/14: PRELIMINARIES

The chair called the meeting to order then welcomed everyone in the meeting.

ADM MIN 24/26/09/14: FACT FINDING ON THE IMPLEMENTATION OF THE ALCOHOL BEVERAGE CONTROL AND MANAGEMENT ACT, 2014.

The chair briefed the ward administrator and the members on the agenda of the day. He then welcomed the ward administrator to contribute.

The following issues were raised:

1. That the members of the public received the passage of the Act positively and some have been in the fore front fighting illegal drinks and illicit brewers.
2. That there are several challenges with regard to implementation:-
 - a) Lack of reinforcement officers
 - b) Lack of cooperation from the national administrative officers e.g A.Ps and Regular police officers
 - c) Corruption
 - d) Failure to arraign offenders in courts
 - e) Reluctance by the prosecutors
 - f) Lack of proper legislation due to existence of national and county legislation
 - g) Lack of enough security personnel
 - h) Poor cooperation from members of the public
 - i) That the Act failed to capture any form of relationship between the county and the national government.
3. Suggestions were made to the effect that the security officers employed by the county government should be reshuffled thus will reduce conflict of interest and will enhance effective and efficiency in delivery of services.
4. That the Sub county board had already been established as provided for in the Act although the Agency had not been established.
5. That there should be inter relation between the county and the national government which has not been manifested during the implementation of the Act.
6. That the ward administrators be taken for a workshop on capacity building on issues relating to law.

ADM MIN 25/26/09/2014: A.O.B AND ADJOURNMENT

There being no other business the meeting was adjourned.

The secretary prayed.

SIGNED BY:

DATE

The Chair: 

..... 18/02/2015

The Secretary: 

..... 18/02/2015

**MINUTES OF THE COMMITTEE ON ADMINISTRATION PEACE JUSTICE
AND LEGAL AFFAIRS HELD ON 29TH SEPTEMBER, 2014 DURING A SITE
VISIT IN SOTIK SUB COUNTY AT 10.00 AM**

MEMBERS PRESENT

Hon. Robert Bett	Chairperson
Hon. Nancy Chepkirui	Vice chair
Hon. Sammy Chelule	Member
Hon. Reuben Langat	Member
Hon. Stephen Changmorik	Member
Hon. Josphine Rotich	Member
Hon. Bency Too	Member
Hon. John Molel	Member

MEMBERS ABSENT

Hon. Benard Ngeno	Member
-------------------	--------

IN ATTENDANCE

Veronicah Waweru	Clerk
Edward Rop	Sergeant at arms
Mr. Henry Kipkemoi Rop	Sub county Adm
Richard Kirui	Ward Adm Chemagel
Paul Rono	Ward Adm
Weston Langat	Town Adm
Milka Keindowo	
Richard Ngetich	Urban Security Officer
Laban Tonui	

AGENDA

1. Preliminaries
2. Fact finding on the implementation status of the Alcoholic Beverage Control and Management Act, 2014
3. A.O.B

ADM MIN 29/29/ 09/14: PRELIMINARIES

The chair called the meeting to order then welcomed everyone in the meeting.

ADM MIN 30/29/09/14: FACT FINDING ON THE IMPLEMENTATION STATUS OF THE ALCOHOLIC BEVERAGE CONTROL AND MANAGEMENT ACT, 2014.

The chair briefed the administrators and the members of the committee on the agenda of the day. He then welcomed the ward administrators to contribute.

The following issues were raised:

1. That the members of the public received the passage of the Act positively and have been helping the administrators through whistle blowing.
2. That there are several challenges with regard to implementation:-
 - a) Lack of reinforcement officers
 - b) That it has been difficult to identify counterfeits
 - c) That there's competition between the two levels of government
 - d) Corruption. Especially in Kapletundo ward. Illicit brews are being sold near police stations
 - e) Opposition from the MCAs as they view administrators as their enemies and competitors. Eg the instance at Chebole market where MCAs from Kembu, Kipsonoi and Embomos publicly humiliated the administrators.
 - f) Lack of enough security personnel
 - g) Lack of regulations from the relevant CEC. Facing challenges on how to charge for licences.

- h) That majority of bar owners are security officers hence conflict of interest.
- i) Challenge in controlling the distributors from other Sub counties.
- j) Inter boundary challenges. Lack of similar laws from neighbouring counties.
- k) Poor cooperation from members of the public
- l) Lack of clear guidelines on distributor's licences.

RECOMMENDATIONS

1. That a county chemist be established.
2. Establish some funds for rehabilitation centres in the sub counties
3. That a provision for local brewers be introduced in the Act
4. That smoking of cigarettes and other drugs be captured in the Act
5. That County law courts be established.
6. That there be a central registration of distributors licences as opposed to sub county levels.
7. Wines and spirits dealers not to be licensed in small towns
8. That officers from national government be reshuffled as majority of them are from one tribe. That since Sotik is cosmopolitan officers should be from various region in the country.

ADM MIN 31/29/09/2014: A.O.B AND ADJOURNMENT

There being no other business the meeting was adjourned.

SIGNED BY:

The Chair:

The Secretary:

DATE

18/02/2015

18/02/2015

**MINUTES OF THE COMMITTEE ON ADMINISTRATION PEACE JUSTICE
AND LEGAL AFFAIRS HELD ON 29TH SEPTEMBER, 2014 DURING A SITE
VISIT IN MOGOGOSIEK, KONOIN SUB COUNTY AT 12.00 NOON**

MEMBERS PRESENT

Hon. Robert Bett	Chairperson
Hon. Nancy Chepkirui	Vice chair
Hon. Sammy Chelule	Member
Hon. Reuben Langat	Member
Hon. Stephen Changmorik	Member
Hon. Josphine Rotich	Member
Hon. Bency Too	Member
Hon. John Molel	Member

MEMBERS ABSENT

Hon. Benard Ngeno	Member
-------------------	--------

IN ATTENDANCE

Veronicah Waweru	Clerk
Edward Rop	Sergeant at arms
Mr. Chirchir	
Mr. Wesley Ngetich	Ward Adm Kimolot

AGENDA

1. Preliminaries
2. Fact finding on the implementation status of the Alcoholic Beverage Control and Management Act, 2014
3. A.O.B

ADM MIN 32/29/ 09/14: PRELIMINARIES

The chair called the meeting to order then welcomed everyone in the meeting.

ADM MIN 33/29/09/14: FACT FINDING ON THE IMPLEMENTATION OF THE ALCOHOL BEVERAGE CONTROL AND MANAGEMENT ACT, 2014.

The chair briefed the administrators and the members of the committee on the agenda of the day. He then welcomed the ward administrators to contribute.

The following issues were raised:

1. That the members of the public received the passage of the Act positively and have been helping the administrators through whistle blowing.
2. There are several challenges with regard to implementation:-
 - a) Lack of cooperation from police officers and administration officers
 - b) Civic education has not been done to the members of the public and the ward administrators
 - c) That it has been difficult to identify counterfeits
 - d) Lack of proper relations between the national and county government
 - e) Corruption.
 - f) Lack of laws regulating the local brews.
 - g) Harassment of administrators and security officers by the brewers. On baseless allegations.
 - h) Non-Gazettement of the Act with the Government printers
 - i) Non recognisance of the law by the regular police
 - j) Charges brought against the offenders are lesser compared to what they were arrested with.
 - k) Lack of enough security personnel
 - l) Allegations that ward administrators misuse public vehicles
 - m) Challenge in controlling the distributors from other Sub counties and neighbouring counties eg Nakuru, Narok, Kericho.

- n) Inter boundary challenges. Lack of similar laws from neighbouring counties.
- o) Poor cooperation from members of the public

RECOMMENDATIONS

1. That a county chemist be established.
2. The County to have its own prosecutors
3. County courts be established
4. Reshuffling be done on the part of national administration
5. Copies of the Act be circulated
6. A forum be arranged where the administrators would be taught on the interpretation of the law
7. Security officers be supplied with enough vehicles.
8. Promotion of intergovernmental relations.
9. That a provision for local brewers be introduced in the Act
10. That smoking of cigarettes and other drugs be captured in the Act
11. That there be a central registration of distributors licences as opposed to sub county levels.

ADM MIN 34/29/09/2014: A.O.B AND ADJOURNMENT

There being no other business the meeting was adjourned.

Hon. Bency Too prayed.

SIGNED BY:

The Chair:

The Secretary:

DATE

18/02/2015

18/02/2015

**MINUTES OF THE COMMITTEE ON ADMINISTRATION PEACE JUSTICE AND
LEGAL AFFAIRS HELD ON 29TH SEPTEMBER, 2014 DURING A SITE VISIT IN
MOGOGOSIEK, KONOIN SUB COUNTY AT 12.00 NOON**

MEMBERS PRESENT

Hon. Robert Bett	Chairperson
Hon. Nancy Chepkirui	Vice chair
Hon. Sammy Chelule	Member
Hon. Reuben Langat	Member
Hon. Stephen Changmorik	Member
Hon. Josphine Rotich	Member
Hon. Bency Too	Member
Hon. John Molel	Member

MEMBERS ABSENT

Hon. Benard Ngeno	Member
-------------------	--------

IN ATTENDANCE

Veronicah Waweru	Clerk
Edward Rop	Sergeant at arms
Mr. Chirchir	
Mr. Wesley Ngetich	Ward Adm Kimolot

AGENDA

1. Preliminaries
2. Fact finding on the implementation of the Alcohol Beverage Control and Management Act, 2014
3. A.O.B

ADM MIN 32/29/ 09/14: PRELIMINARIES

The chair called the meeting to order then welcomed everyone in the meeting.

**ADM MIN 33/29/09/14: FACT FINDING ON THE IMPLEMENTATION OF THE
ALCOHOL BEVERAGE CONTROL AND MANAGEMENT ACT, 2014.**

The chair briefed the administrators and the members of the committee on the agenda of the day. He then welcomed the ward administrators to contribute.

The following issues were raised:

1. That the members of the public received the passage of the Act positively and have been helping the administrators through whistle blowing.
2. That there are several challenges with regard to implementation:-
 - a) Lack of cooperation from police officers and administration officers
 - b) Civic education has not been done to the members of the public and the ward administrators
 - c) That it has been difficult to identify counterfeits
 - d) Lack of proper relations between the national and county government
 - e) Corruption.
 - f) Lack of laws regulating the local brews.
 - g) Harassment of administrators and security officers by the brewers. On baseless allegations.
 - h) Non-Gazettement of the Act with the Government printers
 - i) Non recognisance of the law by the regular police
 - j) Charges brought against the offenders are lesser compared to what they were arrested with.
 - k) Lack of enough security personnel
 - l) Allegations that ward administrators misuse public vehicles
 - m) Challenge in controlling the distributors from other Sub counties and neighbouring counties eg Nakuru, Narok, Kericho.
 - n) Inter boundary challenges. Lack of similar laws from neighbouring counties.
 - o) Poor cooperation from members of the public

RECOMMENDATIONS

1. That a county chemist be established.
2. The County to have its own prosecutors
3. County courts be established
4. Reshuffling be done on the part of national administration
5. Copies of the Act be circulated
6. A forum be arranged where the administrators would be taught on the interpretation of the law
7. Security officers be supplied with enough vehicles.
8. Promotion of intergovernmental relations.
9. That a provision for local brewers be introduced in the Act
10. That smoking of cigarettes and other drugs be captured in the Act

11. That there be a central registration of distributors licences as opposed to sub county levels.

ADM MIN 34/29/09/2014: A.O.B AND ADJOURNMENT

There being no other business the meeting was adjourned.

Hon. Bency Too prayed.

SIGNED BY:	NAME	SIGNATURE	DATE
The Chair:	Robert B. B. B.		18/02/2015
The Secretary:			18/02/2015