

PAPERS LAID	
DATE	29/5/2024
TABLED BY	Sen. Okenguri
COMMITTEE	Trade, Industrialization & Tourism.
CLERK AT THE TABLE	Angela

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THIRTEENTH PARLIAMENT – THIRD SESSION

APPROVED
 RT. HON. SEN
 AMASON J. KINGI

28/05/24

REPORT OF THE STANDING COMMITTEE ON TRADE,
 INDUSTRIALIZATION AND TOURISM

ON

CONSIDERATION OF THE PROPOSED AMENDMENTS BY THE
 NATIONAL ASSEMBLY TO THE COUNTY LICENSING
 (UNIFORM PROCEDURES) BILL, 2022
 (SENATE BILLS NO. 9 OF 2022)

Clerk's Chambers,
 Parliament Buildings,
 NAIROBI

May, 2024

① Clerk - Senate
 This is forwarded for approval for tabling
 23/05/2024

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PRELIMINARIES

Establishment and Mandate of the Committee

Article 124 (1) of the Constitution of Kenya provides for the establishment of Committees where each house of Parliament may establish committees and shall make Standing Orders for the orderly conduct of its proceedings, including the proceedings of its committees.

The Senate Standing Committee on Trade, Industrialization and Tourism is thus established pursuant to Standing Order 228 (3) of the Senate Standing Orders. As set out in standing order 228 (4) and the Fourth Schedule, the Committee is mandated to consider all matters related to trade, industrialization, tourism, cooperatives, investment and divestiture policies.

In undertaking its mandate, the Committee oversees the Ministry of Investment, Trade and Industry, Ministry of Co-operatives and Micro, Small and Medium Enterprises (MSME) Development and the Ministry of Tourism, Wildlife, Culture & Heritage. Specifically, the Committee oversights the following state departments —

- a) State Department for Investment Promotion;
- b) State Department for Trade;
- c) State Department for Industry;
- d) State Department for Cooperatives;
- e) State Department for Micro, Small and Medium Enterprise (MSME) Development; and
- f) State Department for Tourism.

Committee Membership

The Committee membership is as follows: -

1. Sen. Lenku Ole Kanar Seki, MP - Chairperson
2. Sen. Esther Anyieni Okenyuri, MP - Vice-Chairperson
3. Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP - Member
4. Sen. Jackson Kiplagat Mandago, EGH, MP - Member
5. Sen. Paul Karungo Thangwa, MP - Member
6. Sen. Crystal Kegehi Asige, MP - Member
7. Sen. Andrew Omtatah Okoiti, MP - Member
8. Sen. Betty Batuli Montet, MP - Member
9. Sen. Hezena M. Lemaletian, MP - Member

CHAIRPERSON'S FOREWORD

Mr. Speaker Sir,

The County Licensing (Uniform Procedures) Bill (Senate Bills No. 9 of 2022) was published vide Gazette Supplement No.196 on 29th November, 2022 and thereafter introduced to the Senate by way of First Reading on Thursday 16th February, 2023. The Bill was thereafter referred to the Standing Committee on Trade, Industrialization and Tourism for consideration, public participation and tabling of the report.

The County Licensing (Uniform Procedures) Bill, 2022 was subsequently passed in the Senate on Wednesday 21st February, 2024 with amendments and referred to the National Assembly for consideration.

Mr. Speaker Sir,

The National Assembly considered and passed the Bill on Thursday 2nd May 2024 with further amendments. Article 112(1) of the Constitution provides that *if one House passes an ordinary Bill concerning counties and the second House passes the Bill in an amended form, it shall be referred back to the originating house for reconsideration.*

Standing Order 165 (4) of the Senate standing order states that, (4) *When the Senate has concluded the consideration of the amendments by the National Assembly to a Bill originating in the Senate and the Senate-*

- (a) Passes the Bill as amended, the Speaker shall refer the Bill to the President within seven days for assent; or*
- (b) Reject the Bill as amended, the speaker shall refer the Bill to a Mediation Committee under Article 113 of the Constitution.*

Mr. Speaker Sir,

In view of the above the Senate Standing Committee on Trade, Industrialization and Tourism at its meeting held 14th May 2024 considered the proposed amendments by the National Assembly.

Summary of proposed amendments by the National Assembly and Committee consideration

The National Assembly made the following amendments to the Bill -

1. Clause 6 of the Bill be amended in paragraph (a) by inserting the word “distributors” immediately after the word “suppliers”. Taking into consideration the views of the public, the amendment was proposed to include that the County Governments shall also protect the rights of distributors. The Clause had only provided for protection of rights of consumers, producers, suppliers and service providers.
2. Deleting paragraph “(c)” and substituting therefor the following new paragraph —
“(c) consult the relevant government entity responsible for standards in order to ensure that quality of goods produced and services delivered are of high standard”.

The National Assembly proposed the amendment to introduce the aspect of consultation by the county governments. This will ensure there is no duplicity of roles or encroachment on the mandate of the Kenya Bureau of standards board (KEBS) to deal with matters relating to oversight of standards of goods and services offered.

3. Clause 17 of the Bill be amended by inserting a new sub clause (2A) as follows—

“(2A) A license shall be valid for the period specified in the license:

Provided that a license issued to a business intending to operate for one year or more shall be valid for one year from the date of issue”

The amendments seek to make provision concerning the duration and validity of a license so as to cater for the needs of short term and long term businesses by ensuring that licenses lapse on the anniversary of their issuance.

4. Clause 20 be amended in sub clause (1) by inserting the following new paragraphs immediately after paragraph (c) —

“(d) obtains a license fraudulently;

- (e) operates a different business from that which it is licensed to operate”.

The amendment seeks to give additional grounds for the cancellation of a license and obligates the county governments to establish review committees with the

mandate of reviewing cancelled licenses. This is to protect traders from abuse of powers by the licensing authorities.

5. Clause 29 (1) of the Bill be amended to make it mandatory for the County Assemblies to enact county legislation to give effect to the provisions of the Act.

Committee Observations

Mr. Speaker Sir,

From the submissions by the National Assembly, the Committee makes the following observations.

THAT: -

- (a) All parties in the supply chain should be protected by county licensing regimes. Clause 6 (a) of the Bill should therefore be amended to include distributors of goods among the entities whose rights are to be protected by county governments when administering a license regime.
- (b) One of the proposed amendments aims to ensure a simple license application process for persons with disability. This will accord them a reasonable opportunity to do business and will enhance compliance with Articles 10 and 54 of the Constitution.
- (c) In undertaking licensing, county governments should also ensure compliance with Article 209 of the Constitution. Particularly, administration of licensing regime, counties should operate within the confines of the Constitution. It is therefore proposed that the Council of Governors develops strategies and guidelines for harmonization of licensing regulations, procedures and fees structures pursuant to Article 209(5) of the Constitution.
- (d) To effectively administer a licensing regime, it will be important to establish a Licensing Boards for each county as proposed in the amendments. The mandates of the Boards will include grant, renewal, transfer, or replacement of licenses. The composition of the County Licensing Board is proposed to include administrators from the National and County Governments for effective coordination.
- (e) Article 10 of the Constitution envisages public participation of the people in making decisions that concern them. It is therefore necessary to underscore the

thresholds for undertaking effective public participation in the Bill. The amendment proposes that the Licensing Authority shall place advertisements in at least three specified platforms for purposes of public participation.

- (f) The responsibility of administering the licensing function ought to be passed to the licensees. It is therefore proposed that the Bill be amended to remove the financial burden from traders.
- (g) Licensing Authorities have a duty to adhere to the principle of fair administrative action as espoused under Article 47 of the Constitution. Therefore, it is proposed that the Bill be amended to provide that a Licensing Authority shall issue a 14-days notice period before cancellation of a license.
- (h) The Committee also observed that the Bill was unanimously supported by the National Assembly with a few proposed amendments underscoring the importance of the Bill in creating a conducive legal framework for businesses through simplification and streamlining of licensing in counties. The Committee therefore concurred with the amendments proposed by the National Assembly.

Committee Recommendations

The Committee recommends that the **County Licensing (Uniform Procedures) Bill, 2022 (Senate Bills No.9 of 2022)** be adopted with the amendments as proposed by the National Assembly.

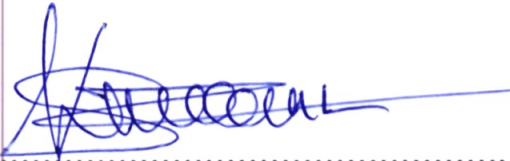
Mr. Speaker Sir,

The Committee extends its appreciation to the National Assembly and particularly the Departmental Committee on Trade, Industry and Cooperatives for undertaking a detailed analysis of the County Licensing (Uniform Procedures) Bill, 2022 and making valuable proposals for amendment. I also wish to express my appreciation to the honorable Members of the Committee and the Secretariat who made useful contributions on this matter.

The Committee thanks the Offices of the Speaker of the Senate and the Clerk of the Senate for the support extended to the committee in the execution of its mandate.

Mr. Speaker Sir,

It is now my pleasant duty, pursuant to Standing order 148 (1) of the Senate Standing Orders to present the Report of the Senate Standing Committee on Trade, Industrialization and Tourism on the County Licensing (Uniform Procedures) Bill (Senate Bill No. 9 of 2022).

Signature.......... Date..... 22nd May, 2024

SEN. LENKU OLE KANAR SEKI, MP.

CHAIRPERSON, SENATE STANDING COMMITTEE ON TRADE,
INDUSTRIALIZATION AND TOURISM

CHAPTER ONE

1.1 INTRODUCTION

1. The County Licensing (Uniform Procedures) Bill, 2022 (Senate Bills No.9 of 2022) was published vide Gazette Supplement No.196 on 29th November, 2022 and thereafter introduced to the Senate by way of First Reading on Thursday 16th February, 2023. The Bill was referred to the Standing Committee on Trade, Industrialization and Tourism.
2. The County Licensing (Uniform Procedures) Bill, 2022 was subsequently passed in the Senate on Wednesday 21st February, 2024 with amendments and referred to the National Assembly for consideration pursuant to Article 110 (4) of the Constitution.
3. Accordingly, the National Assembly considered and passed the Bill on Thursday 2nd May, 2024 with further amendments.
4. Article 112(1) of the Constitution provides that *if one House passes an ordinary Bill concerning counties and the second House passes the Bill in an amended form, it shall be referred back to the originating house for consideration.*
5. Standing Order 165 (4) of the Senate Standing Orders on consideration of National Assembly amendments to Bills originating from the Senate states that, (4) *When the Senate has concluded the consideration of the amendments by the National Assembly to a Bill originating in the Senate and the Senate-*
 - (a) *Passes the Bill as amended, the Speaker shall refer the Bill to the President within seven days for assent; or*
 - (b) *Reject the Bill as amended, the speaker shall refer the Bill to a Mediation Committee under Article 113 of the Constitution.*
6. In view of the above the Senate Standing Committee on Trade, Industrialization and Tourism held a meeting on 14th May 2024 to consider the amendments proposed by the National Assembly.

1.2 Objectives of the County Licensing (Uniform Procedures) Bill, 2022

7. The purpose of the County Licensing (Uniform Procedures) Bill, 2022 is to provide a national legislative framework for uniform procedures for licensing of various activities

by the county governments. This will ensure certainty in the licensing processes in all counties and encourage private sector players to do business in the counties.

8. County governments have been assigned a number of functions under Part 2 of the Fourth Schedule to the Constitution. Most of these functions require licensing of various activities and sectors by county governments.
9. Some of these functions include —
 - a) county health services, including, in particular, licensing and control of undertakings that sell food to the public;
 - b) cultural activities, public entertainment and public amenities, including liquor licensing;
 - c) animal control and welfare, including licensing of dogs; and
 - d) trade development and regulation, including trade licenses (excluding regulation of professions) among others.
10. In undertaking these functions, counties have applied varied procedures in applying for licenses. This has impacted negatively to the ease of doing business and by extension the inability of counties to maximize on revenue collections on licenses.
11. This Bill therefore aims to establish uniform procedures for licensing in counties to ensure certainty in the process and ultimately encourage private sector investment in counties.

1.3 Message from the National Assembly on the Passage of the County Licensing (Uniform Procedures) Bill, 2022 (Senate Bills No. 9 of 2022)

12. During a meeting of the Committee held on 9th May 2024, the Committee was informed of the passage of the County Licensing (Uniform Procedures) Bill, 2022 (Senate Bills No. 9 of 2022) by the National Assembly on Thursday, 2nd May 2024. The committee was further informed that the Bill was passed with a few amendments. The Committee resolved to consider the proposed amendments in its sitting scheduled 14th May 2024.

CHAPTER TWO

2.1 Consideration of the Proposed Amendments by the National Assembly

13. This chapter presents the National Assembly proposed amendments and the resolutions of the Committee.

Definitions

14. Clause 2 of the Bill is proposed to be amended with the following changes

- (i) Definition of the term “**Cabinet Secretary**” by deleting the word “**licensing**” and substituting therefore the word “**trade**”. This is to enhance clarity that for purposes of the Bill, the Cabinet Secretary responsible shall be the Cabinet Secretary for matters relating to trade. The committee agreed to this proposal.
- (ii) Deleting the definition of “licensing authority” and substituting therefor the following new definition—

“licensing authority” means a County Licensing Board established by a county government under section 7”,

This is to enhance clarity on the definition of the term “licensing authority”, that is to mean the County Licensing Boards to be established by county governments. It is intended that once the Boards are established, they will have full authority to undertaking licensing at the county level.

15. The Committee **accepted** this proposal.

16. Deleting the definition of the term “**County Executive Committee Member**”. The term is not used within the body of the Bill hence may be deleted.

17. The Committee **accepted** this proposal.

General duty on licensing authority

18. Clause 4 of the Bill be amended by inserting the following new sub clause immediately after sub clause (1) —

“(2) A licensing authority shall, in considering an application for a license to carry out business which is ordinarily regulated by a professional body, undertake due

diligence to ascertain whether the applicant is duly qualified and licensed to undertake such business.”

19. The reason for the amendment is to provide a requirement for county governments to undertake due diligence while considering business permits applications to professionals (such as pharmacists operating pharmacies). This is intended to ensure that licenses are not issued to impostors or persons who are not licensed.
20. The Committee **accepted** this proposal.

Principles of interpretation and application

21. Clause 5 of the Bill be amended by inserting the words “including making specific provisions to ease the application process for persons with disabilities” immediately after the word “license” appearing in paragraph (a). The proposed amendment to this clause is intended to ensure an eased and simple license application process for persons with disability.
22. The Committee **accepted** this proposal.

Obligations of County Governments

23. Clause 6 of the Bill be amended in paragraph (a) by inserting the word “distributors” immediately after the word “suppliers”. Taking into consideration the views of the public, the amendment was proposed to include that the County Governments shall also protect the rights of distributors. The Clause had only provided for protection of rights of consumers, producers, suppliers and service providers.
24. Deleting paragraph “(c)” and substituting therefor the following new paragraph —
“ (c) consult the relevant government entity responsible for standards in order to ensure that quality of goods produced and services delivered are of high standard”.
25. The Committee proposed the amendment to introduce the aspect of consultation by the county governments. This will ensure there is no duplicity of roles or encroachment on

the mandate of the Kenya Bureau of standards board (KEBS) to deal with matters relating to oversight of standards of goods and services offered.

26. Clause 6 be further amended by inserting the following new paragraph immediately after paragraph (f)—

“(g) ensure that it does not prejudice national economic policies, economic activities across county boundaries or the national mobility of goods, services, capital or labour in line with Article 209 (5) of the Constitution.”

27. The proposed amendment will enhance the proposal regarding the obligation of county governments while establishing and administering a licensing regime to ensure that the county government adheres to Article 209(5) of the Constitution.

28. The Committee **accepted** these proposals.

Application for granting, amendment, renewal, restoration and replacement of license

29. Clause 7 of the Bill be amended—

(a) by inserting the following new sub clauses immediately after sub clause 1—

“(1A) Each county government shall establish a board to be known as the County Licensing Board to perform the function of granting, amending, renewing, restoring and replacing of licenses under subsection (1).

(1B) A County Licensing Board established under this section shall comprise—

- (a) the Chief Officer for the time being responsible for matters relating to revenue in the county government, who shall be the Chairperson;
- (b) the Chief Officer for the time being responsible for matters relating to trade in the county government;
- (c) the Deputy County Commissioner in charge of the specific sub-county where the license is to be issued;

- (d) a representative of persons with disabilities who shall be nominated by the National Council for Persons with Disabilities from among persons with disabilities trading within the county; and
- (e) a sub-county administrator responsible for the specific county where the license is to be issued.

(1C) The Cabinet Secretary shall make regulations to give effect to the provisions of this section including—

- (a) the conduct and regulation of the business and affairs of the County Licensing Board;
- (b) the appointment of persons under subsection 1B (c) and (e) on a rotational and need basis depending on the sub county where a license is to be issued;
- (c) the appointment of the persons appointed under subsection 1B (d);
- (d) remuneration of Board Members;
- (e) staff of the Board.

30. The amendment seeks to empower county governments to establish licensing boards for purposes of undertaking functions of grant, renewal, transfer, or replacement of a license. The composition of the County Licensing Board is as proposed in the Bill. Additionally, the Committee proposed to empower the Cabinet Secretary to make regulations to give effect to these proposals.

31. Amend Clause 7 (2) by inserting following new sub clause immediately after sub clause 2—

“(2A) The mechanisms referred to under subsection 2 and the platforms to facilitate electronic application of a license shall be designed while taking into account the needs of persons with disabilities.”

The amendment seeks to ensure that the electronic application process is designed to be user friendly for persons with disabilities.

32. The Committee **accepted** these proposals.

Notice for further information

33. Clause 9 of the Bill be amended —

(a) by deleting sub clause (2) and substituting therefor the following new sub clause—

“(2) A notice under subsection (1) shall be made within three days of receipt of the application and shall specify the person to whom such information shall be submitted.”

“(2A) An applicant shall be granted a period of seven days to furnish the information requested in the notice specified under subsection (1)”.

34. The amendment seeks to prescribe a timeline where an applicant is notified to provide any additional information requested by the licensing authority.

35. Clause 9 of the Bill be amended by inserting the following new sub clause immediately after sub clause (2)—

“(2A) An applicant shall be granted a period of seven days to furnish the information requested in the notice specified under subsection (1).

The amendment seeks to afford the applicant adequate time to provide any information required by a licensing authority under this section.

36. Clause 10 of the Bill be amended in sub clause (1) by inserting the words “and timely” immediately after the words “provide sufficient” appearing in paragraph(c). The amendment seeks to ensure that the public receives sufficient and timely information on variation of license fees for purposes of decision making.

37. Clause 11 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub clause—

“(1) A licensing authority shall, where the respective legislation requires an application to be advertised, publish a notice of the application in at least three of the following platforms—

- (a) one daily newspaper of wide circulation within the county;
- (b) in one local radio station;
- (c) a designated public notice board at the county, ward and village levels;
- (d) official website or social media platform.

38. The amendment seeks to provide that the licensing authority shall for purposes of public participation, place advertisements of an application in at least three of the specified platforms.

39. The Committee **accepted** the proposals.

Determination of application

40. Clause 14 of the Bill be amended in paragraph (a) by deleting the word “unconditionally”.

41. The amendment seeks to provide that a licensing authority may reject an application with reasons and ensures that a licensing authority does not issue a license unconditionally.

Notice of decision on application

42. Clause 15 of the Bill be amended by inserting the words “in writing” immediately after the words “inform the applicant” appearing in sub clause (1).

43. The amendment seeks to provide for mode of communication of a decision by the licensing authority on the application of a license to be in writing. This will ensure that there is clear communication on the decision.

44. The Committee **accepted** the proposals.

Duration of the License

45. Clause 17 of the Bill be amended in sub clause 2 by deleting the words “and for the period it renews “appearing immediately after the words “date of license it renews”.

46. The amendments seek to make provision concerning the duration and validity of a license to cater for the needs of short term and long-term businesses by ensuring that licenses lapse on the anniversary of their issuance.

47. Further Clause 17 be amended by inserting a new sub clause (2A) as follows—

“(2A) A license shall be valid for the period specified in the license:

Provided that a license issued to a business intending to operate for one year or more shall be valid for one year from the date of issue”

48. The amendments seek to make provision concerning the duration and validity of a license. This is to cater for the needs of short term and long term businesses by ensuring that licenses lapse on the anniversary of their issuance.

49. The Committee **accepted** the proposals.

Relocation or eviction of street vendors

50. Clause 20 be amended in sub clause (1) by inserting the following new paragraphs immediately after paragraph (c) —

“(d) obtains a license fraudulently;

(a) operates a different business from that which it is licensed to operate”.

51. The amendment seeks to give additional grounds for the cancellation of a license and obligates the county governments to establish review committees with the mandate of reviewing cancelled licenses. This is to protect traders from abuse of powers by the licensing authorities.

52. Further, Clause 20 be amended by inserting the following new sub clauses immediately after sub clause (1)—

“(2) A licensing authority shall issue a fourteen (14) days’ notice to a licensee before cancelling a license under subsection (1)(a), (b), (d) and (e).

“(3) Each county government shall establish a committee to undertake the review of a decision to cancel a license.

“(4) The committee established under subsection (2) shall comprise—

(a) the County Executive Committee Member for the time being responsible for matters finance;

(b) the County Executive Committee Member for the time being responsible for trade;

(c) two representatives from the respective County Chamber of Commerce;

(d) the County Commissioner; and

(e) the County Attorney.

53. The amendments also seek to entrench fair administrative action procedures in accordance with Article 47 of the Constitution. In this regard, the amendment, provides that the licensing authority shall issue a 14 days' notice to a licensee before cancelling a license under the section.

54. Clause 24 of the Bill be amended in sub clause (2) by inserting the following words immediately after the words "respective county" –

“taking into consideration the following factors-

- a) nature and scope of the licensed activity;
- b) economic considerations;
- c) administrative and regulatory costs;
- d) public interest, and resource utilization;
- e) interests of vulnerable groups, women, youth and persons with disabilities.

55. The amendment seeks to empower the licensing authority to impose an annual licensing fee for administering and monitoring a license to avoid creating unjustifiable financial burden to traders.

56. Clause 24 be amended by inserting the following new sub clause 2 immediately after sub clause (2) —

(2A) Pursuant to Article 209(5) of the Constitution, the Council of Governors shall, within six months from the date of commencement of this Act, establish strategies and guidelines for —

- (a) harmonisation of licensing regulations, procedures, requirements and fee structures to ensure freedom of transit of goods and provision of services across various counties;
- (b) the progressive development of systems, including inter-county integrated digital platforms, to facilitate exchange of information, coordination and implement harmonised licensing to facilitate transit of goods and provision of services across various counties.

57. This is aimed at easing cost of doing business by avoiding multiplicity of issuance of licenses as well as imposition of multiple fees for goods in transit across various

counties hence promoting economic activities across county boundaries pursuant to Article 209(5).

58. The provision empowers the Council of Governors to establish guidelines and strategies for the harmonisation of licensing regulations, procedures, requirements and fee structures in order to ensure freedom of transit of goods and provision of services across various counties. For instance, charges for goods in transit may be applicable at the county of origin and county of destination.

59. Further, Clause 24 be amended in sub clause 4 by deleting paragraph (b).

60. The amendment seeks to delete paragraph (b) in sub clause (4) to remove the financial burden to traders. This provision had proposed to empower the licensing authority to impose an annual licensing fee for monitoring a license.

61. The Committee **accepted** the proposals.

County Regulations

62. Clause 29 (1) of the Bill be amended—

(a) by deleting the word “may” and substituting therefor the word “shall” appearing in sub clause (1);

(b) by deleting the word “may” and substituting therefor the word “shall” appearing in sub clause (2);

63. The amendment seeks to make it mandatory for the County Assemblies to enact county legislation to give effect to the provisions of the Act.

64. The Committee **accepted** the proposals.

CHAPTER THREE

3.1 Committee Observations

65. From the submissions of the National Assembly, the committee makes the following observations. THAT -

- (a) All parties in the supply chain should be protected by county licensing regimes. Clause 6 (a) of the Bill should therefore be amended to include distributors of goods among the entities whose rights are to be protected by county governments when administering a license regime.
- (b) One of the proposed amendments aims to ensure a simple license application process for persons with disability. This will accord them a reasonable opportunity to do business and will enhance compliance with Articles 10 and 54 of the Constitution.
- (c) In undertaking licensing, county governments should also ensure compliance with Article 209 of the Constitution. Particularly, administration of licensing regime, counties should operate within the confines of the Constitution. It is therefore proposed that the Council of Governors develops strategies and guidelines for harmonization of licensing regulations, procedures and fees structures pursuant to Article 209(5) of the Constitution.
- (d) To effectively administer a licensing regime, it will be important to establish a Licensing Board for each county as proposed in the amendments. The mandates of the Boards will include grant, renewal, transfer, or replacement of licenses. The composition of the County Licensing Board is proposed to include administrators from the National and County Governments for effective coordination.
- (e) Article 10 of the Constitution envisages participation of the public in making decisions that concern them. It is therefore necessary to underscore the thresholds for undertaking effective public participation in the Bill. The amendment proposes that the Licensing Authority shall place advertisements in at least three specified platforms for purposes of public participation.

- (f) The cost of administering the Licensing function ought not to be passed to the licensees. It is therefore proposed that the Bill be amended to remove the financial burden from traders.
- (g) Licensing Authorities have a duty to adhere to the principle of fair administrative action as espoused under Article 47 of the Constitution. Therefore, it is proposed that the Bill be amended to provide that a Licensing Authority shall issue a 14-days notice period before cancellation of a license.
- (h) The Committee also observed that the Bill was unanimously supported by the National Assembly with a few proposed amendments underscoring the importance of the bill in creating a conducive legal framework for businesses through simplification and streamlining licensing in counties. The Committee therefore agreed with the amendments proposed by the National Assembly.

3.2 Committee Recommendations

66. The Committee recommends that the Senate adopts the amendments to the **County Licensing (Uniform Procedures) Bill, 2022 (Senate Bills No. 9 of 2022)** as proposed by the National Assembly.

LIST OF ANNEXURES

Annex 1	Minutes of the Standing Committee on Trade, Industrialization and Tourism
Annex 2	Message from the National Assembly on the Passage of the County Licensing (Uniform Procedures) Bill (Senate Bills No. 9 of 2022)
Annex 3	Matrix on the proposed amendments by the National Assembly



MINUTES OF THE 97TH MEETING OF THE SENATE STANDING COMMITTEE ON TRADE, INDUSTRIALIZATION AND TOURISM HELD ON TUESDAY, 21ST MAY 2024 IN COMMITTEE ROOM 8, BUNGE TOWERS AT 8:00 A.M

PRESENT

- | | |
|---|--------------------------------|
| 1. Sen. Lenku Ole Kanar Seki, MP | - Chairperson |
| 2. Sen. Esther Anyieni Okenyuri, MP | - Vice-Chairperson (Virtually) |
| 3. Sen. Jackson Kiplagat Mandago, EGH, MP | - Member |
| 4. Sen. Crystal Kegehi Asige, MP | - Member (Virtually) |
| 5. Sen. Andrew Omtatah Okoiti, MP | - Member (Virtually) |
| 6. Sen. Betty Batuli Montet, MP | - Member (Virtually) |

APOLOGIES

- | | |
|---|----------|
| 1. Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP | - Member |
| 2. Sen. Paul Karungo Thangwa, MP | - Member |
| 3. Sen. Hezena M. Lemaletian, MP | - Member |

SECRETARIAT

- | | |
|----------------------------|---------------------------|
| 1. Mr. Peter Mulesi | - Clerk Assistant I |
| 2. Mr. David Ngamate | - Clerk Assistant III |
| 3. Ms. Sharon Rotino | - Research Officer I |
| 4. Ms. Annete Kwamboka | - Legal Counsel |
| 5. Mr. James Ngusya | - Serjeant-At-Arms |
| 6. Mr. Stanley Gekore | - Media Relations Officer |
| 7. Mr. Rhyan Injendi | - Research Officer III |
| 8. Mr. Joseph Otieno | - Audio Officer |
| 9. Ms. Celestine Jepkosgei | - Protocol Officer III |

MIN/SEN/SCTIT/531/2024

PRELIMINARIES

The Chairperson called the meeting to order at 8.15 am. This was followed by a word of prayer and around of introductions for the Members and the Secretariat.

MIN/SEN/SCTIT/532/2024

ADPOTION OF THE AGENDA

The agenda was adopted after being proposed by Sen. Betty Montet, MP, and seconded by Sen. Okiya Omtatah Okoiti, MP, as listed below-

1. Preliminaries;
 - i. Prayer*
 - ii. Introduction*
2. Adoption of the Agenda;
3. Confirmation of the Minutes of previous meetings -
 - a) Minutes of the 94th Meeting held on 9th May 2024; and
 - b) Minutes of the 95th Meeting held on 14th May 2024
4. Consideration of the Report on the National Assembly Schedule of Amendments to the County Licensing (Uniform Procedures) Bill (Senate Bill No.9 of 2022);
5. Adoption of the Report on the National Assembly Amendments to the County Licensing (Uniform Procedure) Bill (Senate Bill No. 9 of 2022)
6. Any Other Business; and
7. Adjournment/Date of the Next Meeting.

MIN/SEN/SCTIT/533/2024

CONFIRMATION OF PREVIOUS MINUTES

- 1) Minutes of the 94th Sitting held on Thursday, held on 9th May 2024 were confirmed as a true copy of the deliberations after being confirmed by Sen. Esther Okenyuri, MP and seconded by Sen. Crystal Asige, MP.
- 2) Minutes of the 95th Sitting held on Tuesday held on 14th May 2024 were confirmed as true copy of the deliberations after being confirmed by Sen. Betty Montet, MP and seconded by Sen. Crystal Asige, MP.

MIN/SEN/SCTIT/534/2024

MATERS ARISING FROM THE PREVIOUS MINUTES

There were no matters arising.

MIN/SEN/SCTIT/535/2024

CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILL NO. 9 OF 2022)

The Chairperson invited the secretariat to present Committee Paper No. 91 on the Draft Report on the National Assembly Schedule of amendments to the County Licensing (Uniform Procedure) Bill.

The Committee was informed that at its sitting held on Tuesday 14th May, 2024, the had deliberated and adopted the National Assembly Schedule of amendments to the County

Licensing (Uniform Procedures) Bill (Senate Bills No. 9 of 2022). This is an Act of Parliament to establish standard uniform procedures for licensing by county governments and for connected purposes.

It was reported that the Secretariat had prepared the draft report for consideration during the Committee of the Whole in the Senate as follows-

(i) Definition of the term “**Cabinet Secretary**” by deleting the word “**licensing**” and substituting therefore the word “**trade**”. This is to enhance clarity that for purposes of the Bill, the Cabinet Secretary responsible shall be the Cabinet Secretary for matters relating to trade. The committee agreed to this proposal.

(ii) Deleting the definition of “licensing authority” and substituting therefor the following new definition—

“Licensing authority” means a County Licensing Board established by a county government under section 7”,

This is to enhance clarity on the definition of the term “licensing authority”, that is to mean the County Licensing Boards to be established by county governments. It is intended that once the Boards are established, they will have full authority to undertaking licensing at the county level. The Committee agreed to this proposal.

(iii) Deleting the definition of the term “**County Executive Committee Member**”. The term is not used within the body of the Bill hence may be deleted. The Committee noted that the term has been used in Clause 21 (1)(b) hence the definition should be maintained.

General duty on licensing authority

1. Clause 4 of the Bill be amended by inserting the following new sub clause immediately after subclause (1) —

“(2) A licensing authority shall, in considering an application for a license to carry out business which is ordinarily regulated by a professional body, undertake due diligence to ascertain whether the applicant is duly qualified and licensed to undertake such business.”

2. The reason for the amendment is to provide a requirement for county governments to undertake due diligence while considering business permits applications to professionals (such as pharmacists operating pharmacies). This is intended to ensure that licenses are not issued to impostors or persons who are not licensed. The Committee agreed to the proposal.

Principles of interpretation and application.

3. Clause 5 of the Bill be amended by inserting the words “including making specific provisions to ease the application process for persons with disabilities” immediately after the word “license” appearing in paragraph (a). The proposed amendment to this clause is intended to ensure an eased and simple license application process for persons with disability.

Obligations of County Governments.

4. Clause 6 of the Bill be amended in paragraph (a) by inserting the word “distributors” immediately after the word “suppliers”. Taking into consideration the views of the public, the amendment was proposed to include that the County Governments shall also protect the rights of distributors. The Clause had only provided for protection of rights of consumers, producers, suppliers and service providers.
5. Deleting paragraph “(c)” and substituting therefor the following new paragraph —
“(c) consult the relevant government entity responsible for standards in order to ensure that quality of goods produced and services delivered are of high standard”.
6. The Committee proposed the amendment to introduce the aspect of consultation by the county governments. This will ensure there is no duplicity of roles or encroachment on the mandate of the Kenya Bureau of standards board (KEBS) to deal with matters relating to oversight of standards of goods and services offered.
7. Clause 6 be further amended by inserting the following new paragraph immediately after paragraph (f)—
“(g) ensure that it does not prejudice national economic policies, economic activities across county boundaries or the national mobility of goods, services, capital or labour in line with Article 209 (5) of the Constitution.”
8. The proposed amendment will enhance the proposal regarding the obligation of county governments while establishing and administering a licensing regime to ensure that the county government adheres to Article 209(5) of the Constitution.

Application for granting, amendment, renewal restoration and replacement of license.

9. Clause 7 of the Bill be amended—
 - (a) by inserting following new sub clauses immediately after sub clause 1—
“(1A) Each county government shall establish a board to be known as the County Licensing Board to perform the function of granting, amending, renewing, restoring and replacing of licenses under subsection (1).
(1B) A County Licensing Board established under this section shall comprise—
 - (a) the Chief Officer for the time being responsible for matters relating to revenue in the county government, who shall be the Chairperson;
 - (b) the Chief Officer for the time being responsible for matters relating to trade in the county government;
 - (c) the Deputy County Commissioner in charge of the specific subcounty where the license is to be issued;
 - (d) a representative of persons with disabilities who shall be nominated by the National Council for Persons with Disabilities from among persons with disabilities trading within the county; and
 - (e) a sub-county administrator responsible for the specific county where the license is to be issued.

(1C) The Cabinet Secretary shall make regulations to give effect to the provisions of this section including—

- (a) the conduct and regulation of the business and affairs of the County Licensing Board;
- (b) the appointment of persons under subsection 1B (c) and (e) on a rotational and need basis depending on the subcounty where a license is to be issued;
- (c) the appointment of the persons appointed under subsection 1B (d);
- (d) remuneration of Board Members;
- (e) staff of the Board.

10. The amendment seeks to empower county governments to establish licensing boards for purposes of undertaking functions of grant, renewal, transfer, or replacement of a license. The composition of the County Licensing Board is as proposed in the Bill. Additionally, the Committee proposed to empower the Cabinet Secretary to make regulations to give effect to these proposals.

11. Amend Clause 7 (2) by inserting following new sub clause immediately after subclause 2—

“(2A) The mechanisms referred to under subsection 2 and the platforms to facilitate electronic application of a license shall be designed while taking into account the needs of persons with disabilities.”

The amendment seeks to ensure that the electronic application process is designed to be user friendly for persons with disabilities.

Notice for further information

12. Clause 9 of the Bill be amended —

(a) by deleting sub clause (2) and substituting therefor the following new subclause—

“(2) A notice under subsection (1) shall be made within three days of receipt of the application and shall specify the person to whom such information shall be submitted.”

“(2A) An applicant shall be granted a period of seven days to furnish the information requested in the notice specified under subsection (1)”.

The amendment seeks to prescribe a timeline where an applicant is notified to provide any additional information requested by the licensing authority.

13. Clause 9 of the Bill be amended by inserting the following new sub clause immediately after subclause (2)—

“(2A) An applicant shall be granted a period of seven days to furnish the information requested in the notice specified under subsection (1).

The amendment seeks to afford the applicant adequate time to provide any information required by a licensing authority under this section.

14. Clause 10 of the Bill be amended in sub clause (1) by inserting the words “and timely” immediately after the words “provide sufficient” appearing in paragraph(c).

The amendment seeks to ensure that the public receives sufficient and timely information on variation of license fees for purposes of decision making.

15. Clause 11 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new subclause—

“(1) A licensing authority shall, where the respective legislation requires an application to be advertised, publish a notice of the application in at least three of the following platforms—

- (a) one daily newspaper of wide circulation within the county;
- (b) in one local radio station;
- (c) a designated public notice board at the county, ward and village levels;
- (d) official website or social media platform.

The amendment seeks to provide that the licensing authority shall for purposes of public participation, place advertisements of an application in at least three of the specified platforms

Determination of application

16. Clause 14 of the Bill be amended in paragraph (a) by deleting the word “unconditionally”.

The amendment seeks to provide that a licensing authority may reject an application with reasons and ensures that a licensing authority does not issue a license unconditionally.

Notice of decision on application.

17. Clause 15 of the Bill be amended by inserting the words “in writing” immediately after the words “inform the applicant” appearing in sub clause (1).

The amendment seeks to provide for mode of communication of a decision by the licensing authority on the application of a license to be in writing. This will ensure that there is clear communication on the decision.

Duration of the License.

18. Clause 17 of the Bill be amended in sub clause 2 by deleting the words “and for the period it renews “appearing immediately after the words “date of license it renews”.

The amendments seek to make provision concerning the duration and validity of a license. This is to cater for the needs of short term and long-term businesses by ensuring that licenses lapse on the anniversary of their issuance.

19. Furthers Clause 17 be amended by inserting a new sub clause (2A) as follows—

“(2A) A license shall be valid for the period specified in the license:

Provided that a license issued to a business intending to operate for one year or more shall be valid for one year from the date of issue”

The amendments seek to make provision concerning the duration and validity of a license. This is to cater for the needs of short term and long-term businesses by ensuring that licenses lapse on the anniversary of their issuance.

Relocation or eviction of street vendors

20. Clause 20 be amended in sub clause (1) by inserting the following new paragraphs immediately after paragraph (c) —

“(d) obtains a license fraudulently;

(a) operates a different business from that which it is licensed to operate”.

The amendment seeks to give additional grounds for the cancellation of a license and obligates the county governments to establish review committees with the mandate of reviewing cancelled licenses. This is to protect traders from abuse of powers by the licensing authorities.

21. Clause 20 be amended by inserting the following new-sub clauses immediately after sub clause (1)—

“(2) A licensing authority shall issue a fourteen (14) days’ notice to a licensee before cancelling a license under subsection (1)(a), (b), (d) and (e).

“(3) Each county government shall establish a committee to undertake the review of a decision to cancel a license.

“(4) The committee established under subsection (2) shall comprise—

(a) the County Executive Committee Member for the time being responsible for matters finance;

(b) the County Executive Committee Member for the time being responsible for trade;

(c) two representatives from the respective County Chamber of Commerce;

(d) the County Commissioner; and

(e) the County Attorney.

The amendments also seek to entrench fair administrative action procedures in accordance with Article 47 of the Constitution. In this regard, the amendment, provides that the licensing authority shall issue a 14 days’ notice to a licensee before cancelling a license under the section.

22. Clause 24 of the Bill be amended in subclause (2) by inserting the following words immediately after the words “respective county” –

“taking into consideration the following factors-

a) nature and scope of the licensed activity;

b) economic considerations;

c) administrative and regulatory costs;

d) public interest, and resource utilization;

e) special interest groups.

The amendment seeks to empower the licensing authority to impose an annual licensing fee for administering and monitoring a license to avoid creating unjustifiable financial burden to traders.

23. Clause 24 be amended by inserting the following new subclause 2 immediately after subclause (2) —

(2A) Pursuant to Article 209(5) of the Constitution, the Council of Governors shall, within six months from the date of commencement of this Act, establish strategies and guidelines for —

- (a) harmonisation of licensing regulations, procedures, requirements and fee structures to ensure freedom of transit of goods and provision of services across various counties;
- (b) the progressive development of systems, including inter-county integrated digital platforms, to facilitate exchange of information, coordination and implement harmonised licensing to facilitate transit of goods and provision of services across various counties.

24. This is aimed at easing cost of doing business by avoiding multiplicity of issuance of licenses as well as imposition of multiple fees for goods in transit across various counties hence promoting economic activities across county boundaries pursuant to Article 209(5). The provision empowers the Council of Governors to establish guidelines and strategies for the harmonisation of licensing regulations, procedures, requirements and fee structures in order to ensure freedom of transit of goods and provision of services across various counties. For instance, charges for goods in transit may be applicable at the county of origin and county of destination.

25. Further, Clause 24 be amended in subclause 4 by deleting paragraph (b).

The amendment seeks to delete paragraph (b) in subclause (4) to remove the financial burden to traders. This provision had proposed to empower the licensing authority to impose an annual licensing fee for monitoring a license.

County Regulations

26. Clause 29 (1) of the Bill be amended—

(a) by deleting the word “may” and substituting therefor the word “shall” appearing in sub clause (1);

(b) by deleting the word “may” and substituting therefor the word “shall” appearing in sub clause (2);

The amendment seeks to make it mandatory for the County Assemblies to enact county legislation to give effect to the provisions of the Act.

Committee Observations

The Committee observed that the National Assembly on the Schedule of Amendments to the County Licensing (Uniform Procedures) Bill (Senate Bills No.9 of 2022) were in good faith and were an improvement on the Bill as passed in the Senate.

MIN/SEN/SCTIT/536/2024

ADOPTION OF THE REPORT ON THE NATIONAL ASSEMBLY AMENDMENTS TO THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILL NO. 9 OF 2022)

Following the conclusion of the consideration of the Schedule of amendments to the County Licensing (Uniform Procedures) Bill (Senate Bill No. 9 of 2022), the Committee unanimously adopted the Report on the Schedule of amendments to the County Licensing (Uniform Procedures) Bill (Senate Bill No. 9 of 2022) for Tabling in the Senate after having been proposed by Sen. Okiya Omtatah Okoiti, MP and seconded by Sen. Crystal Kegehi Asige, MP.

MIN/SEN/SCTIT/537/2024 **ADJOURNMENT AND THE DATE OF THE NEXT MEETING.**

The meeting adjourned at 9.05 am and the next meeting was scheduled for the same day at 9.30 am with Metropolitan National Sacco in the same venue.

Signature.......... Date.....*22ND MAR, 2024*.....

SEN. LENKU OLE KANAR SEKI, MP.
(CHAIRPERSON)



MINUTES OF THE 95TH HYBRID MEETING OF THE SENATE STANDING COMMITTEE ON TRADE, INDUSTRIALIZATION AND TOURISM HELD ON TUESDAY, 14TH MAY 2024 IN COMMITTEE ROOM 5, BUNGE TOWERS AT 8:00 A.M

PRESENT

- | | |
|---|--------------------------------|
| 1. Sen. Lenku Ole Kanar Seki, MP | - Chairperson |
| 2. Sen. Esther Anyieni Okenyuri, MP | - Vice-Chairperson (Virtually) |
| 3. Sen. Jackson Kiplagat Mandago, EGH, MP | - Member (Virtually) |
| 4. Sen. Crystal Kegehi Asige, MP | - Member |
| 5. Sen. Andrew Omtatah Okoiti, MP | - Member (Virtually) |
| 6. Sen. Betty Batuli Montet, MP | - Member (Virtually) |

APOLOGIES

- | | |
|---|----------|
| 1. Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP | - Member |
| 2. Sen. Paul Karungo Thangwa, MP | - Member |
| 3. Sen. Hezena M. Lemaletian, MP | - Member |

SECRETARIAT

- | | |
|------------------------|---------------------------|
| 1. Mr. Peter Mulesi | - Clerk Assistant I |
| 2. Mr. David Ngamate | - Clerk Assistant III |
| 3. Ms. Sharon Rotino | - Research Officer I |
| 4. Ms. Annete Kwamboka | - Legal Counsel |
| 5. Mr. James Ngusya | - Serjent-At-Arms |
| 6. Mr. Stanley Gekore | - Media Relations Officer |
| 7. Mr. Rhyan Injendi | - Research Officer III |
| 8. Mr. Joseph Otieno | - Audio Officer |

MIN/SEN/SCTIT/520/2024

PRELIMINARIES

The Chairperson called the meeting to order at 8.28 am. This was followed by a word of prayer and around of introductions for the Members and the Secretariat.

The agenda was adopted after being proposed by Sen. Betty Montet, MP, and seconded by Sen. Esther Okenyuri, MP, as listed below-

1. Preliminaries;
 - i. *Prayer*
 - ii. *Introduction*
2. Adoption of the Agenda;
3. Consideration of the National Assembly amendments to the County Licensing (Uniform Procedure) Bill (Senate Bills No.9 of 2022);
4. Consideration of the schedule of activities for the Committee for the 4th Quarter;
5. Any Other Business; and
6. Adjournment/ Date of the Next Meeting.

CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILLS NO. 9 OF 2022)

The Chairperson invited the secretariat to present Committee Paper No. 89 on the National Assembly Schedule of amendments to the County Licensing (Uniform Procedure) Bill. The Committee was informed that a message was received from the National Assembly on the passage of the County Licensing (Uniform Procedures) Bill (Senate Bills No.9 of 2022).

The County Licensing (Uniform Procedures) Bill, (Senate Bills No. 9 of 2022) is an Act of Parliament to establish standard uniform procedures for licensing by county governments and for connected purposes.

In the Message, the Speaker of the Senate informed the Senate as follows-

- 1) **That** whereas the County Licensing (Uniform Procedures) Bill Senate Bill No.9 of 2022 was passed in the Senate on Wednesday 21st February, 2024 with amendments and referred to the National Assembly for consideration;
- 2) **That** the National Assembly considered and passed the said Bill on Thursday 2nd May, 2024 with further amendments
- 3) Article 112(1) of the constitution provides that if one house passes an ordinary Bill concerning counties and the second House passes the Bill in an amended form, it shall be referred back to the originating House for reconsideration.

It was on the foregoing that the Committee was required to deliberate on the National Assembly amendments and report to the Senate. The went ahead to consider the National Assembly proposed amendments as follows:

1. Clause 2 of the Bill is proposed to be amended with the following changes

(i) Definition of the term “**Cabinet Secretary**” by deleting the word “**licensing**” and substituting therefore the word “**trade**”. This is to enhance clarity that for purposes of the Bill, the Cabinet Secretary responsible shall be the Cabinet Secretary for matters relating to trade. The committee agreed to this proposal.

(ii) Deleting the definition of “licensing authority” and substituting therefor the following new definition—

“licensing authority” means a County Licensing Board established by a county government under section 7”,

This is to enhance clarity on the definition of the term “licensing authority”, that is to mean the County Licensing Boards to be established by county governments. It is intended that once the Boards are established, they will have full authority to undertaking licensing at the county level. The Committee agreed to this proposal.

(iii) Deleting the definition of the term “**County Executive Committee Member**”. The term is not used within the body of the Bill hence may be deleted. The Committee noted that the term has been used in Clause 21 (1)(b) hence the definition should be maintained.

General duty on licensing authority

2. Clause 4 of the Bill be amended by inserting the following new sub clause immediately after subclause (1) —

“(2) A licensing authority shall, in considering an application for a license to carry out business which is ordinarily regulated by a professional body, undertake due diligence to ascertain whether the applicant is duly qualified and licensed to undertake such business.”

3. The reason for the amendment is to provide a requirement for county governments to undertake due diligence while considering business permits applications to professionals (such as pharmacists operating pharmacies). This is intended to ensure that licenses are not issued to impostors or persons who are not licensed. The Committee agreed to the proposal.

Principles of interpretation and application.

4. Clause 5 of the Bill be amended by inserting the words “including making specific provisions to ease the application process for persons with disabilities” immediately after the word “license” appearing in paragraph (a). The proposed amendment to this clause is intended to ensure an eased and simple license application process for persons with disability.

Obligations of County Governments.

5. Clause 6 of the Bill be amended in paragraph (a) by inserting the word “distributors” immediately after the word “suppliers”. Taking into consideration the views of the public, the amendment was proposed to include that the County Governments shall also protect the rights of distributors. The Clause had only provided for protection of rights of consumers, producers, suppliers and service providers.

6. Deleting paragraph “(c)” and substituting therefor the following new paragraph —

“(c) consult the relevant government entity responsible for standards in order to ensure that quality of goods produced and services delivered are of high standard”.

7. The Committee proposed the amendment to introduce the aspect of consultation by the county governments. This will ensure there is no duplicity of roles or encroachment on the mandate of the Kenya Bureau of standards board (KEBS) to deal with matters relating to oversight of standards of goods and services offered.
8. Clause 6 be further amended by inserting the following new paragraph immediately after paragraph (f)—

“(g) ensure that it does not prejudice national economic policies, economic activities across county boundaries or the national mobility of goods, services, capital or labour in line with Article 209 (5) of the Constitution.”
9. The proposed amendment will enhance the proposal regarding the obligation of county governments while establishing and administering a licensing regime to ensure that the county government adheres to Article 209(5) of the Constitution.

Application for granting, amendment, renewal restoration and replacement of license.

10. Clause 7 of the Bill be amended—

(a) by inserting following new sub clauses immediately after sub clause 1—

“(1A) Each county government shall establish a board to be known as the County Licensing Board to perform the function of granting, amending, renewing, restoring and replacing of licenses under subsection (1).

(1B) A County Licensing Board established under this section shall comprise—

- (a) the Chief Officer for the time being responsible for matters relating to revenue in the county government, who shall be the Chairperson;
- (b) the Chief Officer for the time being responsible for matters relating to trade in the county government;
- (c) the Deputy County Commissioner in charge of the specific subcounty where the license is to be issued;
- (d) a representative of persons with disabilities who shall be nominated by the National Council for Persons with Disabilities from among persons with disabilities trading within the county; and
- (e) a sub-county administrator responsible for the specific county where the license is to be issued.

(1C) The Cabinet Secretary shall make regulations to give effect to the provisions of this section including—

- (a) the conduct and regulation of the business and affairs of the County Licensing Board;
- (b) the appointment of persons under subsection 1B (c) and (e) on a rotational and need basis depending on the subcounty where a license is to be issued;
- (c) the appointment of the persons appointed under subsection 1B (d);

(d) remuneration of Board Members;

(e) staff of the Board.

11. The amendment seeks to empower county governments to establish licensing boards for purposes of undertaking functions of grant, renewal, transfer, or replacement of a license. The composition of the County Licensing Board is as proposed in the Bill. Additionally, the Committee proposed to empower the Cabinet Secretary to make regulations to give effect to these proposals.

12. Amend Clause 7 (2) by inserting following new sub clause immediately after subclause 2—

“(2A) The mechanisms referred to under subsection 2 and the platforms to facilitate electronic application of a license shall be designed while taking into account the needs of persons with disabilities.”

The amendment seeks to ensure that the electronic application process is designed to be user friendly for persons with disabilities.

Notice for further information

13. Clause 9 of the Bill be amended —

(a) by deleting sub clause (2) and substituting therefor the following new subclause—

“(2) A notice under subsection (1) shall be made within three days of receipt of the application and shall specify the person to whom such information shall be submitted.”

“(2A) An applicant shall be granted a period of seven days to furnish the information requested in the notice specified under subsection (1)”.

The amendment seeks to prescribe a timeline where an applicant is notified to provide any additional information requested by the licensing authority.

14. Clause 9 of the Bill be amended by inserting the following new sub clause immediately after subclause (2)—

“(2A) An applicant shall be granted a period of seven days to furnish the information requested in the notice specified under subsection (1).

The amendment seeks to afford the applicant adequate time to provide any information required by a licensing authority under this section.

15. Clause 10 of the Bill be amended in sub clause (1) by inserting the words “and timely” immediately after the words “provide sufficient” appearing in paragraph(c). The amendment seeks to ensure that the public receives sufficient and timely information on variation of license fees for purposes of decision making.

16. Clause 11 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new subclause—

“(1) A licensing authority shall, where the respective legislation requires an application to be advertised, publish a notice of the application in at least three of the following platforms—

(a) one daily newspaper of wide circulation within the county;

(b) in one local radio station;

(c) a designated public notice board at the county, ward and village levels;

(d) official website or social media platform.

The amendment seeks to provide that the licensing authority shall for purposes of public participation, place advertisements of an application in at least three of the specified platforms

Determination of application

17. Clause 14 of the Bill be amended in paragraph (a) by deleting the word “unconditionally”.

The amendment seeks to provide that a licensing authority may reject an application with reasons and ensures that a licensing authority does not issue a license unconditionally.

Notice of decision on application.

18. Clause 15 of the Bill be amended by inserting the words “in writing” immediately after the words “inform the applicant” appearing in sub clause (1).

The amendment seeks to provide for mode of communication of a decision by the licensing authority on the application of a license to be in writing. This will ensure that there is clear communication on the decision.

Duration of the License.

19. Clause 17 of the Bill be amended in sub clause 2 by deleting the words “and for the period it renews “appearing immediately after the words “date of license it renews”.

The amendments seek to make provision concerning the duration and validity of a license. This is to cater for the needs of short term and long-term businesses by ensuring that licenses lapse on the anniversary of their issuance.

20. Furthers Clause 17 be amended by inserting a new sub clause (2A) as follows—

“(2A) A license shall be valid for the period specified in the license:

Provided that a license issued to a business intending to operate for one year or more shall be valid for one year from the date of issue”

The amendments seek to make provision concerning the duration and validity of a license. This is to cater for the needs of short term and long term businesses by ensuring that licenses lapse on the anniversary of their issuance.

Relocation or eviction of street vendors

21. Clause 20 be amended in sub clause (1) by inserting the following new paragraphs immediately after paragraph (c) —

- “(d) obtains a license fraudulently;
- (a) operates a different business from that which it is licensed to operate”.

The amendment seeks to give additional grounds for the cancellation of a license and obligates the county governments to establish review committees with the mandate of reviewing cancelled licenses. This is to protect traders from abuse of powers by the licensing authorities.

22. Clause 20 be amended by inserting the following new-sub clauses immediately after sub clause (1)—

“(2) A licensing authority shall issue a fourteen (14) days’ notice to a licensee before cancelling a license under subsection (1)(a), (b), (d) and (e).

“(3) Each county government shall establish a committee to undertake the review of a decision to cancel a license.

“(4) The committee established under subsection (2) shall comprise—

- (a) the County Executive Committee Member for the time being responsible for matters finance;
- (b) the County Executive Committee Member for the time being responsible for trade;
- (c) two representatives from the respective County Chamber of Commerce;
- (d) the County Commissioner; and
- (e) the County Attorney.

The amendments also seek to entrench fair administrative action procedures in accordance with Article 47 of the Constitution. In this regard, the amendment, provides that the licensing authority shall issue a 14 days’ notice to a licensee before cancelling a license under the section.

23. Clause 24 of the Bill be amended in subclause (2) by inserting the following words immediately after the words “respective county” –

“taking into consideration the following factors-

- a) nature and scope of the licensed activity;
- b) economic considerations;
- c) administrative and regulatory costs;
- d) public interest, and resource utilization;
- e) special interest groups.

The amendment seeks to empower the licensing authority to impose an annual licensing fee for administering and monitoring a license to avoid creating unjustifiable financial burden to traders.

24. Clause 24 be amended by inserting the following new subclause 2 immediately after subclause (2) —

(2A) Pursuant to Article 209(5) of the Constitution, the Council of Governors shall, within six months from the date of commencement of this Act, establish strategies and guidelines for —

- (a) harmonisation of licensing regulations, procedures, requirements and fee structures to ensure freedom of transit of goods and provision of services across various counties;
- (b) the progressive development of systems, including inter-county integrated digital platforms, to facilitate exchange of information, coordination and implement harmonised licensing to facilitate transit of goods and provision of services across various counties.

25. This is aimed at easing cost of doing business by avoiding multiplicity of issuance of licenses as well as imposition of multiple fees for goods in transit across various counties hence promoting economic activities across county boundaries pursuant to Article 209(5). The provision empowers the Council of Governors to establish guidelines and strategies for the harmonisation of licensing regulations, procedures, requirements and fee structures in order to ensure freedom of transit of goods and provision of services across various counties. For instance, charges for goods in transit may be applicable at the county of origin and county of destination.

26. Further, Clause 24 be amended in subclause 4 by deleting paragraph (b).

The amendment seeks to delete paragraph (b) in subclause (4) to remove the financial burden to traders. This provision had proposed to empower the licensing authority to impose an annual licensing fee for monitoring a license.

County Regulations

27. Clause 29 (1) of the Bill be amended—

(a) by deleting the word “may” and substituting therefor the word “shall” appearing in sub clause (1);

(b) by deleting the word “may” and substituting therefor the word “shall” appearing in sub clause (2);

The amendment seeks to make it mandatory for the County Assemblies to enact county legislation to give effect to the provisions of the Act.

Committee Observations

The Committee noted that the Bill was unanimously supported by the National Assembly. The few proposed amendments were a further improvement on the bill. The Committee was therefore in agreement with the proposed amendments by the National Assembly.

Committee Resolutions

After the ensuing deliberations, the Committee made the following resolutions:

1. That the National Assembly Schedule of amendments be communicated to Sen Mariam Omar Sheikh, MP, the sponsor of the County Licensing (Uniform Procedure) Bill (Senate Bills No.9 of 2022);
2. That the County Licensing (Uniform Procedures) Bill, 2022 be adopted as proposed in the National Assembly Schedule of amendments; and
3. That the Committee to considers and adopts the report at the next Committee meeting.

MIN/SEN/SCTIT/523/2024: CONSIDERATION OF THE SCHEDULE OF ACTIVITIES FOR THE COMMITTEE FOR THE 4TH QUARTER

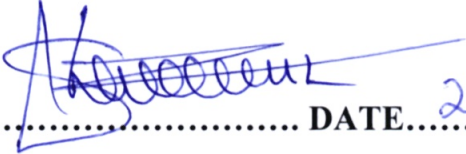
The agenda was deferred.

MIN/SEN/SCTIT/524/2024 ANY OTHER BUSINESS

The secretariat to facilitate for the scheduled meeting with the Cabinet Secretary, Ministry of Investments, Trade and Industry on Thursday, 16th May, 2024.

MIN/SEN/SCTIT/525/2024 ADJOURNMENT AND THE DATE OF THE NEXT MEETING.

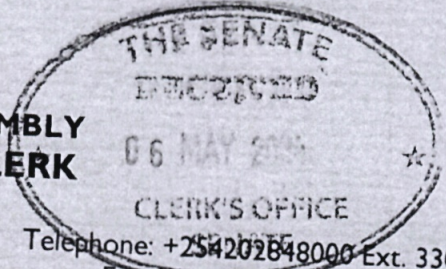
The meeting adjourned at 10.05 am and the next meeting was scheduled for Thursday, 16th May, 2024 in Committee Room 5, Main Parliament Buildings at 8.00 am.

SIGNATURE.......... DATE.....*21st May, 2024*.....
(CHAIRPERSON)

Mr. I. Njoroge
Please deal
07-05-2024



RECEIVED
06 MAY 2024
DIRECTOR LEGISLATIVE
PROCEDURAL SERVICES
THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK



P.O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Ms. Clerk (KAM)
Please deal.
I-Njoroge
07-05-2024
(11:44 am)

Telephone: +254 20 284 8000 Ext. 3300
Email: cha@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote:

NA/DLP/TBO/MTS/2024/ (013) 06 MAY 2024

3rd May 2024

Mr. Jeremiah Nyegenye, CBS
Clerk of the Senate
Parliament Buildings
NAIROBI

① DC (MA)
Please deal.
06/05/24

Dear Distinguished Colleague,

RE: PASSAGE OF THE COUNTY LICENSING (UNIFORM PROCEDURES) BILL (SENATE BILL NO. 9 OF 2022)

The above-mentioned subject matter refers.

Enclosed herewith, please find a Message in respect of the passage of the County Licensing (Uniform Procedures) Bill (Senate Bill No. 9 of 2022) by the National Assembly on **Thursday, 2nd May 2024**.

I have also enclosed a Schedule of amendments to the Bill as passed by the House, copies of the respective Order Papers, Votes and Proceedings, and Hansard Reports for your reference.

Yours sincerely,

② DKPS
Please process
06/05/24

Samuel Njoroge, CBS
CLERK OF THE NATIONAL ASSEMBLY

③ Mr. Moger (COP/OPS)
PS process

//Encls.
④ Mr. Njoroge, CBS
for all dealing



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT - THIRD SESSION

THE NATIONAL ASSEMBLY

MESSAGES

MESSAGE TO THE SENATE

(No. 013 of 2024)


**PASSAGE OF THE COUNTY LICENSING (UNIFORM PROCEDURES) BILL
(SENATE BILL NO. 9 OF 2022)**

PURSUANT to the provisions of Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly—

WHEREAS, the County Licensing (Uniform Procedures) Bill (Senate Bill No. 9 of 2022) was passed by the Senate on Wednesday, 21st February, 2024 with amendments and referred to the National Assembly for consideration;

AND WHEREAS, the National Assembly, considered and passed the said Bill on Thursday, 2nd May, 2024, **with further amendments** as contained in the Schedule of Amendments attached herewith;

NOW THEREFORE, in accordance with the provisions of Article 110 of the Constitution and Standing Orders 41(1) and 144 of the National Assembly Standing Orders, I hereby **convey** the said decision of the National Assembly to the Senate.


THE RT. HON. (DR.) MOSES M. WETANG'ULA, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Friday, 3rd May 2024

**THE COUNTY LICENSING (UNIFORM PROCEDURES) BILL
(SENATE BILL NO. 9 OF 2022)**

Bill also passed by the National Assembly on Thursday, 2nd May, 2024

SCHEDULE OF AMENDMENTS MADE TO THE BILL BY THE NATIONAL ASSEMBLY

CLAUSE 2

THAT, clause 2 of the Bill be amended—

- (a) in the definition of “Cabinet Secretary” by deleting the word “licensing” and substituting therefor the word “trade”;
- (b) by deleting the definition of “County Executive Committee Member”; and
- (c) by deleting the definition of “licensing authority” and substituting therefor the following new definition—
“licensing authority” means a County Licensing Board established by a county government under section 7.

CLAUSE 4

THAT, clause 4 of the Bill be amended—

- (a) by renumbering the existing provision as sub clause (1); and
- (b) by inserting the following new sub-clause immediately after sub-clause (1) —
“(2) A licensing authority shall, in considering an application for a licence to carry out business which is ordinarily regulated by a professional body, undertake due diligence to ascertain whether the applicant is duly qualified and licensed to undertake such business.”

CLAUSE 5

THAT, clause 5 of the Bill be amended by inserting the words “including making specific provisions to ease the application process for persons with disabilities” immediately after the word “licence” appearing in paragraph (a).

CLAUSE 6

THAT, clause 6 of the Bill be amended—

- (a) in paragraph (a) by inserting the word “distributors” immediately after the word “suppliers”;

(b) by deleting paragraph “(c)” and substituting therefor the following new paragraph —

“(c) consult the relevant government entity responsible for standards in order to ensure that quality of goods produced and services delivered are of high standard”;

(c) by inserting the following new paragraph immediately after paragraph (f)—

“(g) ensure that it does not prejudice national economic policies, economic activities across county boundaries or the national mobility of goods, services, capital or labour in line with Article 209(5) of the Constitution.”

CLAUSE 7

THAT, clause 7 of the Bill be amended—

(a) by inserting following new sub clauses immediately after sub-clause (1)—

“(1A) Each county government shall establish a board to be known as the County Licensing Board to perform the function of granting, amending, renewing, restoring and replacing of licences under subsection (1).

(1B) A County Licensing Board established under this section shall comprise—

- (a) the Chief Officer for the time being responsible for matters relating to revenue in the county government or a representative appointed in writing, who shall be the Chairperson;
- (b) the Chief Officer for the time being responsible for matters relating to trade in the county government or a representative appointed in writing;
- (c) the Deputy County Commissioner in charge of the specific subcounty where the licence is to be issued;
- (d) a representative of persons with disabilities who shall be nominated by the National Council for Persons with Disabilities from among persons with disabilities trading within the county; and
- (e) a subcounty administrator responsible for the specific county where the licence is to be issued.

(1C) The Cabinet Secretary shall make regulations to give effect to the provisions of this section including—

- (a) the conduct and regulation of the business and affairs of the County Licensing Board;
- (b) the appointment of persons under subsection (3)(c) and (e) on a rotational and need basis depending on the subcounty where a licence is to be issued;
- (c) the appointment of the persons appointed under subsection (3)(d);
- (d) remuneration of Board Members;
- (e) staff of the Board.

(b) by inserting following new sub-clauses immediately after sub-clause (2)—

“(2A) The mechanisms referred to under subsection (2) and the platforms to facilitate electronic application of a licence shall be designed while taking into account the needs of persons with disabilities.”

CLAUSE 9

THAT, clause 9 of the Bill be amended by deleting sub clause (2) and substituting therefor the following new sub-clauses—

“(2) A notice under subsection (1) shall be made within three days of receipt of the application and shall specify the person to whom such information shall be submitted.”

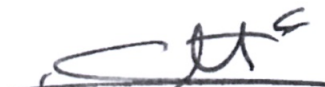
“(2A) An applicant shall be granted a period of seven days to furnish the information requested in the notice specified under subsection (1).”

CLAUSE 10

THAT, clause 10 of the Bill be amended in sub clause (1) by inserting the words “and timely” immediately after the words “provide sufficient” appearing in paragraph(c).

CLAUSE 11

THAT, clause 11 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause —



“(1) A licensing authority shall, where the respective legislation requires an application to be advertised, publish a notice of the application in at least three of the following platforms—

- (a) one daily newspaper of wide circulation within the county;
- (b) in one local radio station;
- (c) a designated public notice board at the county, ward and village levels;
- (d) official website or social media platform.

CLAUSE 14

THAT, clause 14 of the Bill be amended in paragraph (a) by deleting the word “unconditionally”.

CLAUSE 15

THAT, clause 15 of the Bill be amended in sub clause (1) by inserting the words “in writing” immediately after the words “inform the applicant”.

CLAUSE 17

THAT clause 17 of the Bill be amended —

(a) in sub clause (2) by deleting the words “and for the period stipulated in the licence” appearing immediately after the words “date of licence it renews”

(b) by inserting the following new sub clause immediately after subclause (2)—

“(2A) A licence shall be valid for the period stipulated in the licence:

Provided that a licence issued to a business intending to operate for one year or more shall be valid for one year from the date of issue”

CLAUSE 20

THAT, clause 20 of the Bill be amended—

(a) in sub clause (1) by inserting the following new paragraphs immediately after paragraph (c) —

“(d) obtains a licence fraudulently;

(e) operates a different business from that which it is licenced to operate”;

(b) by inserting the following new-sub clauses immediately after sub clause (1)—

“(2) A licensing authority shall issue a fourteen-day notice to a licensee before cancelling a licence under subsection (1)(a), (b), (d) and (e).

(3) Each county government shall establish a committee to undertake the review of a decision to cancel a licence.

(4) The committee established under subsection (3) shall comprise—

- (a) the County Executive Committee Member for the time being responsible for matters relating to finance;
- (b) the County Executive Committee Member for the time being responsible for matters relating to trade;
- (c) two representatives from the respective County Chamber of the Kenya National Chamber of Commerce;
- (d) the County Commissioner; and
- (e) the County Attorney.”

CLAUSE 24

THAT, clause 24 of the Bill be amended —

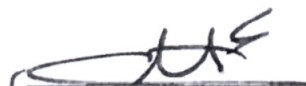
(a) in sub-clause (2) by inserting the following words immediately after the words “respective county” —

“taking into consideration the following factors—

- a) nature and scope of the licensed activity;
- b) economic considerations;
- c) administrative and regulatory costs;
- d) public interest, and resource utilization; and
- e) interests of vulnerable groups, women, youth and persons with disabilities.

(b) by inserting the following new sub-clause immediately after sub-clause (2) —

(2A) Pursuant to Article 209(5) of the Constitution, the Council of Governors shall, within six months from the date of commencement of this Act, establish strategies and guidelines for —



(a) harmonisation of licensing regulations, procedures, requirements and fee structures to ensure freedom of transit of goods and provision of services across various counties;

(b) the progressive development of systems, including inter-county integrated digital platforms, to facilitate exchange of information, coordination and implement harmonised licensing to facilitate transit of goods and provision of services across various counties.

(c) in sub-clause (4) by deleting paragraph (b).

CLAUSE 29

THAT, clause 29 of the Bill be amended—

- (a) in sub clause (1) by deleting the word “may” and substituting therefor the word “shall”;
and
(b) in sub clause (2) by deleting the word “may” and substituting therefor the word “shall”.

Certified



Clerk of the National Assembly

This.....^{3rd}..... day of^{May}....., 2024.

THE SENATE



MATRIX

THE COUNTY LICENSING (UNIFORM PROCEDURES) BILL, 2022

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
2 Definitions.	National Assembly	Clause 2 of the Bill be amended in the definition of the term “Cabinet Secretary” by deleting the word “licensing” and substituting therefor the word “trade”.	To enhance clarity that for purposes of the Bill, the Cabinet Secretary responsible shall be the Cabinet Secretary for matters relating to trade	Adopt
2 Definitions.	National Assembly	Clause 2 of the Bill be amended by deleting the definition of the term “County Executive Committee Member”.	The term is not used within the body of the bill hence may be deleted.	Adopt
2 Definitions.	National Assembly	Clause 2 be amended by deleting the definition of “licensing authority” and substituting therefor the following new definition— “licensing authority” means a County Licensing Board established by a county	To enhance clarity on the definition of the term “licensing authority”, that is to mean the County Licensing Boards to be established by county	Adopt

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
		government under section 7”,	governments. It is intended that once the Boards are established, they will have full authority to undertaking licensing at the county level.	
4 General duty on licensing authority.	National Assembly	<p>Clause 4 of the Bill be amended by inserting the following new subclause immediately after subclause (1) —</p> <p>“(2) A licensing authority shall, in considering an application for a licence to carry out business which is ordinarily regulated by a professional body, undertake due diligence to ascertain whether the applicant is duly qualified and licensed to undertake such business.”</p>	<p>To provide a requirement for county governments to undertake due diligence while considering business permits applications to professionals (such as pharmacists operating pharmacies).</p> <p>This is intended to ensure that licenses are not issued to impostors or persons who are not licensed.</p>	Adopt

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
5 Principles of interpretation and application.	National Assembly	THAT, clause 5 of the Bill be amended by inserting the words “including making specific provisions to ease the application process for persons with disabilities” immediately after the word “licence” appearing in paragraph (a).	The proposed amendment to this clause is intended to ensure an eased and simple licence application process for persons with disability.	Adopt
6 (a) Obligations of County Governments.	National Assembly	Clause 6 of the Bill be amended in paragraph (a) by inserting the word “distributors” immediately after the word “suppliers”.	Taking into consideration the views of the public, the amendment was proposed to include that the County Governments shall also protect the rights of distributors. The Clause had only provided for protection of rights of consumers, producers, suppliers and service providers.	Adopt

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
6 (c) Obligations of County Governments.	National Assembly	by deleting paragraph “(c)” and substituting therefor the following new paragraph — “(c) consult the relevant government entity responsible for standards in order to ensure that quality of goods produced and services delivered are of high standard”.	The Committee proposed the amendment to introduce the aspect of consultation by the county governments. This will ensure there is no duplicity of roles or encroachment on the mandate of the standards board (KEBS) to deal with matters relating to oversight of standards of goods and services offered.	Adopt
6 Obligations of County Governments.	National Assembly	Clause 6 be amended by inserting the following new paragraph immediately after paragraph (f)— “(g) ensure that it does not prejudice national economic policies, economic activities across county boundaries or the national mobility of goods, services, capital or labour in line with	The proposed amendment will enhance the proposal regarding the obligation of county governments while establishing and administering a licensing regime to ensure that the	Adopt

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
		Article 209 (5) of the Constitution.”	county government adheres to Article 209(5) of the Constitution.	
7 Application for granting, amendment, renewal restoration and replacement of licence.	National Assembly	<p>THAT, clause 7 of the Bill be amended—</p> <p>(a) by inserting following new sub clauses immediately after sub clause 1—</p> <p>“(1A) Each county government shall establish a board to be known as the County Licensing Board to perform the function of granting, amending, renewing, restoring and replacing of licences under subsection (1).</p> <p>(1B) A County Licensing Board established under this section shall comprise—</p> <p>(a) the Chief Officer for the time being responsible for matters relating to revenue in the county government, who shall be the Chairperson;</p> <p>(b) the Chief Officer for the time being responsible for matters relating to trade in</p>	<p>The amendment seeks to empower county governments to establish licensing boards for purposes of undertaking functions of grant, renewal, transfer, or replacement of a licence. The composition of the County Licensing Board is as proposed in the Bill. Additionally, the Committee proposed to empower the Cabinet Secretary to make regulations to give effect to these proposals.</p>	Adopt

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
		<p>the county government;</p> <p>(c) the Deputy County Commissioner in charge of the specific subcounty where the licence is to be issued;</p> <p>(d) a representative of persons with disabilities who shall be nominated by the National Council for Persons with Disabilities from among persons with disabilities trading within the county; and</p> <p>(e) a subcounty administrator responsible for the specific county where the licence is to be issued.</p> <p>(1C) The Cabinet Secretary shall make regulations to give effect to the provisions of this section including—</p> <p>(a) the conduct and regulation of the business and affairs of the County Licensing Board;</p> <p>(b) the appointment of persons under subsection 1B (c) and (e) on a rotational and need basis depending on the subcounty where a licence is to be issued;</p> <p>(c) the appointment of the persons appointed</p>		

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
		<p>under subsection 1B (d);</p> <p>(d) remuneration of Board Members;</p> <p>(e) staff of the Board.</p>		
<p>7 (2)</p> <p>Application for granting, amendment, renewal restoration and replacement of licence.</p>	<p>National Assembly</p>	<p>Amend Clause 7 (2) by inserting following new sub clause immediately after subclause 2—</p> <p>“(2A) The mechanisms referred to under subsection 2 and the platforms to facilitate electronic application of a licence shall be designed while taking into account the needs of persons with disabilities.”</p>	<p>The amendment seeks to ensure that the electronic application process is designed to be user friendly for persons with disabilities.</p>	<p>Adopt</p>
<p>9(2)</p> <p>Notice for further information</p>	<p>National Assembly</p>	<p>Clause 9 of the Bill be amended —</p> <p>(a) by deleting sub clause (2) and substituting therefor the following new subclause—</p> <p>“(2)A notice under subsection (1) shall be made within three days of receipt of the application and shall specify the person to whom such information shall be submitted.”</p> <p>“(2A) An applicant shall be granted a period of seven days to furnish the information requested in the notice specified under subsection (1)”.</p>	<p>The amendment seeks to prescribe a timeline where an applicant is notified to provide any additional information requested by the licensing authority.</p>	<p>Adopt</p>

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
9 Application for granting, amendment, renewal restoration and replacement of licence.	National Assembly	<p>Clause 9 of the Bill be amended by inserting the following new sub clause immediately after subclause (2)—</p> <p>“(2A) An applicant shall be granted a period of seven days to furnish the information requested in the notice specified under subsection (1).</p>	<p>The amendment seeks to afford the applicant adequate time to provide any information required by a licensing authority under this section</p>	Adopt
10 (1)	National Assembly	<p>Clause 10 of the Bill be amended in sub clause (1) by inserting the words “and timely” immediately after the words “provide sufficient” appearing in paragraph(c).</p>	<p>The amendment seeks to ensure that the public receives sufficient and timely information on variation of licence fees for purposes of decision making.</p>	
Clause 11	National Assembly	<p>Clause 11 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause—</p> <p>“(1) A licensing authority shall, where the respective legislation requires an application to be advertised, publish a notice of the application in at least three of the following platforms—</p> <p style="padding-left: 40px;">(a) one daily newspaper of wide</p>	<p>The amendment seeks to provide that the licensing authority shall for purposes of public participation, place advertisements of an application in at least three of the specified platforms</p>	Adopt

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
		<p>circulation within the county;</p> <p>(b) in one local radio station;</p> <p>(c) a designated public notice board at the county, ward and village levels;</p> <p>(d) official website or social media platform.</p>		
<p>14</p> <p>Determination of application.</p>	<p>National Assembly</p>	<p>Clause 14 of the Bill be amended in paragraph (a) by deleting the word “unconditionally”</p>	<p>The amendment seeks to provide that a licensing authority may reject an application with reasons and ensures that a licensing authority does not issue a licence unconditionally.</p>	<p>Adopt</p>
<p>15</p> <p>Notice of decision on application.</p>	<p>National Assembly</p>	<p>Clause 15 of the Bill be amended by inserting the words “in writing” immediately after the words “inform the applicant” appearing in sub clause (1).</p>	<p>The amendment seeks to provide for mode of communication of a decision by the licensing authority on the</p>	<p>Adopt</p>

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
			application of a licence to be in writing. This will ensure that there is clear communication on the decision.	
17 (2) Duration of the License.	National Assembly	THAT clause 17 of the Bill be amended in sub clause 2 by deleting the words “and for the period it renews “appearing immediately after the words “date of licence it renews”	The amendments seek to make provision concerning the duration and validity of a licence. This is to cater for the needs of short term and long-term businesses by ensuring that licenses lapse on the anniversary of their issuance.	Adopt
17 Duration of License.	National Assembly	Clause 17 be amended by inserting a new sub clause (2A) as follows— “(2A) A licence shall be valid for the period specified in the licence:	The amendments seek to make provision concerning the duration and validity of a licence. This is to cater for the	Adopt

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
		Provided that a licence issued to a business intending to operate for one year or more shall be valid for one year from the date of issue”	needs of short term and long term businesses by ensuring that licenses lapse on the anniversary of their issuance.	
20 (1) Relocation or eviction of street vendors.	National Assembly	Clause 20 be amended in sub clause (1) by inserting the following new paragraphs immediately after paragraph (c) — “(d) obtains a licence fraudulently; (e) operates a different business from that which it is licenced to operate”.	The amendment seeks to give additional grounds for the cancellation of a licence and obligates the county governments to establish review committees with the mandate of reviewing cancelled licenses. This is to protect traders from abuse of powers by the licensing authorities.	Adopt
20 Relocation or eviction of street vendors.	National Assembly	Clause 20 be amended by inserting the following new-sub clauses immediately after sub clause (1)— “(2) A licensing authority shall issue a fourteen (14) days’ notice to a licensee before cancelling a licence under subsection (1)(a),	The amendments also seek to entrench fair administrative action procedures in accordance with Article 47 of the	Adopt

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
		<p>(b), (d) and (e).</p> <p>(3) Each county government shall establish a committee to undertake the review of a decision to cancel a licence.</p> <p>“(4) The committee established under subsection (2) shall comprise—</p> <ul style="list-style-type: none"> (a) the County Executive Committee Member for the time being responsible for matters finance; (b) the County Executive Committee Member for the time being responsible for trade; (c) two representatives from the respective County Chamber of Commerce; (d) the County Commissioner; and (e) the County Attorney. 	<p>Constitution. In this regard, the amendment, provides that the licensing authority shall issue a 14 days’ notice to a licensee before cancelling a license under the section.</p>	
24	National Assembly	<p>Clause 24 of the Bill be amended in subclause (2) by inserting the following words immediately after the words “respective county” –</p> <p>“taking into consideration the following factors-</p>	<p>The amendment seeks to empower the licensing authority to impose an annual licensing fee for administering and</p>	Adopt

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
		<ul style="list-style-type: none"> a) nature and scope of the licensed activity; b) economic considerations; c) administrative and regulatory costs; d) public interest, and resource utilization; e) interests of vulnerable groups, women, youth and persons with disabilities. 	<p>monitoring a license to avoid creating unjustifiable financial burden to traders.</p>	
24(2)	National Assembly	<p>Clause 24 be amended by inserting the following new subclause 2 immediately after subclause (2) —</p> <p>(2A) Pursuant to Article 209(5) of the Constitution, the Council of Governors shall, within six months from the date of commencement of this Act, establish strategies and guidelines for —</p> <ul style="list-style-type: none"> (a) harmonisation of licensing regulations, procedures, requirements and fee structures to ensure freedom of transit of goods and provision of services across various counties; 	<p>This is aimed at easing cost of doing business by avoiding multiplicity of issuance of licences as well as imposition of multiple fees for goods in transit across various counties hence promoting economic activities across county boundaries pursuant to Article 209(5).</p> <p>The provision empowers the Council of Governors</p>	Adopt

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
		<p>(b) the progressive development of systems, including inter-county integrated digital platforms, to facilitate exchange of information, coordination and implement harmonised licensing to facilitate transit of goods and provision of services across various counties.</p>	<p>to establish guidelines and strategies for the harmonisation of licensing regulations, procedures, requirements and fee structures in order to ensure freedom of transit of goods and provision of services across various counties. For instance, charges for goods in transit may be applicable at the county of origin and county of destination.</p>	
24 (4)	National Assembly	Clause 24 be amended in subclause 4 by deleting paragraph (b).	The amendment seeks to delete paragraph (b) in subclause (4) to remove the financial burden to traders. This provision had proposed to empower the licensing authority to	Adopt

CLAUSE	STAKEHOLDER	PROPOSAL	REASONS	RESOLUTION
			impose an annual licensing fee for monitoring a license.	
29 (1) County Regulations	National Assembly	<p>Clause 29 (1) of the Bill be amended—</p> <p>(a) by deleting the word “may” and substituting therefor the word “shall” appearing in sub clause (1);</p> <p>(b) by deleting the word “may” and substituting therefor the word “shall” appearing in sub clause (2);</p>	The amendment seeks to make it mandatory for the County Assemblies to enact county legislation to give effect to the provisions of the Act.	Adopt

**We note that since the licensing authority as set out in the vellum will be amended and be replaced by the county licensing boards; it will be imperative for the entire bill to be reviewed and the necessary replacement be made anywhere the term “licensing authority” appears*

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