

**THE KIAMBU COUNTY ALCOHOLIC DRINKS CONTROL ACT
(No.2 of 2018)**

IN EXERCISE of the powers conferred by section (65) of the Kiambu county alcoholic drinks control Act, 2018 the County Executive Committee Member responsible for alcoholic drinks control makes the following Regulations-

**THE KIAMBU COUNTY ALCOHOLIC DRINKS CONTROL
(CONDUCT OF COMMITTEE MEETINGS) REGULATIONS 2018**

Short title	No.	Long title
Citation and commencement	1.	These regulations may be cited as the Alcoholic Drinks Control (Conduct of Committee meetings) Regulations, 2018 and shall come into operation on the date of publication in the Gazette.
Interpretation	2.	In these Regulations unless the context otherwise requires-
		“Act” means the Kiambu County Alcoholic Drinks Control Act, 2018;
		“County” means the Kiambu County;
		“license” means a license issued under these regulations;
		“licensee” has the meaning assigned to it under section 2 of the Act;
		“Sub-County Committee” has the meaning assigned to it under section 2 of the Act;

Application	3.	These Regulations shall apply to the conduct of business of all committees established under the Act.
Chairing of meetings and quorum	4.	<p>(1) A meeting of a Committee established under the Act shall be convened by the Chairperson through the Secretary.</p> <p>(2) The Chairperson and a half of the members of a Committee shall constitute a quorum.</p>
Absence of the Chairperson and the Vice-Chairperson	5.	<p>(1) In the absence of a Chairperson, the Vice-chairperson shall chair the meetings.</p> <p>(2) In the absence of both the Chairperson and the Vice-Chairperson at any meeting, a person designated by the chairperson shall chair the meeting, and in the absence of such designated member, the members present shall elect one of them to chair the meeting.</p>
Election of Vice Chairpersons	6.	A Committee established under the Act other than the Sub-County Committee shall conduct election for its Vice-Chair during its first meeting.
Duties of the committee chairperson	7.	<p>1) Subject to the provisions of these regulations, a Chairperson of a committee established under the Act shall-</p> <p>a) preside at meetings of the committee;</p> <p>b) perform other functions and powers assigned to him or her by the members of the committee; and</p> <p>c) be the official spokesperson of the committee</p>

		<p>2) The duties of a Chairperson shall be applicable to the vice chairperson of a committee in the absence of the chairperson.</p>
<p>Vote of no confidence in the vice chairperson.</p>	8.	<p>1) Members claiming to make a resolution of no confidence in the Vice-Chairperson shall, if they constitute a majority-</p> <p>(a) serve the Vice-Chairperson with a written notice of the intended vote of no confidence, signed by such majority and disclosing the particulars of the intended vote of no confidence; and</p> <p>(b) deliver to the Chairperson a notice, signed by such majority, calling for a meeting of the Committee to consider the particulars upon which their claim is based.</p> <p>2) The Chairperson shall, within seven days following receipt of the notice under paragraph (1) (b), call for a meeting of the Committee to hear the views of the Committee and accord the Vice-Chairperson an opportunity to be heard.</p> <p>3) Upon the hearing of the particulars of the claim, the Committee may, by a resolution supported by a majority of its Members resolve, by way of a motion, that it has no confidence in the Vice-Chairperson.</p> <p>4) The Committee shall within three days following the resolution of the Committee, conduct the election of the Vice-Chairperson.</p>

Notice of meetings	9.	<p>1) A notice of a meeting of a committee shall be given by the Secretary to all Members of the Committee showing the date time, venue and agenda of the meeting.</p> <p>2) A notice under paragraph (1) shall be deemed to have been given upon circulation to the members, if sent through telephone or email address of a Member, the County website, by delivery of the notice in the office of a Member.</p>
Sub-committees of committees	10.	A committee may establish such sub-committees as it may consider necessary for the proper discharge of its functions.
Frequency of meetings	11.	Every committee shall meet at least once every quarter.
Member adversely mentioned not to sit	12.	A Member who is adversely mentioned in a matter under deliberation by a Committee shall not be present at any meeting at which the Committee is deliberating on the matter, but the Member may appear to adduce evidence as a witness before the Committee.
Failure to attend meetings	13.	<p>1) If a Member fails to attend four consecutive sittings of a Committee without the written permission of the Chairperson of the Committee, the Chairperson shall notify the Committee of the failure.</p> <p>2) The Committee having noted the notification under paragraph (1) may resolve that the Member be suspended from the membership of the Committee</p>

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		and that the matter be reported to the appointing authority for appropriate action.
List of attendance	14.	The names of Members present at each sitting of a committee shall be entered in the minutes of that sitting.
Procedure in committees	15.	<p>1) Any question arising in a Committee shall be decided by vote and the resolution on any such vote shall constitute the decision of the Committee on that question.</p> <p>2) Where a vote on a question is not unanimous, the names of the members voting for and against the question and those abstaining from voting, respectively, shall be recorded in the minutes.</p> <p>3) The minutes of a Committee shall be kept in the form as may be prescribed in the county record management procedure.</p>
Original and casting vote	16.	<p>1) The Chairperson of a Committee shall have an original vote but not a casting vote.</p> <p>2) Paragraph (1) shall not apply to the Chairperson of the Sub-County Committee, who shall have a casting vote.</p>
Reports of committees	17.	1) The report of a Committee shall be prepared and kept in the form as may be prescribed in the County record management procedures.

		<p>2) The report of a Committee having been adopted by a majority of the members, shall be signed by the Chairperson on behalf of the Committee.</p> <p>3) If the Chairperson is absent or is not readily available, the Vice-Chairperson shall sign the report under paragraph (1), and in the absence of both the Chairperson and the Vice-Chairperson, the Committee shall nominate another member to sign the report.</p> <p>4) For the purpose of paragraph (3), in the case of the Sub-County Committee, the Sub-County Administrator shall sign the report in the absence of the Chairperson.</p> <p>5) A Committee shall adopt its report in a meeting attended by a majority of its Members.</p> <p>6) A report having been adopted by a majority of members, a minority or dissenting report may be appended to the report by any Member(s) of the Committee.</p>
Conflict of interest	18.	<p>1) A Committee Member whose personal interests conflict with his/her official duties shall-</p> <p>(a) declare the personal interests to the committee and comply with any directions to avoid the conflict; and</p> <p>(b) refrain from participating in any deliberations with respect to the matter.</p>

		<p>2) In this section, “personal interest” includes the interest of a spouse, relative or business associate.</p> <p>3) The Committee shall maintain a register of all disclosures made under this section.</p>
Licence terms and conditions	19.	<p>1) The Sub-County Committee may specify the terms and conditions of a license consistent with the provisions of the Act, regulations and any other relevant circumstances.</p> <p>2) A licensee shall comply with all terms and conditions stipulated under the licence.</p> <p>3) Without prejudice to generality to sub regulation(1), the Committee may reject an application if the applicant-</p> <ul style="list-style-type: none"> (a) has failed to satisfy the Sub-County Committee if called upon to do so in any matter in relations to the expectations in the Act; (b) in case of retail license, is not resident in Kenya; (c) is under the age of 18 years; or (d) is an undischarged bankrupt.
Notification for change	20.	<p>A licensee shall-</p> <ul style="list-style-type: none"> (a) notify the Sub-County Committee of its intention to change the trade or brand name or contact address it filled with the Sub-County Committee at least thirty days before effecting such change; and

		(b) Notify the Sub-County Committee of any trade or brand name it intends to use at least thirty days prior to using the trade name or brand name.
Transfer or assignment of a licence	21.	<p>1) A licensee shall not transfer or assign a licence granted under the Act without the written consent of the Sub-County Committee.</p> <p>2) The Sub-County Committee may, when considering an application for the transfer or assignment, consider the same requirements and terms as if considering an application for the grant of a new licence.</p> <p>3) The Sub-County Committee shall communicate its decision on an application for the transfer or assignment of a licence to an applicant within thirty days of receipt of the application and state the reasons for the decision.</p>
Renewal of licence	22.	<p>1. A licensee shall make an application for the renewal of its licence in accordance with the procedure set out in the Act and the regulations.</p> <p>2. When considering an application for renewal of a licence, the Sub-County Committee shall consider the extent of compliance, by the licensee, with the terms and conditions contained in the licence in the previous licence period.</p>

Stakeholders forum	23.	<p>1) The Executive Member shall at least once in every year convene a stakeholders' forum.</p> <p>2) The stakeholders forum convened under paragraph (1) shall-</p> <ul style="list-style-type: none"> (a) review the impact of the alcoholic drinks regulation legal framework in force in relation to production, sale and consumption of alcoholic drinks within the County; (b) propose changes taking into account the extent to which the legal framework has realized its objectives; (c) serve as stakeholder feed-back forum. <p>3) In this section "stakeholders" includes but not limited to the local community, manufacturers, distributors and vendors of alcoholic drinks, government agencies involved in regulation and control of production, sale and consumption of alcoholic drinks.</p>
Code of Conduct and ethics	24.	Members of a committee established under the Act shall abide by the code of conduct and ethics for the time being applicable to County Public Officers.

Dated the 2nd August, 2018.

**DR. MARGARET RUIGE,
EXECUTIVE COMMITTEE
MEMBER,
ADMINISTRATION AND PUBLIC
SERVICE.**