



County Institution capacity for planning

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Introduction

- The Constitution of Kenya 2010 embedded devolution
- Article 6(1) of the constitution provides that the territory of Kenya is divided into counties.
- Article 6(2) establishes that the National and County governments are distinct and operate on the basis of **consultation** and **cooperation**

Counties of Kenya

- 1. Mombasa
- 2. Kwale
- 3. Kilifi
- 4. Tana River
- 5. Lamu
- 6. Taita/Taveta
- 7. Garissa
- 8. Wajir
- 9. Mandera
- 10. Marsabit
- 11. Isiolo
- 12. Meru
- 13. Tharaka-Nithi
- 14. Embu
- 15. Kitui
- 16. Machakos
- 17. Makueni
- 18. Nyandarua
- 19. Nyeri
- 20. Kirinyaga
- 21. Murang'a
- 22. Kiambu
- 23. Turkana
- 24. West Pokot
- 25. Samburu
- 26. Trans Nzoia
- 27. Uasin Gishu
- 28. Elgeyo/Marakwet
- 29. Nandi
- 30. Baringo
- 31. Laikipia
- 32. Nakuru
- 33. Narok
- 34. Kajiado
- 35. Kericho
- 36. Bomet
- 37. Kakamega
- 38. Vihiga
- 39. Bungoma
- 40. Busia
- 41. Siaya
- 42. Kisumu
- 43. Homa Bay
- 44. Migori
- 45. Kisii
- 46. Nyamira
- 47. Nairobi City



County governments

- County Governments consists of County Assembly and the County Executive Article 176 of CoK
- They are based on **democratic principles** and **separation of powers**
- Executive authority of the county is vested in and exercised by the county executive committee
- Governor as the CEO of the County article 179(4)

County planning

- Fourth schedule part 2 assigns county governments the responsibility for
- County planning and development, including—
 - (a) statistics;
 - (b) land survey and mapping;
 - (c) boundaries and fencing;
 - (d) housing; and
 - (e) electricity and gas reticulation and energy regulation

contd

- The **State** may regulate the use of any land, or any interest in or right over any land, in the interest of defence, public safety, public order, public morality, public health, or land use planning Article 66

Obligation to plan by the counties

- Sec 104(1) of the CGA provides that *A county government shall plan for the county and no public funds shall be appropriated outside a planning framework **developed by the county executive committee and approved by the county assembly***

Institutional framework for planning in the counties

- County Government shall be responsible for any function assigned to it under the constitution or by an act of parliament.

Section 5 CGA

- As an entity exercising Constitutional Authority, a county government shall be a body corporate with perpetual succession and shall have powers necessary for discharge of functions.

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- *County executive committee*
 - Executive authority of the county is vested in and exercised by the county executive committee article 179(4)
 - manage and coordinate the functions of the county administration and its departments; Article 183(1)
 - *County assembly*
 - Approve county development planning Article 185(4) sec 8(e) CGA
 - Approve budgets
 - Legislative responsibility

Responsibilities of the CEC relating to planning in urban areas and cities

- Monitor the process of planning, formulation and adoption of the integrated development plans for a city or municipality within a county. Section 37 of the CGA.
- Assist a city or municipality with planning, formulation and adoption of integrated development planning
- Facilitate coordination and alignment of integrated development plans of cities or municipalities with plans of other sectors and of neighboring counties
- Resolving disputes arising from planning

Contd.

- Preparing the county spatial plan section 110(3)
- designate county departments, cities and urban areas, sub-counties and Wards as planning authorities of the county. Sec 104(3) CGA

Planning roles of decentralized units

- Functions and services of a county are further decentralized to:
 - Urban areas and cities established under UACA
 - Sub-counties equivalent to constituencies
 - Wards within the county
 - Village units in each county section 48 CGA

subcounty

- Sub county administrator is responsible for coordination, management and supervision of the general administrative functions in the subcounty including **development of policies and plans**
- Facilitation and coordination of citizen participation in the **development of policies, plans and delivery of services**

ward

- Responsibilities of the ward administrator include: development of policies and plans,
- Service delivery
- Coordinate and facilitate citizen participation in the development of policies and plans and delivery of services.

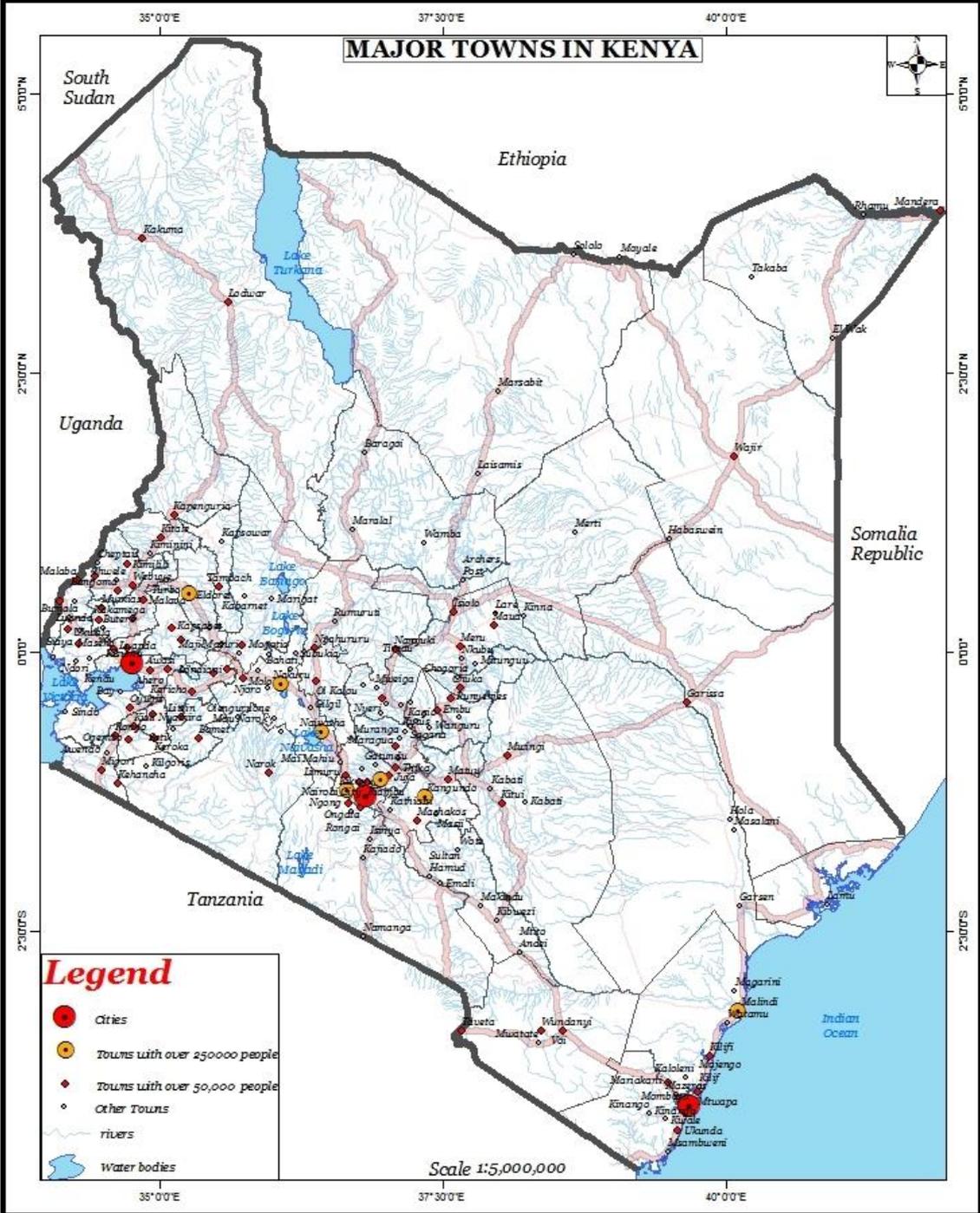
Village council

- Monitoring implementation of Policies at the village unit

Types of plans

- Sect 107 of CGA provides for the following plans
- CIDP
- County sectoral plan
- County spatial plan
- Cities and urban areas plans as provided under the Urban areas and cities act.
- These plans shall be the basis for all budgeting and spending in a county.

MAJOR TOWNS IN KENYA



- Legend**
- Cities
 - Towns with over 250,000 people
 - ◆ Towns with over 50,000 people
 - Other Towns
 - rivers
 - Water bodies

Scale 1:5,000,000

Ideal capacity for planners in the counties

- For every county, there should be a planning unit with director, other planners and staff
- Every sub-county to be headed by a deputy director and other planners and staff
- Every city to have How many planners??
- Every municipality to be headed by a director and other planners and staff
- Ward to have at least two planners
- At least two planners in the county assembly in the office of the clerk

The current situation

- Findings of monitoring in about 40 counties, reveals the following:

I. Upsurge in Urban Growth

- As a result of devolution, there is an apparent upsurge in urban growth which is manifested in the construction of public facilities, infrastructural developments and private developments.
- However, most of these urban areas do not have up to date plans to guide these worthy investments brought by increased resources available to the counties. This has resulted in increased urban sprawl, informal settlements and land use conflicts



2. Governance of Urban Areas.

- None of the counties visited had set up urban management boards as required under sections 12 and 13 of the Urban Areas and Cities Act. This means that urban areas are being managed in the same manner as rural areas despite their complex nature and with little or no regard to the amount of GDP generated by these urban areas.

Current situation

- **Human Resource Capacity**
- The counties have inadequate and sometimes a complete lack of planning professionals.
- some of the counties have recruited planners with inadequate requisite expertise and experience to coordinate land use planning, enforce land use development requirements, manage complex land use planning units or supervise land use planning assignments contracted to consultants.

Current situation

Human resource capacity

- Most of the counties have recruited persons who are not registered by professional bodies.
- Other counties are using the services of technicians who are ill equipped to guide the counties on urban planning.
- While in others there was a complete absence of planning or related professionals.
- This portends a serious challenge for counties who have expended huge money to contract consultants to plan their urban areas and counties because there is no supervision to ensure that the counties get value for money.

Financial Resources for Planning

- Land use planning has been given very low prioritization by the Counties.
- This can be attributable to low understanding of the value of planning by both the executive and legislative arms of the county governments.
- This is evidenced by the level of funds voted for land use planning.

Financial resources contd.

- Some counties had nil allocation, while others had 3 million, 10 million to cover planning in the whole county.
- This amount cannot adequately plan an average urban area to completion. Let alone a whole county
- This dearth of financial resources implies that counties and urban areas cannot be adequately planned.

Development Control

- The capacity and procedure for development control is lacking in many counties. Further, in the absence of valid land use plans, development control and enforcement are not guided in an objective manner.

Plan Implementation

- There is low level of plan implementation evidenced by the level of funds allocated for this. Counties that have been beneficiaries of national government support to plan have not implemented the plans, instead some counties have started fresh planning initiatives for the same towns instead of implementing what is already done

Coordination

- Counties noted the existence of multiple agencies dealing with land development in urban areas working independently, they include, National Ministry of Lands, NEMA and National Land Commission. The National Construction Authority (NCA) who have a responsibility to check quality and technical soundness of buildings was singled out for not adequately involving the County Governments in their processes and for doing little to build capacity to improve quality of the buildings or providing any remedial measures.

Recommendation

- **Capacity building**
- **Funding for county planning and Urban Land Use Planning:** there is need to establish a dedicated fund for managing county and urban land use planning as instruments to guide development.

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- **Collaboration and Partnerships:** the Constitution and statutes have defined roles of the various agencies in county/urban land use planning namely the Cabinet secretary, National Land Commission and the County Governments. There is need for a coordinating framework for these actors to synergize their efforts to support county land use planning and urban land use planning for optimum benefit to the country.



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- **County support:** counties need to be supported to take stock of past initiatives and to assemble all records related to urban land use planning.

