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TAITA TAVETA COUNTY BILLS, 2018

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THE TAITA COUNTY LAWS ENFORCEMENT AND INSPECTORATE SERVICE BILL, 2018

A Bill for

**AN ACT of the County Assembly of Taita Taveta to
provide for the establishment of Taita Taveta
County Laws Inspectorate Service and for matters
connected thereto.**

ENACTED by the County Assembly of Taita Taveta, as
follows —

PART I—PRELIMINARY

1. This Act may be cited as the Taita Taveta County
Laws Enforcement and Inspectorate Service Act, 2018 and
shall come into effect upon publication in the Gazette.

Short title and
Commencement

2. In this Act, unless the context otherwise requires —

Interpretation

“animal” includes domestic animals, wild animals and
poultry;

“Board” means the County Public Service Board of
Taita Taveta County;

“committee” means the disciplinary committee
established under Section 8;

“compliance enforcement” includes action taken to
establish compliance of any requirement by a county law
or, enforcing compliance of county laws and pursuing
punishment for committing an offence under a county law;

“county law” means any Act of the County Assembly
of Taita Taveta or a subsidiary county law;

“court” means a magistrate court designated to handle
criminal matters arising from county laws;

“Governor” means the Governor of the County
Government of Taita Taveta;

“county secretary” means the person appointed to
occupy the office established under section 44 of the
County Governments Act, 2012.

“member of county executive committee” means the
County Executive Committee Member for the time being
responsible for matters relating to enforcement of county
laws;

“officer” means an officer appointed under section 5;

“premise” means any building or structure where a regulated activity is undertaken or is about to be undertaken but does not include residential houses;

“regulated activity” means any activity, trade or business whose undertaking, a county law requires obtaining of a license, permit, approval or payment of service fee, by or to a relevant county organ;

“relevant county organ” means the organ or department responsible for licensing, issuing permits, collecting services, fees or approving an activity;

“service” means the Inspectorate service established under Section 4; and

“vessel” includes motor vehicles, motorbikes, bicycles and any other motorized or non-motorized means of transport.

3. The objects and purposes of this Act include the following among others—

Objects of the Act

- (a) to provide for an institutional framework for the enforcement of County laws;
- (b) to ensure compliance with count laws in the county and provide consequences for non-compliance; and
- (c) to regulate the actions of County Inspectorate officers.

PART II—ESTABLISHMENT, COMPOSITION AND FUNCTION OF THE COUNTY LAWS ENFORCEMENT INSPECTORATE SERVICE

4. (1) There is hereby established a unit known as the Taita Taveta County Laws Enforcement and Inspectorate Service;

Establishment and
composition of
Inspectorate Service

(2) The Service shall consist of every officer who immediately before the enactment of the Urban Areas and Cities Act of 2011 was an officer, agent or member of staff appointed, seconded or otherwise employed by the Local Authority;

(3) Further to section 2 above, the service shall consist of the ranks set out in the First schedule.

(4) The member of the County Executive Committee shall publish in the Gazette, the establishment and location of every Inspectorate Service Station in the county.

(5) In addition to the qualifications contained in section xxx of the County Governments Act, 2012, the Chief Officer in charge of Inspectorate is required to possess experience from the disciplined forces and to have worked in the county for at least 3 years prior to appointment.

5. The composition of the service shall, so as far is reasonably practicable, uphold the constitutional principal of regional balance and that not more than two thirds of the appointments shall be of the same gender.

Gender, ethnic and regional balance

6.(1) The Inspectorate shall have the following general functions, powers and duties—

Functions, powers and duties of the Inspectorate

- (a) protection and guarding of any property of the county;
- (b) inspection of compliance with the laws and regulations of the Taita Taveta County Government;
- (c) inspection for compliance with trade licenses and permits;
- (d) protection of public entertainment sites;
- (e) manning of barriers for cess and royalties;
- (f) inspection for compliance with service fee and land rates collection; and
- (g) General prevention of crime in the county.

(2) In addition to the matters listed in sub-section 1, the Service shall be responsible for compliance enforcement of any other matter that it may be required to do by any other written law or as directed by any department in the county government, upon being appropriately facilitated.

7.(1) Command of the Service shall be under the overall and independent command of the Director of Inspectorate or the senior most officers who were in-charge of the departments when the county Government was established.

Command of the service

(2) The Director of Inspectorate shall give directions, command and give orders to all Inspectorate officers and this shall be done in order of seniority.

(3) The Director of Inspectorate may by notice in the gazette designate certain officers as mobile inspectorate officer (patrol unit).

8. The Director of Inspectorate shall perform the following among other functions—

Roles of the Director
of Inspectorate

- (1) Implement decisions made by the Inspectorate;
- (2) Audit of Inspectorate operations;
- (3) Co-ordinate all Inspectorate operations;
- (4) Advise the County Government on Inspectorate matters and service;

(5) Determine the distribution and deployment of the Inspectorate officers; and

(6) Ensure the distribution and co-ordination between the Inspectorate and other security agencies

9. Subject to section 47 of the Uniformed Officer's Service Act of 2011, Inspectorate Officers shall be entitled to all the rights set out in the Constitution of Kenya, 2010.

Rights of
Inspectorate Officers

PART III—APPOINTMENT, DEPLOYMENT, RANKING AND DISCIPLINE OF OFFICERS

10. (1) The County Public Service Board shall, in consultation with the County Executive Committee Member, competitively recruit and appoint officers into the Service.

Appointment of
inspectorate officers

(2) The Board shall ensure that recruitment and appointment of officers into the Service reflects the regional and ethnic diversity of the people of Taita Taveta County.

11. An Inspectorate officer shall upon being enlisted make and sign before an officer authorized by law to administer oaths or before the Chief Officer in charge of Inspectorate, in English or Swahili, and in such manner as the Inspectorate officer may declare to be the most binding on his conscience, the oath or the affirmation set out in the Second schedule.

Oath of office

12. (1) The Board shall ensure that a certificate of appointment is issued to every person who is appointed as an Inspectorate Officer.

Certificate of
appointment

(2) A certificate of appointment shall be in a form prescribed by the regulations and be signed by a Gazetted Inspectorate officer authorized by the Director for that purpose.

(3) An Inspectorate officer shall produce the certificate of appointment issued under subsection (2) on being requested to do so by any person in relation to whom the officer is exercising or is about to exercise a power conferred by this Act.

(4) A failure to comply with subsection (3) shall invalidate any purported exercise of the power that the officer is seeking to exercise.

(5) A certificate issued to an Inspectorate officer under this section shall be evidence of the officer's appointment not only for the purposes of legal proceedings but for all other purposes of the law.

13. An officer may leave the service only by the modes prescribed under this Act or the regulations.

Leaving the service

14. (1) An Inspectorate Officer below the rank of Deputy Director shall retire from the service on attaining the mandatory retirement age of sixty years but may, with the approval of the County Public Service Board, be permitted to retire on attaining the age of fifty years.

Retirement from the
service

(2) Where the officer retires after serving for more than twenty years and before attaining fifty years, in terms of subsection (1), the benefits payable shall be calculated as if the officer had retired after twenty years of service.

(3) An officer below the rank of sergeant may voluntarily retire from the service upon completion of ten or twenty years of service.

(4) Subject to subsection (2) where the officer is interdicted from duty in accordance with the service standing orders or any other written law, the officer's appointment as such does not cease only because of such interdiction.

15. (1) The Board shall be responsible for deployment, promotion and demotion of the Inspectorate officers.

Deployment,
promotion and
ranking of officers

(2) The Board shall develop the various ranks of officers in the Service and shall publish the ranks in the Gazette.

(3) In deploying the inspectorate officers, the Board shall ensure that such officers are equitably distributed among the wards of the county according to their rank.

PART IV—POWERS AND DUTIES OF OFFICERS

16. (1) An Inspectorate officer shall obey all lawful orders in respect of the execution of the duties of office which he may from time to time receive from his superiors in the Inspectorate and may—

Duties and powers of
officers

- (a) at any reasonable time, enter upon any premises or place in which there is a reasonable ground to believe that a regulated activity is being undertaken, for the purpose compliance Inspectorate;
- (b) if satisfied that a regulated activity is taking place or is about to take place contrary to a lawful requirement, order immediate stoppage of the activity;
- (c) apply to a magistrate court for a warrant to enter, inspect and impound goods in any premises where he reasonably suspects that a regulated activity is about to or is being undertaken contrary to any county laws and where entry has been refused; and
- (d) apprehend any person who is in breach of any law or standards that is within the jurisdiction of the Inspectorate and for whose apprehension sufficient grounds exist.

17. (1) Where an officer has reasonable grounds to believe that an offence has been committed or is about to be committed under any county law, the officer may arrest—

Power to arrest with
or without a warrant

- (a) the person committing or who is about to commit the offence;
- (b) where the offence relates to a regulated activity:
 - (i) the proprietor of the business; or
 - (ii) an employee of the proprietor perpetrating the regulated activity; or
 - (iii) any other person whom the officer reasonably believes is involved in the execution of the activity.

(2) An officer may use reasonable force to execute arrest, where a person who is believed to have committed a crime or is about to commit a crime under any county law resists arrest.

(3) Subject to article 49 of the Constitution, an Inspectorate officer may without a warrant, arrest a person—

- (a) who is accused by another person of breaching any law within his enforcement jurisdiction, and which the Inspectorate officer has reasonable grounds to believe that such breach has been committed;
- (b) who obstructs an Inspectorate officer while in execution of duty; and
- (c) who commits a breach of the peace in the presence of the Inspectorate officer.

18. Where an officer arrests any person under section 17 above, he or she shall immediately forward the person arrested to the nearest police station or, produce such person in court within 24 hours.

Production in court
or police station

19. (1) An Inspectorate officer on duty may stop any person whom the officer witnesses doing any unlawful act or thing or finds him in possession of any unlawful thing, or suspects of doing any unlawful act or thing or being in possession of anything for which a permit, licence, or certificate or pass is required under any written law and has no such permit, licence or certificate.

Stoppage

(2) A person who fails to produce a licence, permit, certificate or pass within forty-eight hours when called

upon to do so, may be arrested without a warrant unless he gives his name and address and otherwise satisfies the officer that he will duly answer any summons or any other proceedings which may issue or be taken against him or her.

20. (1) Where an officer has reasonable grounds to believe that a person is trading in goods contrary to any county law, the officer may impound the goods and cause them to be stored at the Inspectorate Station until the person involved complies with the law or the case against him is determined by the court.

Power to impound
goods

(2) Any goods impounded that are subject to rapid decay shall be disposed of with the authority of the magistrate after a full inventory has been taken and any other records of the same including photographs submitted to court.

(3) Sub-section 1 shall not preclude the relevant county organ from dealing with the impounded goods in any other manner permitted by order of the court or by any other law.

21. Where an officer reasonably believes that a vessel is parked or controlled in any manner contrary to any county law or without payment of prescribed parking fee, the officer may impound the vessel by clamping or towing it to the nearest Inspectorate service Station.

Impounding of
vehicles

22. An Inspectorate officer may impound any animal that is kept contrary to any county law.

Impounding of
animals

23. An officer shall sufficiently identify himself or herself while exercising any of the powers under this part, including by production of a certificate of appointment when requested to do so.

Identification of an
officer

24. (1) It shall be unlawful for any person to erect, build, establish or keep any structure, building, shed, kiosk or any other structure whatsoever for whatever purpose on any area whether public or private land without approval of the County Government.

Unapproved
buildings and
structures

(2) Where it has come to the attention of the County Government that there is, or are such structures mentioned in subsection (1) above which have been put up, constructed or erected without County Government

Approval, the County Government shall give the owner or occupier of such structure Seven (7) days' notice to demolish the structure or obtain County Government approval.

(3) If the owner and or occupier does not demolish or obtain approvals within seven (7) days, the County Government may demolish such structures and surcharge the owner of the plot or person who has constructed it, the costs of the demolition.

25. (1) The surcharge mentioned in section 24(3) herein above may —

Costs of demolition

- (a) be added to rates payable by rent and; or
- (b) be recovered by the County Government as a civil dent.

(2) An invoice raised by the County Government shall be prima facie evidence of expenses incurred by County Government for the demolition.

26. Any notice required to be given, shall be deemed to have been served if —

Service of notice

- (a) it is placed on a conspicuous place on the structure or buildings;
- (b) it is served upon the owner; or
- (c) it is served upon the occupant of the building.

27. (1) An Inspectorate officer shall subject to subsection (2), perform the functions and exercise the powers conferred by the Constitution and this Act by use of non-violent means.

Authority to use arms

(2) Despite subsection (1) above, an Inspectorate officer may use firearms in accordance with the rules on the use of force and firearms contained in the second schedule.

28. (1) An Inspectorate Officer shall —

Custody of impounded vehicles, goods and animals

- (a) take charge of all unclaimed property handed to him or her by any person or found by him or her to be unclaimed; and
- (b) deliver that property without delay to the nearest county pound ground.
- (c) all impounded goods, vehicles or animals, being

impounded for having contravened any Act of the County Government shall be taken to the County pound Ground.

(2) Where any property has come into possession of the Inspectorate Officer, the officer shall furnish an inventory or description within forty-eight hours to a police station having jurisdiction in the area in which the property is found, or handed to the police station.

(3) After expiry of ninety days of goods having been impounded, the service shall seek court orders for disposal.

29. (1) Where the defense to any suit instituted against an Inspectorate officer is that the act complained of was done in obedience to a warrant purporting to be issued by a judge or Magistrate, the court shall, upon production of the warrant containing the signature of the judge or magistrate, accept such warrant as prima facie evidence of the due making thereof, and upon the proof that the act complained of was done in obedience to such warrant, enter judgement in favour of such Inspectorate Officer.

Non liability for acts done in obedience to warrant

30. (1) Subject to this act or any other law, an Inspectorate officer may apply before a subordinate court for summons, warrant or other legal process. The Inspectorate officers shall give bonds to offenders where necessary.

Power to apply for summons and issuing of bonds

31. (1) Where the Department of Finance has erected or placed barriers for the purpose of Revenue collection and inspection of receipts, the Inspectorate service shall;

Power to man barriers, mining areas, bus parks and other parking places within the county

- (a) deploy officers for receipts inspection;
- (b) arrest without warrant any person who fails to pay or produce payment receipts or permit;

(2) Inspectorate officers shall have the power to inspect all mining sites within the county.

(3) Inspectorate officers shall man all the bus parks and the other parking places within the county,

(4) Inspectorate officers in uniform may take all reasonable steps to prevent any vehicle from being driven past any barrier erected, and a driver who fails to comply with any reasonable signal given by an Inspectorate officer in uniform requiring the driver to stop the vehicle before

the barrier, commits an offence and is liable on conviction to imprisonment for a term not exceeding twelve months, or to a fine not exceeding fifty thousand shillings or both.

(5) Inspectorate officers shall have the power to follow, intercept and without a warrant, arrest any person, or impound any vehicle having evaded payment of cess at cess collection points.

32. (1) No matter or thing done by a member, employee or agent of the service shall, if the matter or thing is done in good faith for the performance and execution of the functions, powers or duties of the service, render the officer, employee or agent personally liable to any action, claim or demand whatsoever.

Protection from
personal liability

(2) Subsection (1) Shall not preclude a person from bringing legal proceedings against the County Executive Committee Member in respect of an act or omission of the kind referred to in that subsection if the person can satisfy the court that the Inspectorate officer or other person would, but for the subsection above have incurred liability for the act of omission.

PART V—OFFENCES

33. (1) A person other than an Inspectorate officer, who without the written authority of the Director of Inspectorate —

Impersonating an
officer

- (a) puts on or assumes, either in whole or in part, the uniform, name, designation or description of an Inspectorate officer, or a uniform, name or designation, resembling or intended to resemble the uniform, name or designation of an Inspectorate officer; or

- (b) in any way pretends to be an Inspectorate officer for any purpose which he would not by law be entitled to do of his own authority,

Commits an offence and shall be liable on conviction, to a fine not exceeding five hundred thousand shillings or to a term of imprisonment not exceeding three years, or to both.

(2) Notwithstanding subsection (1), a person may, with the approval of the Director of Inspectorate, use Inspectorate uniform for artistic purposes.

34. Any person who —

Obstruction of an
officer

- (a) assaults, resists or willfully obstructs an Inspectorate officer in the due execution of the Inspectorate officer's duties;
- (b) assaults, resists or willfully obstructs any person acting in aid of the Inspectorate officer; or
- (c) intentionally or recklessly, destroys an Inspectorate officer's property,

Commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year or to both.

35. (1) Any person who defaces or destroys any property being the property of the County Government commits an offence and shall be liable upon conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding one year or to both.

Destruction of
county property

(2) In addition to the penalties prescribed in sub-section 1 above, the person so convicted under this provision shall be liable to pay damages or costs of repair to the County Government for the property destroyed.

36. A person who commits an offence under this Act for which no penalty is prescribed, shall upon conviction of that offence be liable to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding one year or to both and double the above penalty for a repeat offender.

General penalty

PART VI—FINANCIAL PROVISIONS

37. (1) The funds of the service shall consist of—

Funds of the service

- (a) monies allocated by the County Executive and approved by the county assembly for the purposes of the service; and
- (b) such monies as may be lawfully granted, donated or lent to the service from any other source, with the approval of the county executive committee member responsible for finance.

- (2) All funds given to the service under subsection (1) (b) shall be made public.

38. The Financial year of the Service shall be—

Financial year

- (a) the period commencing on the date when the Act comes into force and ending on the thirtieth day of June next following; and
- (b) subsequently, the period of twelve months ending on the thirtieth June of each year.

39. (1) At least three months before the commencement of each financial year, the Director of Inspectorate shall cause to be prepared the estimates of the revenue and expenditure of the service for that year.

Annual estimates

(2) The annual estimates shall make provision for all the estimated expenditure of the service for the financial year concerned, and in particular shall provide for—

- (a) the payment of salaries, allowances and other charges in respect of the staff of the service;
- (b) the payment of pensions, gratuity and other benefits which are payable out of the funds of the service;
- (c) the maintenance of the assets of the service;
- (d) the funding of operation, training, research and development activities of the service; and
- (e) the creation of such funds to meet future or contingent liabilities in respect of benefits, insurance or replacement of building or installation, equipment and in respect of such other matters as the service may consider appropriate.

40. The annual estimates shall be approved by the service before the commencement of the financial year to which they relate and shall be submitted to the county executive committee member or county secretary for approval, and after the county executive committee member or county secretary has given approval, the service shall not increase any sum provided in the estimates without the consent of the county executive committee Member or county secretary.

Approval of annual estimates

(2) Regulations under this section may contain such incidental, subsidiary and ancillary provisions as the County Executive Member considers necessary or expedient for the purposes of the regulations.

(3) The regulations shall be approved by the County Assembly before taking effect.

41. No expenditure shall be incurred for purposes of the service except in accordance with funds voted or appropriated by the county assembly.

Expenditure

42. (1) The service shall cause to be kept proper books and records of account of expenditure, assets and liabilities of the service.

Accounts and audit

(2) Within a period of three months after the end of each financial year, the service shall submit to the county auditor the accounts of the service in respect of that year together with—

- (a) a Statement of expenditure of the service during that year; and
- (b) a statement of the assets and liabilities of the service on the last day of that financial year.

(3) The annual accounts of the service shall be prepared, audited and reported upon in accordance with the provisions of articles 226 and 229 of the Constitution of Kenya and the Public Audit Act, 2003 (Act NO. 12 of 2003)

43. Members of the service shall be paid such allowances as may be determined from time to time by the county executive committee member or county secretary upon the advice of the Salaries and Remuneration Commission, in accordance with rules published in the Gazette or awards arising from court litigation.

Payment of allowances

PART VII—GENERAL PROVISIONS

44. (1) There is established an internal disciplinary committee that shall be responsible for maintaining discipline in the Inspectorate Services.

Establishment of disciplinary committee

(2) The Committee shall comprise of—

- (a) the Chairperson shall be the Chief Officer in charge of the Inspectorate who must also be of discipline forces training background;

- (b) three persons from the Inspectorate Service chosen by the County Executive Committee member;
- (c) a representative from the County Legal Office or department; and
- (d) a representative from the County Public Service Board.

(3) At any disciplinary proceedings, an officer shall be represented by a Representative/advocate of their choice.

45. (1) The Disciplinary committee shall have power to— Powers of the
Disciplinary
Committee

- (a) receive and investigate a complaint regarding an inspectorate officer;
- (b) summon and interrogate witnesses;
- (c) call for or require the production of documents for examination; and
- (d) recommend the appropriate disciplinary action against an Inspectorate officer to the Public Service Board;

(2) The disciplinary actions the committee may recommend include—

- (a) interdiction of an officer;
- (b) suspension;
- (c) dismissal;
- (d) demotion;
- (e) deduction of salary;
- (f) transfer to another inspectorate Station within the county; or
- (g) warning.

46. (1) Any officer aggrieved by the decision of the Disciplinary Committee may appeal to the High Court. Appeals

(2) No further appeal may lie from the decision of the High Court in exercise of its appellate jurisdiction as relates to any provision of this Act.

(3) The right to appeal does not bar any person from applying for judicial review against the decision of the Disciplinary Committee.

47. The Governor and the member of the County Executive Committee or county secretary shall put in place arrangements with—

Arrangements with
other public offices

- (a) the Director of Public Prosecution for the purpose of facilitating prosecution of those who contravene county laws;
- (b) the Judicial Service Commission of Kenya for the purpose of allocation and designation of magistrates to adjudicate on criminal matters arising from county laws and on the transmission of fines paid by those convicted for county offences into the County Revenue Fund; and
- (c) the relevant public authorities dealing with matters of incarceration of criminal suspects and convicts.

48. (1) The Member of the county executive committee may, upon recommendation of the Chief Officer in charge of the Inspectorate, and upon approval of the county assembly, make regulations for the purpose of carrying out the provisions of this Act.

Regulations

FIRST SCHEDULE

THE STRUCTURE OF THE ENFORCEMENT AND INSPECTORATE SERVICE

The Structure of the Enforcement and Inspectorate Service shall be as follows in order of their ranks—

- (a) Chief Officer in charge of Inspectorate
- (b) Director of Inspectorate
- (c) Principle Inspectorate officer
- (d) County Inspectorate officer
- (e) Sub-county Inspectorate commander
- (f) Senior superintendent
- (g) Superintendent
- (h) Chief inspector
- (i) Inspector
- (j) Senior sergeant
- (k) Sergeant
- (l) Corporal
- (m) Constables

SECOND SCHEDULE

COUNTY OATHS AND AFFIRMATION

Oath Sworn

On Enlistment

I(full name) .do solemnly swear (or declare) that I will be faithful to Taita Taveta County and loyal to the Constitution and that while I am a member of the County Inspectorate Service, I will obey all lawful orders issued to me by my superior officers and that while I am a member of The County Inspectorate Service, I will not join or be a member of or subscribe to any secret society whatsoever.

SO HELP ME GOD.

Oath/Affirmation

Of Secrecy

I.....(full name)
DO HEREBY SWEAR BY THE ALMIGHTY GOD/SOLEMNLY AND
SINCERELY AFFIRM THAT I will not, without due authority, disclose
or make known to any person any information acquired by me by reason
of the duties performed by me on behalf of or under the direction of the
County Inspectorate service or by reason of any office or employment
held by me pursuant to the County Inspectorate Service Act.

SO HELP ME GOD.

THIRD SCHEDULE

CODE OF CONDUCT/GENERAL RULE

County Inspectorate

Code of Conduct

1. County Inspectorate officer is an official representative of the county government who is required and trusted to uphold the good name of the County Government at all times by acting with honour, integrity and in accordance with the law.

2. County Inspectorate officer shall perform all duties impartially, without favor or affection or ill will, and without regard to status, sex, religion, culture, language, political belief or aspiration.

3. All County citizens will be treated equally with courtesy, consideration and dignity.

4. Officers will not allow personal feelings, animosities or friendships to influence official conduct.

5. Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, officers will strive to obtain maximum cooperation from the public. They will conduct themselves in appearance and deportment in such a manner as to inspire confidence and respect for the position of public trust they hold.

6. All officers within the cadre of the Inspectorate service have discretionary powers vested upon them to make reasonable decisions while undertaking their day to day activities. Such officers will use responsibly, the discretion vested in the position and exercise it within the law.

7. The principle of reasonableness will guide the officer's determinations and the officer will consider the surrounding circumstances in determining whether any legal action shall be taken.

8. Consistent and wise use of discretion, based on professional policing and competence, will do much to preserve good relationships and retain the confidence of the public.

9. There can be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advice rather than arrest which may be correct in appropriate circumstances can be a more effective means of achieving a desired end.

10. County Inspectorate officer will not employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances. Force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective.

11. While the use of force is occasionally unavoidable, every County Inspectorate officer will refrain from applying the unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.

12. Whenever a County Inspectorate officer sees, hears or learns of anything, which is of a confidential nature, he will not disclose any information relating to his official or law Inspectorate matters to any person not entitled unless the performance of duty or legal provision requires otherwise, however, members of the public have a right to security and privacy, and information obtained about them must not be improperly divulged.

13. County Inspectorate officers will not engage in acts of corruption or bribery, nor will an officer condone such acts by other County Inspectorate officers. The public demands that the integrity of County Inspectorate officers be above reproach.

14. County Inspectorate officers must therefore, avoid any conduct that might compromise integrity and thus undercut the public confidence in a County Inspectorate agency.

15. Officers will refuse to accept any gifts, presents, subscriptions, and favors, promises that could be interpreted as seeking to cause the officer to refrain from performing official responsibilities honestly and within the law. County Inspectorate officers must not receive private or special advantage from their official status, respect from the public cannot be bought; it can only be earned and cultivated.

16. County Inspectorate officers will cooperate with all legally authorized Government and their representatives in the pursuit of justice. An officer or agency may be one among many organizations that may provide County Inspectorate services to a jurisdiction. It is imperative that County Inspectorate officer assist colleagues fully and completely with respect and consideration at all times.

17. County Inspectorate officers will be responsible for their own standard of professional performance and will take every reasonable opportunity to enhance and improve their level of knowledge and competence. Through study and experience, County Inspectorate officers can acquire the high level of knowledge and competence that is essential for the efficient and effective performance of duty, the acquisition of knowledge is a never-ending process of personal and professional development that should be pursued constantly.

18. County Inspectorate officers will behave in a manner that does not bring discredit to the Government or themselves.

19. County Inspectorate officer's character and conduct while off duty must always be exemplary, thus maintaining a position of respect in the community in which he or she lives and serves. The officer's personal behavior must be beyond reproach.

General Work Rules

The following is a list of behaviors that the County Inspectorate Service considers unacceptable. Any employee found engaging in these behaviors will be subject to disciplinary actions in accordance with laid down regulations. Such behaviors shall be reported by the Director of Inspectorate to departmental human resource committee—

- (a) failure to be at the work place, ready to work, at the regular starting time;
- (b) willfully damaging, destroying, or stealing at the work place belongings of fellow employees or the Taita Taveta County;
- (c) fighting or engaging in horseplay or disorderly conduct;
- (d) refusing or failing to carry out any instructions of a superior officer;
- (e) leaving your work station (except for reasonable personal needs) without permission from your superior officer;
- (f) coming to work under the influence of alcohol or any drug, or bringing alcoholic beverages or drugs to the County Inspectorate work place.

- (g) intentionally giving any false or misleading information to obtain leave of absence.
- (h) using threatening or abusive language toward a fellow employee or superior officer;
- (i) signing another employee's time card or falsifying any record;
- (j) smoking contrary to established policy or violating any other fire protection regulation;
- (k) willfully or habitually violating safety or health regulations;
- (l) failing to wear clothing conforming to standards set by the County Inspectorate administration;
- (m) being tardy or taking unexcused absences from work;
- (n) not taking proper care of, neglecting, or abusing the County Inspectorate equipment and tools;
- (o) using the County Inspectorate equipment in an unauthorized manner; and
- (p) possessing unauthorized firearms or weapons of any kind at the County Inspectorate work place.

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to provide for county laws Inspectorate Institutions and their powers. It seeks to establish a framework for enforcement of laws passed by the county government. This entails establishment of a county laws Enforcement and Inspectorate service and provide mechanisms of employment of qualified officers to those offices including their designation, ranking and disciplinary procedures.

It seeks for the establishment of an Inspectorate and gives it powers to check and ensure that laws and regulations passed are complied with. The inspectorate is also required in certain instances to enforce compliance and stop violation of county laws.

Dated the 27th March, 2018.

JONES F. MASKUJI,
*Chairperson Administration Security Devolution Public Participation
Community Services and Drug Control Committee.*

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