

LOCAL GOVERNANCE (CONSULTATIONS) REGULATIONS, 2020 (L.I. 2406)

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LOCAL GOVERNANCE (CONSULTATIONS) REGULATIONS, 2020 (L.I. 2406)

In exercise of the power conferred on the Minister responsible for Local Government and Rural Development and in consultation with the Public Services Commission by subsection (2) of section 232 of the Local Governance Act, 2016 (Act 936), these Regulations are made this 8th day of June, 2020.

General Provisions

Regulation 1—Application of Regulations

- (1) These Regulations apply to an agency under the Ministry and a District Assembly.
- (2) These Regulations do not apply to a Ministry, Department or Agency, unless otherwise specified.

Regulation 2—Purpose of Regulations

The purpose of these Regulations is to provide for

- (a) consultation between a District Assembly, public agencies and local communities; and
- (b) the modalities for institutional cooperation between the Service and other branches of the Public Service.

Consultations

Regulation 3—Matters for consultation

(1) A District Assembly shall not grant a permit for the location of any of the following facilities within the area of jurisdiction of the District Assembly unless the District Assembly has held a public consultation with the community within which the facility is to be located and other stakeholders in the manner specified in these Regulations:

- (a) garbage collection facility;
- (b) waste disposal facility;
- (c) public sanitation facility;
- (d) mortuary and burial facility;
- (e) fuel or gas station;
- (f) quarrying and mining operations; and
- (g) any other facility as determined by the District Assembly.

(2) A District Assembly shall not revise the rates that the District Assembly charges for a service within the area of jurisdiction of the District Assembly unless the District Assembly has held public consultations within the District with the stakeholders in the manner specified in these Regulations.

Regulation 4—Notice of consultation

A District Assembly shall give notice of a public consultation by

- (a) posting the notice
 - (i) on the website of the District Assembly, where applicable;
 - (ii) on the notice board of the District Assembly; and
 - (iii) at a conspicuous place in the community where the facility is proposed to be located, where applicable;
- (b) circulating the notice at the local information centres within the area of jurisdiction of the District Assembly;
- (c) public announcement by information vans;
- (d) radio and television announcements;
- (e) beating the gong gong, where applicable; and
- (f) any other known means of communication in the District.

Regulation 5—Time for notice of consultation

A District Assembly shall give the notice of the consultation specified in regulation 4 at least fourteen days before the consultation is held.

Regulation 6—Venue and time of consultation

- (1) The notice shall state the subject, venue, time and persons required to attend the consultation.
- (2) Without limiting subregulation (1), the following persons shall, where necessary, be required to attend the consultation:
 - (a) a representative of the District Spatial Planning Committee;
 - (b) a representative each from utility service providers operating within the District Assembly;
 - (c) a representative of the District Planning Co-ordinating Unit;
 - (d) a representative of the office responsible for waste management of the District Assembly;
 - (e) a representative of the traditional authority in the community;
 - (f) representatives of community-based organisations operating within the District Assembly;
 - (g) a representative of women organisations operating within the District Assembly;
 - (h) a representative of local youth associations and other vulnerable groups including persons with disabilities operating within the District;
 - (i) a representative of rate payers for purposes of revising and fixing rates; and
 - (j) other relevant departments, agencies and stakeholders operating within the District Assembly.

Regulation 7—Agenda for consultation

The agenda for the consultation shall, where necessary, include the following:

- (a) description of the project; including the purpose, location, scope of work, duration and budget for the project;
- (b) the impact of the project and mitigation measures;
- (c) stakeholder concerns and recommendations; and
- (d) the work schedule for the project.

Regulation 8—Proceedings of consultation

A District Assembly shall ensure that proceedings of each consultation are recorded and the record includes concerns and recommendations from stakeholders.

Regulation 9—Report of consultation

- (1) A District Assembly shall, after the consultation,
 - (a) prepare a report of the consultation, and
 - (b) submit the report to the General Assembly and copy the Minister.
- (2) The Minister shall include the report of the consultation in the annual report of the Minister to Parliament.

Regulation 10—Communication of decision of consultation

- (1) A District Assembly shall, within thirty days after the consultation, communicate the decisions of a consultation to an affected community after the report of the consultation has been submitted to the Minister.
- (2) The communication of the decisions to the affected community shall be made in the same manner as the notice of the consultation.

Matters of Cooperation

Regulation 11—Institutional cooperation

- (1) A District Assembly shall include inter-service and sectoral collaboration and cooperation
 - (a) as a key mechanism for harmonising effort, ensuring value for money and improved service delivery to the people; and
 - (b) between decentralised and non-decentralised departments of the District.
- (2) Inter-service and sectoral cooperation activities shall include a discussion and implementation of matters that fall within the scope of functions of the District Assembly.

Regulation 12—Responsibility of the Service

- (1) The Service shall, in consultation with the Public Services Commission, provide technical guidance for the effective functioning of the inter-service and sectoral collaboration and cooperation of the District Assembly.
- (2) The Local Government Service Council shall, within a period determined by the Minister, submit an annual report on inter-service and sectoral collaboration and cooperation to the Minister.

Miscellaneous

Regulation 13—Interpretation

In these Regulations, unless the context otherwise requires,

“District Assembly” includes a Metropolitan and Municipal Assembly;

“public sanitation facility” includes public toilets, urinals, slaughter houses, sewerage systems, medical waste sites and waste treatment plants; and

“Service” means the Local Government Service established under section 49 of the Act.

HON. HAJIA ALIMA MAHAMA (M.P.)

Minister responsible for Local Government and Rural Development

Date of Gazette Notification: 9th June, 2020.

Entry into force: 20th July, 2020