



REQUIREMENTS FOR CONVENING AND CONDUCTING VIRTUAL PUBLIC/ STAKEHOLDER PARTICIPATION MEETINGS BY WATER SERVICE PROVIDERS

A. Purpose

The Purpose of these requirements is to enable continuity of business for Water Services Providers who are unable to hold Physical Public Consultation meetings for either tariff review or Licensing due to restrictions imposed by the government from time to time.

B. Background

Section 139 of the Water Act 2016 provide for the procedure of Public consultation to include at least:

- a) Publication of the requisite notice in one national newspaper of daily circulation
- b) Publication of the intended action in one Kenyan radio station broadcasting in the locality.
- c) Sub-section 6 provide that *Regulations made under this Act may require, the designated person to hold a Public meeting in relation to the application or proposed decision.*

Arising from the tariff guidelines promulgated under the Water Act 2002, WASREB had always required Public meetings to be held as one of the platforms of Public/ Stakeholder consultation. Whereas sub-section 139(6) of the Water Act 2016 speaks to the requirement of Public meeting, the provision is not framed in mandatory terms. However, experience has demonstrated that a majority of feedback is often received during such meetings thus the persuasion to continue them in order to get adequate Public/ Stakeholders feedback.



C. Application of the Requirements

The requirements apply to any Water Service Provider which finds it impracticable to conduct Public consultation meetings on licensing and/or review of a regular tariff due to the measures set out by the Government from time to time. Such measures include the Public Health (Covid-19) Restriction of Movement of Persons and Related Measures) Rules ,2020 prohibiting Public Gatherings among other restrictions.

D. No Objection

The WSPs are allowed to hold Public/ Stakeholder consultation meetings virtually or Hybrid (part Physical, Part Virtual) subject to obtaining a no objection from the Water Services Regulatory Board (WASREB) with details on the following:

- i. Intended notice of the meeting as per the Public Consultation Guidelines
- ii. Information to be shared with the Public/ Stakeholders to be issued before the meeting to enable the Public/ Stakeholders to make informed decision
- iii. Sufficient opportunity for the Public/ Stakeholders to ask questions and seek clarification from the WSP during the virtual meeting.
- iv. How the Public/ Stakeholders will register for the meeting

When making an application for No Objection, the WSP must demonstrate how the above four conditions have been met and the requirements set out below.

E. Requirements for a Virtual/ Hybrid Public/ Stakeholders Meeting for Licensing or Tariff Review

1. The meeting has been properly convened as required by the Section 139 of the Water Act 2016. This includes:
 - a) Publication of the requisite notice in one national newspaper of daily circulation and the Kenya Gazette
 - b) Publication of the intended action in one Kenyan radio station broadcasting in the locality



2. Full disclosures have been made in the notice regarding:
 - a) The details and manner of the Public/ Stakeholders meeting i.e. Virtual only or Hybrid
 - b) How Public/ Stakeholders will register and participate
 - c) Full disclosure that applicable charges would apply on the tools/software/platforms to be used
3. The Notice contains instructions and steps on how Public/ Stakeholders can log in, register, access documents and proceedings and participate.
4. The Public/ Stakeholders:
 - a. Are provided with sufficient information for decision making
 - b. Have opportunity to ask questions and seek clarification before and during the meeting
5. The details of the system to be used during the Public/ Stakeholders meeting have been disclosed including:
 - a. Its functionalities and capabilities
 - b. Provision for prior identification and registration of Public/ Stakeholders
 - c. Ability to use a various means of access namely: a publicly hosted website, SMS or Live coverage either by means of social media platforms or other media platforms
 - d. Ability to allow the regulator (WASREB) to attend the meeting
6. The system is user friendly, simple and easy to interact with instructions for Public/ Stakeholders
7. The Virtual meeting upholds fair and equitable treatment of the Public/ Stakeholders.
8. There are communication channels to address shareholders concerns, inquiries and complaints (telephone, email, SMS Social Media.)



9. The WSP has undertaken a comprehensive risk assessment for the intended virtual Public/ Stakeholders meeting.
10. Upon receipt of a request for a No Objection from a WSP, WASREB shall make a determination within Fourteen (14) days from the date of receipt.
11. Upon receipt of the No Objection from WASREB, the WSP can proceed to issue the 30-day notice for call for comments from Public/ Stakeholders comments and 20-day notice for the Public/ Stakeholders meeting.
12. The WSP shall submit a Public consultation report for WASREB review. The report shall detail the process of the consultation, including all information shared with Public/ Stakeholders and all comments received before, during and after the Public/ Stakeholders meeting and the responses given by the WSP management.