Public Participation Mechanisms and Building Regulations Control Policies in Nairobi City County, Kenya

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ABSTRACT

This study analyzed the effect of public participation mechanisms on the enactment of building development control policies in Nairobi City County. The study was grounded on Cornwall's participation theory and stakeholder theory. Both primary and secondary sources of data was collected. This study employed a descriptive research design relying on both quantitative and qualitative data. The study target population comprised members of Neighborhood Associations registered under the Kenya Urban Residence Association (KURA), KURA officials, members of the County Assembly Planning Committee, sub-county administrators, departmental technical heads, representatives of the National Construction Authority (NCA), and specialists responsible for public participation in the legislative sector. The study employed stratified random sampling technique to select 49 informants. The instruments of data collection were semi-structured questionnaires and interview guides. A mixed-methods approach was adopted for data analysis. Data collected was analyzed quantitatively and qualitatively. This study found that submission of memoranda, town hall deliberations, and expert engagement significantly affected building regulations and development control policies in Nairobi City County. These mechanisms enhanced public participation, accountability, policy quality, and technical standards. This study recommends strengthening inclusive public participation by expanding access to both physical and digital platforms for submitting memoranda, Enhancing Town hall meetings as structured forums for integrating expert input into building regulations and development control policies and institutionalizing frameworks for expert engagement through well-coordinated involvement of professionals.

Keywords: Public Participation, Building Regulations, Submission of Memoranda, Town Hall Deliberations and Expert Engagement

Background to the Study

Citizen engagement improves transparency, accountability, and inclusiveness and enables those making decisions to come up with better policies and in essence enhance good governance. Interaction between the government and the citizens gives the people in authority an understanding of the community's needs, hence earning public trust and making well-thought-out decisions based on a variety of points of view. Citizen engagement in decision-making makes it possible for disadvantaged groups to partake in it and increases social coherence in a democratic setting (Fung, 2006; Irvin & Stansbury, 2004). Hence, public administration provides a means for people and organizations to participate in decision-making processes.

Public participation ensures democracy goes beyond the act of voting by giving the citizens a chance to obtain information about affairs impacting them, talk to decision-makers, and shape policies and projects. Public participation promotes dialogue among citizens and government representatives and ensures that citizens' concerns are taken into consideration when decisions are to be made (McGurk, 2003; Pol et al. 2006). This is particularly crucial for cases when the decisions of the Government impact the health, livelihoods, environment, and development of the communities (Ogunlana et al., 2001; Alberts, 2007).

Studies conducted in different countries show that public participation can be both effective and ineffective. Yang and Callahan (2014) conducted a survey of 428 local governments of Florida in which they found that

citizens participate in decisions and the provision of services but they do not contribute much to technical and operational decisions. Wang and Bryer (2012) came to a conclusion that the effectiveness of public participation depends on the quality and the implementation methods. Masiy, Mazenda and Derek (2019) observe that delivery of services can be improved if cooperation between municipalities and communities is encouraged as much as possible.

In Africa, public participation is acknowledged as a crucial tool for effective governance and service delivery. In South Africa, Thusi, Mayisela, and Matyana (2023) observe that although there are legal requirements for citizens to be involved in governance through local authorities, the implementation is hindered by institutional and operational challenges. As per Article 10 of the Constitution of Kenya, public participation is key to policy decision-making. The right to public participation is enshrined in Articles 10, 69(1)(d), and 118 among others (GOK, 2010). The Constitution also provides for devolution whereby essential governance powers are assigned to county governments (Eric, 2017; Musyoka, 2014).

Despite the above constitutional provisions, public participation in Kenya is still facing difficult hurdles such as inconsistent procedures, an ineffective legal and institutional framework, the small amount of public awareness, insufficient funding, etc. (Mugambi & Theuri, 2014; Oloo, 2016; GOK, 2016). Subsequently, Transparency International (2014) has reported of a weak public awareness level and attendance of participation meetings. In the same vein, Hao et al. (2022) documents that bureaucratic processes coupled with traditional approaches limit the level of civic engagement. The previous initiatives like the Constituency Development Fund are aimed at promoting participation through representation and including women, youth, disabled people, and various types of the community (KHRC & SPAN, 2010).

Existing studies have examined public participation in relation to constitutional governance, budgeting, and service delivery with limited attention been given to its application in specific sectors such as urban planning and building regulation. In particular, the role of public participation in the formulation of building regulations control policies in Nairobi City County remains underexplored. This gap is significant given evidence of weaknesses in building regulation enforcement and the associated risks to lives and the economy. This study analyzed the effect of public participation in the formulation of building regulations control policies by the Nairobi City County Government.

Statement of the Problem

In several citizens' participation in decision-making processes and their realizations has been formalized. In Kenya, the same has been institutionalized in the Constitution of Kenya (2010), which emphasizes public participation as a national value in Article 10. However, in practice, this idea is inhibited by a number of challenges that include; lack of civic education and engagement and insufficient access to information (Transparency International Kenya, 2014; Government of Kenya, 2016). Studies by Oloo (2016) and KHRC & SPAN (2010), for instance mainly address constitutional provisions, general governance challenges, and broad issues of civic awareness and participation quality.

Rukwaro (2025) observes that the country has experienced a troubling rise in structural failures and building collapse that have resulted to loss of life, injuries, displacement and significant economic losses which have exposed persistent weaknesses in the regulatory frameworks and enforcement mechanisms. Kililo (2015) examines the legal and institutional framework governing development control and building regulations, identifying failures in development control systems as a major contributor to recurrent building collapses in Kenya.

Limited attention has been given to how specific mechanisms of public participation function in practice, particularly in urban policy formulation. There is insufficient evidence on the effect of executive and legislative mechanism used to engage citizens in developing building regulations development control policy in Nairobi City County. This study analyzed the effect of public participation in the formulation of building control policies by the Nairobi City County Government. The study specifically focused on memorandum submissions, town hall discussions and expert consultations.

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Purpose of the Study

This study analyzed the effect of public participation in the formulation of building control policies by the Nairobi City County Government.

Significance of the Study

Academically, this study contributes to literature on public participation, participatory governance, and urban development control by providing empirical evidence on the effectiveness of citizen engagement in formulating building control policies. It enhances understanding of how constitutional provisions and governance structures influence participation in Nairobi City County and identifies gaps for future research.

Policy-wise, the findings of this study provide Nairobi City County Government and other devolved units with evidence to strengthen public participation in building control policy formulation. The study recommends measures to improve inclusivity, transparency, access to information, civic education, and responsiveness. It also supports implementation of the Constitution of Kenya (2010) by promoting meaningful participation, accountability and citizen-centred governance leading to effective building control policies.

LITERATURE REVIEW

Submission of memoranda is an important mechanism through which citizens and stakeholders can contribute to law and policy formulation. Direct and participatory democratic approaches can enhance the legitimacy, transparency, and accountability of decision-making by providing citizens with opportunities to influence public decisions (Qvortrup, 2018; Altman, 2021). However, existing literature provides limited empirical evidence on the effectiveness of specific participation mechanisms, the timing of participation, digital inclusion, feedback, and the extent to which citizen contributions influence policy outcomes. Hybrid approaches combining representative institutions with participatory mechanisms such as citizens' assemblies, referendums, and e-participation have increasingly been proposed to bridge these gaps (Smith, 2021; Mendez & Wheatley, 2020; Landemore, 2020).

Citizens' willingness to participate is also influenced by their perceived ability to influence decisions, trust in government, and perceptions of procedural fairness (Christensen & Lægreid, 2020; McComas, 2003; Lee Schachter, 2019). In Europe, digital platforms such as the European Union's "Have Your Say" provide opportunities for stakeholders to submit written memoranda, although their influence depends on the clarity, specificity, evidence, and stakeholder support contained in submissions (Kjaer, 2020; Bouza et al., 2021). Evidence further indicates that well-supported memoranda and broad stakeholder consensus can influence legislative content, while smaller and marginalized interest groups may remain underrepresented in consultation processes (Wessels, 2022; Papadopoulos & Warin, 2023; Engeli & Allison, 2021). These findings highlight concerns regarding representation, information overload, digital exclusion, and unequal influence, but provide limited evidence on their implications for urban development control.

In Kenya, the Constitution of Kenya (2010) establishes public participation as a fundamental principle of governance and requires transparent legislative processes and public access to information. Devolution further brings decision-making closer to citizens and creates opportunities for public involvement in county governance (Ghai & Gathii, 2020; Musyoka, 2014; Bosire & Rugo, 2021; Nyanjom, 2023). In Kenya, memoranda provide a formal mechanism through which citizens and stakeholders can submit written views on proposed legislation, policies, and regulations (Githinji & Njeru, 2022). The same is formalized in the Public Finance Management Act (2012) and Parliamentary Standing Orders (Katiba Institute, 2021).

Memoranda provide opportunities for evidence-based contributions from experts, civil society, and marginalized groups while creating an official record that promotes transparency and accountability (Institute of Economic Affairs, 2020; Okoth & Mwangi, 2022). However, their effectiveness is constrained by limited public awareness, inadequate feedback, literacy and language barriers, limited internet access, and low uptake of digital participation methods (Maina, 2021; Ong'olo & Odhiambo, 2020). Although

memoranda are used in processes such as Finance Bills and County Integrated Development Plans, questions remain regarding whether submissions are adequately considered and translated into policy decisions (Okoth & Mwangi, 2022; Katiba Institute, 2021).

Odhiambo and Opiyo (2017) revealed that Kisumu, Mombasa, Nakuru, and Machakos counties in Kenya have established systems for information dissemination to increase public participation including social media, online portals and SMS platforms. There has been an increased recognition of town hall meetings, participatory budgeting, citizen assemblies and online platforms as additional means of reinforcing public participation, accountability, and trust (OECD, 2022; UNDP, 2023). Nevertheless, there is limited information about how those means have been applied in Nairobi City County especially in respect of the creation of the building legislation and development control policies. Therefore, it is important to study if the town hall meetings offer an opportunity for the people to influence the process of urban planning.

The perception of government by citizens has a decisive influence on their orientation towards participation in deliberative practices. Trust, accountability, openness, and concern for community interests can motivate people to take part in making decisions. Good perceptions can lead to participation in discussions, oversight of government activities, and taking part in making plans and policies (Nguyen & Tran, 2021; Neshkova & Guo, 2020; Smith & Chen, 2022; Khan & Rahman, 2023). Deliberative governance proposes that fruitful engagement amid individuals, professionals, and authorities can enhance how legit and responsive the policies are (Ansell & Gash, 2018; OECD, 2020). In Nairobi County, a favorable stance towards the local government can increase residents' involvement in town meetings where they could raise concerns in terms of construction standards, planning control and regulations (Siala, 2015; Nabatchi & Leighninger, 2022; Fung, 2021).

Expert involvement plays a significant role in the development of public policies in view of the fact that technical information may enhance the opinions of the population and contribute to informed, legitimate, and effective decisions. Nonetheless, the effectiveness of participatory process depends on the availability of information, appropriate institutional framework, and citizens' ability to play an active role in making the decisions. Basheka et al. (2015) found that in Uganda citizens have trouble participating and ensuring accountability due to lack of information, while in Ghana the centralized structure of the decision-making process makes public consultations ineffective. In addition, insufficient legal frameworks and low civic engagement of the population unavoidably result in problems related to participation (Mbote & Bahiigwa, 2021; Mutunga et al., 2022).

Engagement of experts enhances the framework for building regulations and development control policies by providing technical knowledge from planners, architects, engineers, and lawyers. Information exchange is facilitated by computerized networks, but the acceptance of the advice of experts is conditional on political commitment and institutional responsiveness (Nabatchi & Leighninger, 2022; OECD, 2022). In the context of Nairobi City County, the collaboration of specialists in technology with county officials help identify shortcomings in the building legislation in force, as well as in the development control procedures, the means of enforcement, and the planning standards.

To allow for meaningful engagement of experts, it is critical to find suitable ways of introducing expert knowledge into the processes of policy-making. Experts involved in urban planning, architecture, engineering, surveying, legal services, and construction activities have different types of expertise that should be helpful in developing adequate building laws (Bryson et al., 2021; Nabatchi & Leighninger, 2022). Similarly, institutions could be limited in their belief of the originalities of expert advice due to their doubts regarding the place of experts in the decision-making processes (Fung, 2020; Irvin & Stansbury, 2022). These mechanisms enable Nairobi City County to combine professional knowledge with administrative experience when formulating development control policies.

In Kenya, the focus of participatory governance has shifted towards enhancing stakeholder involvement in local governance through forums, professional consultations, and initiatives from civil societies (Devas & Grant, 2003; Ngunyi et al., 2021; Muriuki & Kamau, 2020). However, evidence shows that participation does not automatically guarantee that final decisions are significantly influenced. This is because procedural

aspects can affect participation without ensuring that the expert input is utilized in policymakers' decisions (Mugambi & Theuri, 2014; Gitonga et al., 2020). There is a shortage of empirical research demonstrating the effect of the engagement of experts on the building and land use policies specific to Nairobi City County.

The literature highlights significant knowledge gaps in relation to development control practices in Nairobi County. Little evidence exists on the actual implications of the submission of memoranda on policy effectiveness, inclusiveness, responsiveness, and feedback. Similarly, the effectiveness of town hall meetings remains underexplored, particularly regarding socio-economic, cultural, technological, and perceptual factors affecting participation. There is also inadequate research on how technical experts interact with citizens and how expert knowledge is integrated with public views in building policy formulation. Additionally, the influence of political and institutional factors and digital platforms remains insufficiently examined. This study analyzed the effect of public participation in the formulation of building control policies by Nairobi City County Government, focusing on memorandum submissions, town hall meetings and expert consultations.

THEORETICAL FRAMEWORK

This study was anchored on Cornwall Theory of Participation and the stakeholders' theory of public participation.

Cornwall (2002) argues that the political space for citizen participation in governance appears to be expanding throughout the world as new democratic experiments interact with and modify more traditional forms of governance. Cornwall theory of participation was crucial in determining the level public participation in legislation of development control policies in Nairobi City County. The study applied Cornwall's theory to ascertain the extent of involvement and how it has influenced local legislation in Nairobi City County. It also sought to understand how community power dynamics have either supported or prevented other groups from participating in public policies. Nairobi City County is a specific context where the use of public participation for the development of building policy has been critiqued for being 'superficial' as opposed to being participative in a 'real' way. The theoretical model assisted with interpreting whether public participation is only symbolic; i.e., legitimizing decisions that have already been made or enabling citizens to affect the policy outcomes of an organization.

The stakeholders' theory of public participation by Gilbert and Rasche (2008) explains how organizations consider the interests of affected individuals or groups. The stakeholder theory assessed the inclusion and exclusion of different voices in public participation processes and how stakeholder power dynamics influence building control policy outcomes in Nairobi City County. The theory guided analysis of the interests and influence of county officials, developers, professional associations, community-based organizations, residents, and civil society.

The theory helped the study to assess whether the methods of participants' involvement are accessible, fair, responsible, and able to respond to the needs of the stakeholders, or they work in favor of the dominant subjects like commercial builders and politicians. This theory also allowed gaining insight into the organization of the sides' disagreements, processes of negotiation, and competing priorities concerning economic development, affordability, ecological sustainability, and public interests. Stakeholder Theory made it possible to assess how the system of public participation is able to achieve a common understanding among stakeholders, ensure the accountability of the process of making the policy for controlling construction activity, and establish the process of obtaining citizen trust.

RESEARCH METHODOLOGY

This study employed a descriptive research design relying on both quantitative and qualitative data. The study target population comprised members of Neighborhood Associations registered under the Kenya Urban Residence Association (KURA), KURA officials, members of the County Assembly Planning Committee, sub-county administrators, departmental technical heads, representatives of the National

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Construction Authority (NCA), and specialists from. The study employed stratified random sampling technique to select 49 informants distributed as follows;

Table 1.1 Distribution of Informants

	Category of Respondent	Frequency
1	Members of the County Assembly Committee on Planning	21
2	Officials of KARA	3
3	Loresho South Residents Association	3
4	Spring Valley Residents Association	3
5	Karen & Langata Residents District Association	3
6	Mombasa Road Residents Association	3
7	Sub-County Administrators	4
8	Building Control/Development Control Section	3
9	National Construction Authority (NCA).	3
10	Experts in Public Policy Formulation	3
	Total	49

The instruments of data collection were semi-structured questionnaires and interview guides. A mixed-methods approach was adopted for data analysis. Validity was established through piloting of the research instruments to identify and correct unclear items. Reliability was assessed using internal consistency through re-administration of the questionnaire to selected respondents and examination of response consistency, ensuring dependable study findings. SPSS was used to code and analyze quantitative data, and the results were displayed in the form of percentages through tables. Qualitative data was analyzed through thematic analysis. This involved the transcription of the interviews to develop a textual dataset in line with conclusive themes from the data.

Analysis, Interpretation and Presentation of Findings

Response Rate

Table 1.2 Response Rate

Category of Respondent	Sampled	Responded	Not Responded	Response Rate
MCA's Committee on Planning	21	12	9	57.10%
KARA	4	3	1	75%
Loresho South Residents Association	3	2	1	66.70%
Spring Valley Residents Association	3	2	1	66.70%
Karen & Langata Residents District Association	3	3	0	100%
Parkview Mombasa Road Residents Association	3	0	3	0.00%
Sub-County Administrators	3	3	0	100%
Building Control/Development Control Section	3	2	1	66.70%
National Construction Authority (NCA).	3	3	0	100%

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Experts	3	2	1	66.70%
Total	49	32	17	65.30%

This study attained a response rate of 65.3% which establishes strong evidence for credibility and generalization of research findings.

Gender Distribution

Table 1.3 Gender Distribution

	Category of Informant	**Responded**	**Male**	**Female**
1	MCA's Committee on Planning	12	10 (83.3%)	2 (83.3%
2	KARA	3	2 (66.7%)	1(33.3%)
3	Loresho South Residents Association	2	2 (100%)	0 (0%)
4	Spring Valley Residents Association	2	2 (100%)	0 (0%)
5	Karen & Langata Residents Association	3	2 (66.7%)	1 (33.3
6	Sub-County Administrators	3	2 (66.7%	1 (33.3%)
7	Technical Heads of Departments	2	1 (50%)	1 (50%)
8	National Construction Authority	3	3(100%)	0 (0%)
9	Experts	2	2 (100%)	0 (0%)
	Total	32	26 (81.2%)	6 (18.7%)

The gender distribution of respondents in this study indicates there were more males than females. Male respondents were 26 constituting (81.2%) of the total sample, compared to only 6 (18.7%) females. The disparity implies that men might be the dominant players in ensuring public participation mechanism in the development control and building regulations issues in Nairobi City County which could have hindered inclusivity when it comes to contribution of diverse views and ideas.

Distribution by Level of Education

Table 1.4 Distribution by Level of Education

	Level of Education	**Frequency**	**Percentage**
1	Secondary Level	11	34.30%
2	Diploma Level	7	22.00%
3	University Level	9	28.10%
4	Post-Graduate Level	5	15.60%
	Total	32	100%

The findings reveal that respondents taking part in the public participation mechanisms and building regulations development control policies survey in Nairobi City County have high education level. The statistics show that most of the respondents are sufficiently educated to comprehend complicated policies and regulations.

Respondents Duration of Residency

Table 1.5 Duration of Residency

	Duration of Residency	**Frequency**	**Percentage**
1	Less than 5 years	4	12.50%

2	6- 10 years	6	18.70%
3	11- 20 years	8	25.00%
4	21- 30 years	9	28.10%
5	Over 30 years	5	15.60%
	Total	32	100%

The findings show that a majority of the respondents in Nairobi City County have been lifelong residents of the area. Such long-term residence is a good guarantee for the reliability of opinions being expressed by people on public participation mechanisms and building regulations policies since people have undergone through many planning processes and governance styles.

Effect of Submission of Memoranda on the Legislation of Building Development Control Policies in Nairobi County

Table 1.6 Effect of Submission of Memoranda

Effect of Submission of Memoranda	SA	A	SD	D	NS	MS	SD
Residents are mobilized in the compilation of memoranda?	9	11	4	4	4	2.47	1.36
	28.10%	34.30%	12.50%	12.50%	12.50%		
There is a clear procedure of submission memoranda to the County government	10	12	3	4	3	2.34	1.24
	31.20%	37.50%	9.40%	12.50%	9.40%		
Submission of memoranda enhances citizen County government relations	8	13	3	5	3	2.53	1.29
	25.00%	40.60%	9.40%	15.60%	9.40%		
Submission of memoranda leads to appropriate prioritization of projects	7	11	4	6	4	2.66	1.35
	22.00%	34.30%	12.50%	18.70%	12.50%		
Authorities respond promptly to memoranda submitted by citizens	6	11	5	6	4	2.84	1.37
	18.70%	34.30%	15.60%	18.70%	12.50%		
Memoranda submission is effective in influencing legislation	7	12	4	7	2	2.59	1.32
	22.00%	37.50%	12.50%	22.00%	6.20%		

The findings provide insight into the role and effect of memoranda in enhancing citizen participation and governance at the county level. First, on whether residents are mobilized to develop memoranda, the results show a moderate level of agreement (mean = 2.47). While a combined 62.4% of respondents either strongly agreed or agreed, a notable proportion (37.5%) expressed uncertainty or disagreement. This suggests that although mobilization efforts exist, they are not consistently inclusive or effective across all segments of the population. Regarding the existence of a submission process, the data (mean = 2.34) indicates relatively stronger agreement, with 68.7% affirming that such procedures are in place. However, the presence of dissenting and neutral responses implies that the process may not be well understood or easily accessible to all citizens, pointing to possible gaps in communication or transparency. On whether memoranda enhance citizen–county government relations, responses were generally positive (mean = 2.53), with 65.6% in agreement. This suggests that memoranda serve as a useful participatory tool in fostering engagement and dialogue, although their impact may not be uniformly experienced.

In terms of project prioritization, the findings (mean = 2.66) reflect moderate confidence in memoranda influencing decision-making. While over half of respondents agreed, a significant minority remained skeptical, indicating that memoranda may not translate into tangible development outcomes. Concerning responsiveness of authorities, the mean score of 2.84 reflects a more divided perception. Although 53% agreed that authorities respond, a considerable proportion disagreed or were neutral, suggesting inconsistencies in feedback mechanisms and follow-through. Finally, on legislative influence, memoranda were perceived as moderately effective (mean = 2.59). While most respondents acknowledged some effect, the relatively high standard deviation across variables highlights variability in experiences. The findings

suggest that memoranda are a recognized participatory mechanism, but their effect is constrained by limited inclusivity, inconsistent responsiveness, and variable influence on policy and development decisions.

The overall mean score of the effect of memoranda in influencing governance and prioritization of projects stands at 2.57, with a standard deviation of 1.32. The study established that submission of memoranda by residents and stakeholders has become a key participatory mechanism in shaping legislation on building regulations development control policies in Nairobi City County.

From the findings Memoranda are presented an official channel through which individuals, professionals, and other interested parties could exchange information, experiences, and ideas. Their effectiveness depended on factors such as timely submission, clarity of contributions, and readiness of institutions to consider them along with other determinants. Public engagement also took place through formal channels like public notifications, public hearings, and email submissions and informal approaches like meetings with NGO representatives, professional associations, and community leaders. Use of online channels was found to have expanded the scope for interaction; yet, not everyone had sufficient access to digital technologies, which might have impaired the effectiveness of the process. Memoranda were found to have been effective in policy-making and policy decisions.

Study findings indicate that community networks, civil society groups, and local leaders are vital in facilitating involvement in the processes of development control among residents. This aligns with the finding of Ouma (2023) showing that grassroot movements such as Muungano wa Wanavijiji empowered citizens to participate collectively in Mukuru Special Planning Area in Nairobi. It was further noted that the submission of memoranda presents citizens with the opportunity to express their opinions via both electronic and physical submission and during public forums. Weisiko (2023) points out that the process of participation is accompanied by a certain set of rules including public notices, deadlines for submission, and committee hearings. Even though the results of this study indicate that memoranda are submitted mostly at later stages of policymaking thus their effect on the decisions made is reduced, the definition of public participation given by the Kenya Law Reform Commission (2023) suggests that its core purpose is to give an opportunity for citizens to influence decisions.

The research has shown that memoranda bring together local practices and expertise. Participatory planning is seen to enhance responsiveness by combining the various available skills and local knowledge in line with the arguments of Chisika and Yeom (2024). Memoranda can be useful in identifying the needs of the local community and developing the building control policy. Onyalo (2024) links the increased citizen participation and influence in policy to decentralization. Nevertheless, findings show that the power of the memoranda is limited by political and institutional factors. According to Ireri (2024), the legal consequences of insufficient public engagement are significant. Horn (2021) mentions top-down urban planning processes that are still in place and which often serve the interests of the ruling elites. Thus, memoranda may impact the policy but need to take into account the public contribution.

Effect of Town Hall Meetings Deliberations on the Legislation of Building Regulations Control Policies in Nairobi City County

Table 1.7 Effect of Town Hall Meetings Deliberations

Effect of Town Hall Meetings Deliberations	SA	A	SD	D	NS	MS	SD
Criterion in selecting participants in town hall meetings is Fair?	7	10	8	4	3	3.44	1.22
	22.00%	31.20%	25.00%	12.50%	9.40%		
Composition of attendees in Town Hall meetings is representative	5	8	10	6	3	3.19	1.18
	15.60%	25.00%	31.20%	18.70%	9.40%		
Procedures involved in deliberations in the	6	9	8	5	4	3.25	1.28

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Town Hall meetings is inclusive	18.70%	28.10%	25.00%	15.60%	12.50%		
The agenda for deliberations is decided fairly	7	10	8	3	4	3.41	1.27
	22.00%	31.20%	25.00%	9.40%	12.50%		
Is the process of arriving at an agreed decision in Town hall meetings inclusive	6	9	8	6	3	3.28	1.23
	18.70%	28.10%	25.00%	18.70%	9.40%		
Are Town Hall meeting effective in influencing legislation	6	10	8	6	2	3.38	1.17
	18.70%	31.20%	25.00%	18.70%	6.20%		

The study assessed the effect, perceptions of the fairness, inclusivity and representativeness of Town Hall meetings in influencing legislation. The findings indicate a generally moderate perception of democratic quality in these participatory forums, with both positive assessments and notable reservations.

Regarding the fairness of participant selection, respondents showed a generally positive outlook, with 53.2% agreeing that the criteria for selecting participants in Town Hall meetings are fair. The mean score of 3.44 (SD = 1.22) suggests a moderate agreement, indicating that while fairness is acknowledged, it is not universally accepted without concern. On representativeness, 40.6% of respondents agreed that attendees reflect the population, while 40% disagreed. The mean score of 3.19 (SD = 1.18) indicates a neutral-to-slightly positive perception, suggesting uncertainty about how well Town Hall participants mirror the broader public. Inclusivity of deliberation procedures received moderate support, with 46.8% agreement and a mean score of 3.25 (SD = 1.28). This reflects a perception that discussions are somewhat inclusive, although the relatively high standard deviation indicates diverse experiences among respondents.

The fairness of agenda-setting processes was rated more positively, with 53.2% agreeing that agendas are decided fairly and a mean score of 3.41 (SD = 1.27). This suggests a moderate level of trust in procedural fairness, though not without skepticism. Regarding inclusivity in decision-making, 46.8% of respondents agreed that the process of reaching consensus is inclusive, while a similar proportion expressed disagreement or neutrality. The mean score of 3.28 (SD = 1.23) indicates moderate but uneven confidence in participatory decision-making. Finally, the effect of Town Hall meetings in influencing legislation recorded a mean score of 3.38 (SD = 1.17), with 50% of respondents in agreement. This implies that the meetings that take place in Town Hall are accepted as quite useful events, though not very strongly. The offered results also show that Town Hall meetings are recognized as being somewhat credible and relevant, but questions regarding participation remain open.

Factors such as knowledge level, physical ease of access and social privilege were identified as challenges to effective participation in Town Hall deliberations. It was noted that most conversations are dominated by organized groups, professionals, business developers and property owners while marginalized people find it hard to participate due to practical problems like logistics and communications. Although experts are able to have a key impact on deliberations, their use of specific terminology hinders communication with wider audiences. The process of agenda-setting is mostly in the hands of the county authority, although some participatory practices can improve the level of engagement. The meetings are predominantly consultative in nature; however, the lack of a proper feedback mechanism makes the process of communication less transparent and accountable.

Study findings observe that town hall meetings offer a significant opportunity for involvement of citizens in law making with respect to construction regulations and development control regimes in Nairobi City County. The influence of these meetings on legal outcomes remains, however, minor given that participation is mainly advisory and suffers from socioeconomic, informational and structural impediments. This is in line with the statement of Arnstein (1969), who warns that participation can become empty without authority in decision-making. In the same vein, Fung (2006) observes that inequalities in resources, knowledge and opportunity to participate can restrict citizens from exercising influence.

Additionally, the findings indicate problems of representation, specifically concerning the residents of slums and informal quarters. This is consistent with Mansbridge (1983) and Watson (2009), who demonstrate that participatory processes may favour professionals and better-resourced groups while

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excluding vulnerable communities. Although town hall meetings create opportunities for direct dialogue, some participants dominate discussions. The use of breakout sessions was found to improve inclusivity, consistent with Fung and Wright (2003), who advocate decentralized small-group deliberation.

Agenda-setting was largely controlled by county officials and technical experts, limiting citizens' influence over issues discussed. Cornwall's (2008) concept of "invited spaces" explains this finding, where authorities establish and control participation while determining its boundaries. The consultative nature of the meetings also limited their influence on final legislation. Arnstein (1969) and Gaventa (2006) similarly emphasize that participation may provide citizens with a voice without transferring meaningful decision-making power.

Effect of Expert Engagement on Building Regulations Control Policies in Nairobi City County

Table 1.8 Effect of Expert Engagement

Effect of Expert Engagement	SA	A	SD	D	NS	MS	SD
Experts engaged competitively in legislation	7	9	8	5	3	3.38	1.12
	22.00%	28.10%	25.00%	15.60%	9.40%		
Experts serve partisan interests	6	8	9	7	2	2.94	1.1
	18.70%	25.00%	28.10%	22.00%	6.20%		
Engaging experts is expensive compared to their output	10	10	6	4	2	3.49	1.08
	31.20%	31.20%	18.70%	12.50%	6.20%		
Expert engagement is effective in legislation	7	10	7	6	2	3.14	1.11
	22.00%	31.20%	22.00%	18.70%	6.20%		
Expert engage is the most ideal process of legislation	5	9	9	6	3	2.95	1.09
	15.60%	28.10%	28.10%	18.70%	9.40%		
Expert engagement improves legislation	9	10	6	4	3	3.37	1.07
	28.10%	31.20%	18.70%	12.50%	9.40%		

The study examined perceptions of expert engagement in legislative processes, focusing on effect and overall contribution to legislative improvement. The findings indicate a generally moderate to positive perception of expert involvement in legislation, although several concerns were also identified.

First, regarding competitiveness, a combined 50.1% of respondents agreed that experts are engaged competitively in legislation, with a mean score of 3.38 (SD = 1.12). This suggests that respondents generally perceive expert participation as reasonably active and competitive within the legislative space, although variation in responses indicates differing experiences or understandings among participants. On the issue of partisan influence, 50.1% of respondents disagreed that experts serve partisan interests, while 43.7% agreed. The mean score of 2.94 (SD = 1.10) falls slightly below the neutral point, indicating that respondents generally do not strongly associate expert engagement with partisan bias, though the mixed responses suggest some level of concern remains.

The cost-effectiveness dimension revealed the strongest agreement among respondents. A total of 62.4% agreed that engaging experts is expensive compared to their output, with the highest mean score of 3.49 (SD = 1.08). This indicates a clear perception that the financial cost of involving experts may outweigh their perceived output, raising concerns about efficiency and resource utilization. In terms of the effect, 53.2% of respondents agreed that expert engagement is effective in legislation, with a mean score of 3.14 (SD = 1.11). This reflects a moderate level of confidence in the functional role of experts in legislative processes. Similarly, perceptions regarding whether expert engagement is the most ideal legislative process

were divided, with a mean score of 2.95 (SD = 1.09), indicating uncertainty. Finally, 59.3% of respondents agreed that expert engagement improves legislation, reflected by a mean score of 3.37 (SD = 1.07).

The above indicates a primarily favorable view of the role of experts in the legislative process and the outcome of policies. Indeed, while the involvement of experts is seen as a beneficial tool for bettering the accuracy of technical work and the process of making decisions based on information, there are still worries regarding the cost, effectiveness, and degree of expert involvement in legislation.

Research findings show that although experts participated in the process of development control legislation, it was not done in a uniform manner. The experts took part in procurement processes and were also approached by professional bodies, universities, consultancy firms, and law firms in order to carry out their activities according to certain Terms of Reference. The most significant aspect of expert involvement took place while establishing building regulations and implementing policies, as experts provided the proper arguments in the course of drafting regulations and developing policies. However, this aspect of expert engagement decreased significantly during the political approval process due to the domination of non-technical arguments. Although, in general, expert input helped improve the quality of policy-making, it was still limited by the low degree of involvement, lack of coordination, and other shortcomings.

The findings show that the involvement of experts makes a valuable but limited contribution to the development of construction laws and planning regulations in Nairobi City County. Experts provide their technical expertise through policy analysis, report writing, data analysis, and making comparisons with similar policies, improving technical quality, clarity, and context of the regulations. These findings support Healey (1997), who states the significance of professional networks in the modern urban policy and the conclusions of Innes and Booher (2010) about the effectiveness of collaborative knowledge production in urban planning. Moreover, Sanderson (2002) emphasizes the necessity of evidence-based policy, while Dolowitz and Marsh (2000) prove the usefulness of benchmarking and policy learning for different jurisdictions.

Nevertheless, the research confirmed that professional impact is at its peak when formulating and drafting a policy but is less impactful during agenda-setting, political examination, and final approval. This observation is consistent with the findings of Forester (1989) and Albrechts (2004), which point out that technical expertise diminishes its impact when political processes begin. In addition, Healey (2003) defines planning as a kind of negotiation between technical evidence and political interests. Therefore, expert suggestions can be adapted or even watered down thus limiting their influence on the final policy connected to building regulation and approval. Sager (2009) points out that policy influenced by the experts might lead to better procedures but does not influence the outcomes of planning.

The findings are also explained in relation to Cornwall's (2008) participation theory and stakeholders' theory. Expert involvement happens mostly in so-called institutional "invited spaces," which are controlled by the state authorities who define the rules of choosing experts and regulating their influence. Despite the fact that experts enjoy high credibility, mainly due to their expertise, Mitchell et al. (1997) claim that narrow decision-making power makes them less relevant. The findings demonstrates that expert engagement improves the technical robustness of building regulations but its effectiveness is constrained by political influence, institutional fragmentation, selective expert involvement and inadequate feedback mechanisms. Institutionalizing expert participation through advisory panels, involving experts earlier in agenda-setting, strengthening coordination and establishing clear procedures for incorporating expert recommendations would enhance their influence on final policy outcomes (Donaldson & Preston, 1995; Fischer, 2009; Healey, 2006).

CONCLUSION

The study made three conclusions. One, memoranda enable stakeholders to contribute experiences and technical knowledge, particularly in early policy stages, while town halls provide forums for discussion. However, both mechanisms face challenges of limited inclusivity, weak feedback systems, institutional delays, and poor transparency, reducing their overall effectiveness in shaping policy. Two, experts improve

policy coherence, enforceability, and alignment with best practices during development and drafting stages. However, their influence diminishes during political approval, and effect is limited by poor coordination, delayed consultations, and weak mechanisms to integrate advice. Third, expert engagement can be enhanced through increased inclusivity, simplifying technology, improving feedback mechanisms and using digital platforms. This will also enhance involvement, accountability, and better use of public and expert opinions in building regulations and urban planning. Finally, this study recommends greater inclusion in public engagement through the enhancement of available means of submitting memoranda and conducting efficient town hall meetings as frameworks for accommodating expert input into building regulations and development control policies as well as establishment of systemic channels for engaging experts.

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