



THE REPUBLIC OF UGANDA

MINISTRY OF LANDS,
HOUSING AND URBAN DEVELOPMENT

STATE OF THE LAND USE COMPLIANCE REPORT FOR UGANDA'S URBAN LOCAL GOVERNMENTS

SEPTEMBER 2016

THE REPUBLIC OF UGANDA



MINISTRY OF LANDS HOUSING AND URBAN DEVELOPMENT

**STATE OF THE LAND USE COMPLIANCE REPORT
FOR UGANDAS URBAN LOCAL GOVERNMENTS
SEPTEMBER 2016**

FINAL REPORT

STATE OF THE LAND USE COMPLIANCE REPORT FOR UGANDA'S URBAN LOCAL GOVERNMENTS 2015

Acknowledgement

My gratitude goes to all the people who have been instrumental in making this assessment a success. Special thanks go to the supervisor, MoLH&UD, for their endless constructive criticism, guidance, encouragement and advice throughout the assessment period. I thank you very much.

Thanks also go to all the respondents at both the Municipal Councils and the Town Councils for laying the foundation on which it enabled this assessment to carry out with reasonable ease. Special credit goes to the Local Authority officials in general for allowing the AT to conduct this study in their area successfully.

Table of Contents

Acknowledgement	2
Table of Contents.....	3
List of tables	7
List of Figures.....	8
List of Acronyms	9
Executive summary.....	10
CHAPTER ONE:	12
1.0 INTRODUCTION AND BACKGROUND	12
1.1 Introduction.....	12
1.2 The Background to the Study.....	12
1.3 Objectives of the Assignment.....	14
1.4 Scope of Work.....	14
1.5 Specific Tasks carried out.....	14
1.6 An Overview of the Uganda Land use Regulatory Framework	15
1.6.1 Land use regulatory framework.....	15
1.6.2 Land use Regulation	16
1.6.3 The Land use Compliance Assessment Tool	16
1.7 Land use policy and legal framework in Uganda	17
1.7.1 The Constitution of the Republic of Uganda.....	17
1.7.2 The National Land use Policy	17
1.7.3 The Physical Planning Act, 2010	17
1.7.4 The Local Government Act.....	17
1.7.5 The Land Act, 1998	17
1.7.6 The Public Health Act.....	17
1.7.7 The National Environment Act, Cap 153.....	18
1.7.8 The Physical Planning Regulations	18
1.7.8.1 The National Physical Planning Standards and Guidelines	18
1.7.8.2 Physical Development Plans	18
1.7.8.3 Bylaws	18
CHAPTER TWO:	19
2.0 LAND USE REGULATORY INSTRUMENTS AND METHODOLOGY USED	19
2.1 A Review of the different Tools used in Assessing Compliance of Urban Councils	19
2.2 Methodology used	19
2.2.1 Desk Reviews	20

2.2.2	In-Depth Interviews with stakeholders;	21
2.3	Field work activities	21
2.3.1	Preparation for field work	21
2.3.2	Field Itinerary	22
2.3.3	Urban Council Clustering and Time Schedules	23
CHAPTER THREE:		23
3.0	FINDINGS-AN ANALYSIS OF TYPICAL LAND USE COMPLIANCE ACTIONS IN THE URBAN COUNCILS OF UGANDA:	23
3.1	Introduction	23
3.2	ASSESSMENT OF MUNICIPAL COUNCILS	23
3.2.1	Assessment Schedule	23
3.2.2	Support from MoLH&UD	23
3.2.3	Reception at the various municipalities	23
3.2.4	Exit meeting Proceedings	23
3.2.5	Challenges faced by the assesment team during the exercise	25
3.2.6	Institutional Readiness to Enforce Land Use Compliance in Municipal Councils of Uganda	24
3.2.6.1	Municipal Technical Staffing in Uganda	24
3.2.6.2	Composition and functionality of Municipal Physical Planning Committees in Uganda	25
3.2.6.3	Functionality of a land use complaints desk in Municipalities of Uganda	26
3.2.6.4	Building plan submission and approval in municipalities of Uganda	26
3.2.6.5	Technical equipments in Municipalities of Uganda	27
3.2.6.6	Physical Planning Bylaws in Municipalities of Uganda	27
3.2.6.7	Linkage between the Physical Development Plan and the Five Year Development Plan	30
3.2.7	The Physical Planning Situation in Municipal Councils of Uganda	30
3.2.7.1	Municipal Physical Development Plans in Uganda	30
3.2.7.2	Local Detailed Plans in Municipalities of Uganda	31
3.2.7.3	Linkage between the Local Detailed Plan and the Physical Development Plan	31
3.2.8	Land use Compliance Routine Activities carried out in Municipalities of Uganda	31
3.2.8.1	Building plans approval processes in municipalities of Uganda.	32
3.2.8.2	Comparison between the approved plans and the actual physical development	32
3.2.8.3	Management of enforcement notices in municipalities	33
3.2.8.4	Land allocation and change of user in municipalities	30
3.2.8.5	Awareness creation in municipalities	30
3.2.8.6	Innovative approaches to enforcement of land use regulations	31
3.2.9	General Municipal Council's performance	31
3.2.9.1	National Level performance for municipalities	33

3.2.9.2	Comparative General Performance in the three Thematic Areas	33
3.2.9.3	Municipality performance at regional level	36
3.2.10	Good practices in land use compliance for Municipalities of Uganda	39
3.2.11	Achievements registered under land use compliance in municipalities in the FY 2013/2014	40
3.2.12	Key challenges encountered in enforcing land use compliance by municipalities in Uganda.	40
3.3	ASSESSMENT OF TOWN COUNCIL'S PERFORMANCE	41
3.3.1	Assessment Schedule	41
3.3.2	Support from MoLH&UD	41
3.3.3	Reception at the various Town Councils	41
3.3.4	Exit meeting Proceedings.....	41
3.3.5	Challenges faced by the Assessment Team during the exercise.....	42
3.3.6	Institutional Readiness to Enforce Land Use Compliance in Town Councils of Uganda.....	42
3.3.6.1	Town Council Technical Staffing in Uganda	42
3.3.6.2	Composition and functionality of Town Council Physical Planning Committees in Uganda.....	40
3.3.6.3	Functionality of a land use Complaints Desk in Town Council of Uganda	40
3.3.6.4	Building plan submission and approval in Town Council of Uganda	40
3.3.6.5	Technical equipments in Town Council of Uganda	41
3.3.6.6	Physical Planning Bylaws in Town Council of Uganda	41
3.3.6.7	Linkage between the physical development plan and the Five Year Development Plan.....	41
3.3.7	The Physical Planning Situation in Town Councils of Uganda	42
3.3.7.1	Town Council Physical Development Plans in Uganda	42
3.3.7.2	Local Detailed Plans in Town Council of Uganda	42
3.3.7.3	Linkage between the Local Detailed Plan and the Physical Development Plan	42
3.3.8	Land use Compliance Routine Activities carried out in Town Council of Uganda	43
3.3.8.1	Building plans approval processes.....	43
3.3.8.2	Comparison between the approved plans and the actual physical development	43
3.3.8.3	Management of enforcement notices	43
3.3.8.4	Land allocation and change of user	44
3.3.8.5	Awareness creation.....	44
3.3.8.6	Innovative approaches to enforcement of land use regulations.....	44
3.3.9	General performance of Town Councils.....	45
3.3.9.1	Town Councils Performance at National Level	51
3.3.9.2	General performance of Town Councils in the thematic areas	49
3.3.9.3	Performance of Town Council's at a regional level	52
3.3.10	Good practices in land use compliance for Town Councils of Uganda.....	54
3.3.11	Achievements registered under land use compliance in Town Councils in the FY 2013/2014	54

3.3.12	Key challenges registered by Town Councils in enforcing land use compliance.....	54
CHAPTER FIVE:		60
6.0	SUMMARY, CONCLUSION AND RECOMMENDATIONS	60
6.1	Summary of Key Findings	60
6.2	Conclusion	58
6.3	Recommendations	58
Annexes		61
Annex 1: revised assessment tool		61
Annex 2: List of possible stakeholders engaged.....		71
Annex 3: Data capture template		72
Annex. 4: List of possible technical equipments		71
Annex 5: Routes and their schedules		72
Annex 6: Exit form		81

List of tables

Table 3.1: General performance for Municipal Councils.....	32
Table 3.2: General performance of Town Councils.....	50

List of Figures

Figure 3.1: Municipal Council performance at national level	33
Figure 3.2 Comparative general performances in the thematic areas	34
Figure 3.3: General performances under institutional readiness to enforce land use.....	35
Figure 3.4: General performances under the physical planning situation	35
Figure 3.5: General performances Land use Compliance Routine Activities	35
Figure 3.6 Regional average performances per thematic area.....	36
Figure 3.7: General performance of Town Councils	52
Figure 3.8: Comparative Town Council's performance in the thematic areas	50
Figure 3.9: Town Council readiness to enforce land use compliance.....	51
Figure 3.10: Physical Planning Situations in Town Councils	51
Figure 3.11: land use compliance routine activities carried out	57
Figure 3.12 Town Council's regional performance	54

List of Acronyms

T/C	Town Council
PPA	Physical Planning Act
UGX	Uganda Shillings
TC	Town Clerk
MC	Municipal Council
DLB	District Land Board
NPPB	National Physical Planning Board
LDP	Local Detailed Plan
GIS	Geographical Information System
GPS	Global Positioning System
MPPC	Municipal Physical Planning Committee
FY	Financial Year
PPC	Physical Planning Committee
AT	Assessment Team
PDP	Physical Development Plan
EIA	Environmental Impact Assessment
NPDP	National Physical Development Plan
MoLH&UD	Ministry of Lands Housing and Urban Development
MoLG	Ministry of Local Government
DLRC	Department of Land use Regulation and Compliance

Foreword

The government of Uganda, has since 1951, recognized the valuable contribution of Urban and Regional Planning in the development of the Country. It is from this background that the town and Country planning Act 1964, Cap 246 was enacted to guide orderly development in the country. However, the period from 1995 to 2009 came with reforms in policies and strategies to suit the prevailing development pressures such as rapid urbanization that greatly shaped the environment in both the rural and urban areas of Uganda.

With the advent of decentralization in the country in 1993, the urban and regional policies developed, sought to respond to the reforms. This led to the enactment of the Physical Planning Act, 2010 and subsequent regulations as well as other policies, standards, guidelines and strategies developed purposely to ensure implementation of a framework for planned and orderly development countrywide.

The ministry is mandated to monitor, evaluate and assess implementation of planned, orderly physical development throughout the country. Pursuant to this mandate, a study was commissioned in 62 selected urban local governments to determine their compliance performance to the physical development planning and regulatory framework.

This ‘State of Land use Compliance Report’ details the findings captured in the participating 60 urban local government as a representative sample of the entire country. A compliance assessment tool was developed to appraise the local government s and rank their performance based on principal thematic areas.

The reports out critical areas of concern that local government s face in implementing the available physical development planning frameworks in their areas of jurisdiction. This assessment will be carried out on a 2-year basis with the view to identify gaps in performance which shall be as a means to propose workable solutions as we seek to “transform the country into a modern and prosperous society” hinged on sustainable land use, tenure security, decent housing and organized physical development



Savino Katsigaire.

Director, Physical and Urban Development,

Ministry of Lands, Housing & Urban Development

Executive summary

The MoLH&UD having realized the enormous task before the Urban Authorities as implementing agencies to ensure orderly development of their environments amidst scarce resources, sought to undertake a study in the selected 22 Municipalities and 40 Town Councils to determine their level of compliance to the land use regulatory framework which was in place and functional. The study also investigated the limitations of the 62 Urban Councils faced in their quest to effectively implement the Physical Development Plans.

This study therefore sought to provide a scorecard on the level/state of land use compliance within these urban centres as well as provide indicators on what was needed to effectively implement these PDP's if orderly and progressive development was to be achieved in the country.

The overall objective of this consultancy was to prepare, through a consultative and field based process, a state of land use compliance report covering the 62 urban centres.

The assignment adopted both the qualitative and quantitative methods of data collection in addition to literature review of relevant documents. In general data collection methods used included but not limited to consultative meetings, desk reviews, Face to face key informant interviews or in-depth interviews for key stakeholders and inspection or observation of selected sites. The study assessed three key thematic areas namely; Institutional Readiness to Enforce Land use Compliance, the Physical Planning Situation and Land use Compliance Routine Activities carried out.

Findings indicated that under Institutional Readiness to Enforce Land use Compliance Municipalities were generally found to have well qualified and competent staff as opposed to the Town Councils, although all were understaffed. Most of the positions were not filled up as per the established staff structures due to the inadequate resources to support the wage bill. Municipalities generally had fully constituted and functional PPC's as opposed to Town Councils although they had difficulty in accessing services of the Architect and Physical Planner in private practice. The Enforcement Officers were generally highly compromised by members of the public during the process of executing their mandate. Most Urban Councils were generally lacking a functional land use Complaint Desk as required by the land use regulatory framework. The processes followed to handle such complaints were also not streamlined/clear because each council for those that had, almost used a localized system of handling such cases. The building plan approval process was fairly followed although in some case it lacked consistence and proper documentation. Generally Municipalities were found to be fairly equipped with technical equipment as opposed to the Town Council who totally lacked these equipments. Most Urban Councils lacked Physical Planning Bylaws in place and those that had attempted to develop them, they were in a draft form and being enforced which is legally not acceptable. Linkage between the Five Year Development Plan and the Physical Development Plan was not effectively done in all Urban Councils.

Under the Physical Planning Situation there was presence of valid and approved Physical Development Plan and Detailed Layout Schemes to guide physical development and decision making

in most of the Urban Councils. Decision making was guided and based on the existing Physical Development Plan and Detailed Layout Schemes. However the coverage of Local Detailed Plans in all the urban Councils was too low yet developments were going on unguided.

Under Land use Compliance Routine Activities carried out, it was found out that most of the land use compliance routine activities were carried out. Site compliance inspections were carried out in reactive manner after disparities have been detected or reported otherwise no regular and routine site compliance inspections were carried to ascertain and ensure conformity of ongoing works or physical development to approved building plans and Physical Plans in force.

Additionally, there was no existence of clearly laid down procedures in undertaking compliance of land use and physical development coupled with inadequate follow up mechanism on land use compliance activities. It was generally noted that most Urban Councils had poor record keeping and storage of building plans processes. Urban Councils also lacked knowledge of their mandate on how to handle matters related to land allocation and change of user. In most cases the organs responsible for land allocations (District Land Boards) were not in charge of regulating and guiding physical development on ground. This in a way created conflict of interest and incompatibility. Proliferation of illegal developments on ground was found to be enormous due to lack of man power to regularly enforce compliance. The public also was discovered to be generally resistant and at times hostile to enforcement teams from the municipalities.

All in all the study revealed that municipalities were performing slightly better than Town Council although there were municipalities that were worse off than some Town Councils.

CHAPTER ONE:

1.0 INTRODUCTION AND BACKGROUND

1.1 Introduction

The government of Uganda is committed to ensuring orderly, sustainable and organized urban development as part of the national agenda. It has been observed over time that urban areas in Uganda have positioned themselves as engines of growth and development due to increased urbanization. Currently Uganda has 1 City, 22 Municipalities and 194 Town Councils. Most of these Urban Councils have tried physical development planning as an intervention to ensure orderly and progressive development, but such efforts and plans have surprisingly failed to achieve their intended purpose.

The MoLH&UD having realized the enormous task before the Urban Authorities as implementing agencies to ensure orderly development of their environments amidst scarce resources, sought to undertake a study in the selected 22 Municipalities and 40 Town Councils to determine their level of compliance to the land use regulatory framework which was in place and functional. The study also investigated the limitations each individual urban center of the 62 Urban Councils faced in their quest to effectively implement the Physical Development Plans.

1.2 The Background to the Study

Urbanization worldwide is taking a centre stage catering for the world's population. It is estimated that by the year 2025, there will be 410 cities all over the world with 5 million people or more. About 65% of these cities will be in the developing countries. In Africa the level of urbanization has reached 37% (297 million people) with average growth rate of 3.5%. By 2025, it is estimated that 54% of Africa's population will be living in urban areas. In Uganda 12% of the population is urban. In Uganda it is estimated that the urban population has steadily increases from 6.6% in 1969 to more than 22% in 2014. This means that relatively smaller geographical areas will be catering for more than a half of the world's population. A pragmatic planning approach and effective urban management systems is the only way in which to sustain the ever growing population in these urban areas of Uganda.

The government of Uganda having realized this global trend is therefore committed to ensuring orderly, sustainable and organized urban development as part of the national agenda. This is in recognition of the important role that urban areas play in national development as engines of growth and centers of investment, employment, education, knowledge and technology transfer and ready markets for industrial and agricultural products.

The Ministry of Lands, Housing & Urban Development sought to undertake a study in the 22 Municipalities and 40 selected Town Councils to determine national level of compliance to the land use regulatory framework for urban areas. The study also investigated the limitations each individual urban center of the 62 is facing in their quest to effectively implement their physical development plans.

This study therefore sought to provide a scorecard on the level/state of land use compliance within these urban centres as well as provide indicators on what was needed to effectively implement these PDP's if orderly and progressive development was to be achieved in the country.

1.3 Objectives of the Assignment

1. The overall objective of this consultancy was to prepare, through a consultative and field based process, a state of land use compliance report covering the selected 62 urban centres.
2. Specific Objectives
 - i. To review the existing tools used to assess compliance of Urban Authorities to the land use regulatory framework with a view of developing an effective assessment tool agreed on in a participatory process.
 - ii. To assess the levels of compliance of the Urban Authorities to the land use regulatory framework
 - iii. To prepare a State of Land use Compliance Report

1.4 Scope of Work

The consultant assessed the level of compliance to the land use regulatory framework by each of the 62 Urban Authorities individually and collectively. To do this, the consultant developed acceptable land use compliance assessment parameters, in close consultation with the Department of LRC of the Ministry of LH&UD. The consultant also pries into the reasons for successes and failures identified in the Urban Authorities' compliance to the land use regulatory framework. This will be used to advice on practices to be avoided and best practices to be encouraged in all Uganda's Urban Authorities. The study covered all Uganda's 22 Municipalities and 40 selected Town Councils.

Three main criteria were used to select the Town Councils by the MolH&UD. These are; (i) National geographical spread, (ii) representation of different categories of Town Councils, mostly using population and type of dominant economic activities, and (iii) Location in relation to the 22 Municipalities. Here, care was taken not to veer the consultant off the routes to the municipalities, which would increase costs and time necessary to reach them.

1.5 Specific Tasks carried out

The consultant carried out the following specific tasks;

- i. Prepared an inception report covering methodology detailing the specific tasks that was undertaken in the study to generate the report, and the work plan of the activities enshrined therein with an attached time frame. The report detailed the methods and tools used in data collection, analysis and interpretation. It also gave an indication of the stakeholders to be consulted. The consultant also reviewed the land use compliance assessment tool.
- ii. Undertook fieldwork in the 62 Urban Authorities to assess the levels of compliance with the land use regulatory framework.
- iii. Compiled a Draft State of Land use Compliance Report with detailed and aggregated analyses. The report covered both the state and an analysis of the causative factors of the status. It also proposed concrete workable recommendations in cases where findings reveal challenges in PDP's implementation born out of current prevailing limitations within the urban councils.
- iv. Carry out agreed consultations and validation of the report and incorporated the agreed changes/modifications.

- v. Submission of a final State of Land use Compliance Report to the Ministry for ownership and eventual publishing.
- vi. In executing the aforementioned tasks, the consultant worked in close consultation and guidance with the respective Urban Authorities under supervision of the Commissioner, Land Use Regulation & Compliance, Ministry of Lands, Housing and Urban Development.

1.6 An Overview of the Uganda Land use Regulatory Framework

1.6.1 Land use regulatory framework

Land use in Uganda is regulated through the Physical Planning function at the national and lower administrative levels. The Physical Planning function entails provision of spatial frameworks for arrangement and organization of socio-economic activities on land at the National, Regional, District and Local levels to achieve optimal land utilization and sustainable development. Physical planning is therefore the vehicle for streamlining Uganda's Vision 2040 and giving it a spatial framework. No country has had her people transformed from low income to middle income that did not pay attention to its spatial organization. The Vision 2040 identifies key core projects that will propel the country to the envisioned future. Their specific locations and the location of their supporting infrastructure and activities will mostly be determined in the cascaded Physical Development Plans from the national down to the local level.

The main guiding policy framework for land use regulation are the National Land use Policy of 2007 and the Physical Planning Act of 2010. The National Land Policy of 2013 will also play a key role in land use regulation. Two important policies in the making, that is (1) Urban Development, and (2) Housing Policies, will as well play an important role in guiding and regulating land use in Uganda when they come into effect.

The adoption of the National Land use Policy in 2007 heralded a new phase in Uganda's Physical Planning history with government committing to the cause of orderly utilization of the country's land based resources. This was quickly followed by the promulgation of the Physical Planning Act which introduced significant changes in Uganda's physical planning landscape. Notable among these were; (1) declaration of the whole country a planning area, (2) clarification of the physical planning hierarchy, and (3) introduction of physical planning committees at the district, urban and local levels.

Subsequently, Uganda is to prepare her first National Physical Development Plan (NPDP). This is a spatial development framework which will set the agenda for all spatial development interventions, including transport infrastructure, national level services (such as Universities, referral hospitals), settlements (both rural & urban), economic infrastructure (such as industrial zones & strategic tourism infrastructure), and conservation.

On completion of the NPDP, Regional Physical Development Plans will be prepared, articulating regional level details prescribed by the National Physical Development Plans. These will in turn be followed by District Physical Development Plans, which will guide urban and local physical development planning. The first three Physical Development Plans on the hierarchy provide a spatial framework for lower level physical planning and other sectoral planning. The last two are the enforceable plans as they fix land uses on the ground.

Until the promulgation of the Physical Planning Act 2010, physical planning in Uganda was looked at by many as an inherently urban process even though the physical planning structures remotely recognized regional and rural planning. Partly as a result of this, most urban centres in the country

have functional Physical Development Plans. However, most such plans have in reality not guided physical developments in the respective towns. It is for this reason that government sought to strengthen the physical planning function at the national level by, among other initiatives, instituting a fully-fledged department to work towards ensuring compliance to the land use regulatory framework countrywide. Under the land use regulatory framework, there are two basic ingredients which need clarification for purposes of proper implementation of the framework. These include; the regulation and the tool for assessment.

1.6.2 Land use Regulation

It is imperative to regulate the use of land in the interest of the public. The following are the specific reasons for land use regulation;

- To ensure that there is a functional relationship between land uses. For example it is necessary to have hotels to service tourist attraction areas. It is also important that residential neighborhoods are serviced with nursery schools, primary schools, and health care facilities, among others.
- To ensure effective management of the urban development and city expansion process
- For purposes of natural resources protection such as lakes, rivers, forests, fish ponds, wetlands – which need to be protected from degradation and destruction
- To ensure economic viability of the land – hence regulations such as minimum levels of buildings, and restriction of lower value uses on high value land.
- To reduce health risks associated with location of incompatible uses and encourage mutually reinforcing and compatible land uses together.
- To ensure structured and manageable urban and regional growth through controlled sprawl
- To facilitate the provision of planned public services which help communities to prosper, and make them an attractive place to live, which in turn raises property values.

1.6.3 The Land use Compliance Assessment Tool

- The Ministry of Lands, Housing and Urban Development had been using a qualitative assessment tool to monitor compliance to the land use regulatory framework in the country. The outcome of the inspection and monitoring trips made to the various local governments has therefore been explanatory field inspection reports. These reports would make various recommendations for improvement of compliance and follow up actions would be carried out.
- While the above was effective at pointing out inadequacies in the various local governments and making recommendations for addressing such inadequacies, it was unable to deal with two fundamental issues. First, it did not provide enough motivation to the local governments to comply with the land use regulatory framework. Secondly, and perhaps more importantly, it could not be used to scientifically establish a base compliance status upon which future compliance could be measured.
- This quantitative tool will now be used to establish base data on compliance to the land use regulatory framework in Uganda and thus make it possible to compare different local governments and also make comparisons of land use compliance levels over time. The tool will be used to generate compliance data that can be manipulated to give a comparative picture of how various individual Urban Authorities are faring with regard to land use regulation. This same data will be used to produce a State of Land use Compliance Report. The comparison of compliance levels between different urban authorities will provide the much needed motivation for Urban Authorities who want to improve their compliance levels. The Ministry may encourage this even more actively by a system of rewards and sanctions.

1.7 Land use policy and legal framework in Uganda

Uganda regulates her land use through a number of laws, regulations, standard and Guidelines, Plans, and administrative measures such as circulars (letters). These instruments get their credence straight from the constitution and from a number of policies.

1.7.1 The Constitution of the Republic of Uganda, 1995 and Land use Regulation

The constitution is the prime law on which all others are based; it is also the fundamental legal basis of land management in Uganda. According to this 1995 constitution, Article 237 clause (1), Land in Uganda belongs to the citizens of Uganda and shall vest in them in accordance with the land tenure systems provided for in the Constitution. The constitution also recognizes that Government or a local government may, subject to article 26 of this Constitution, acquire land in the public interest; and the conditions governing such acquisition shall be as prescribed by Parliament. The Government or a local government as determined by Parliament by law, holds in trust for the people and protect, natural lakes, rivers, wetlands, forest reserves, game reserves, national parks and any land to be reserved for ecological and tourist purposes for the common good of all citizens. In clause 3 of Article 237, Land in Uganda is owned in accordance with the customary, freehold, 'Mailo' and leasehold land tenure systems. This legal framework is useful for further stressing the roles of the Urban Authorities in land use regulation.

1.7.2 The National Land use Policy

The overall goal of the National Land use Policy is "To achieve sustainable and equitable socio-economic development through optimal land management and utilization". The policy sets the agenda for land use regulation in the country.

1.7.3 The Physical Planning Act, 2010

This is the principle Act of parliament that has been put in place to regulate land use in Uganda. It creates the framework within which land use planning is to take place. It also prescribes the institutions mandated to control land use at all levels.

1.7.4 The Local Government Act

The Local Government Act 1995 (as amended) is the legal framework that mandates Local Governments to prepare or cause to prepare planning schemes for the lower local government. Carry out planning on their area of jurisdiction. The same Act mandates them to regulate activities in their various areas of jurisdiction.

1.7.5 The Land Act, 1998

This Act provides the framework for the various land tenure systems in Uganda and provides for the management of land. Section 43 of the Act provides for a person who owns or occupies land to manage and utilize the land in accordance with the Forest Act, the mining Act, the National Environment Act, the Water Act, the Uganda wildlife Act and any other law.

1.7.6 The Public Health Act

This Act consolidates and provides a framework with regard to conservation and preservation of public health in particular; it deals with building regulations, sanitation and the control of nuisances. The Act empowers the local authorities to ensure that the general health standards stipulated by the Act are adhered to through specific regulations.

The Act empowers the minister of health to prohibit erection of premises, which do not meet the minimum standards stipulated in the Act and other regulations. The Act is of relevance to land use

regulation because it spells out minimum standards and ensures proper public health through the various sections.

1.7.7 The National Environment Act, Cap 153

The National Environment Act provides tools for environmental management that hitherto had not been deployed, including Environmental Impact Assessments (EIAs). Sections 49 and 46 concern land use planning. Section 35 of the Act prohibits any activity not being a traditional activity, in a wetland without prior written approval. The National Environment (Wetlands, River Banks and Lake Shores Management) Regulations, 2000 stipulates in regulation 34 that a developer who desires to conduct a project which may have adverse impacts on a wetland, river bank or lake shore shall carry out an environmental impact assessment in accordance with the provisions of the Environment Act.

1.7.8 The Physical Planning Regulations

The Physical Planning Regulations give full effect to the Physical Planning Act 2010. Without them, the Act would not be fully implementable.

1.7.8.1 The National Physical Planning Standards and Guidelines

The Standards and Guidelines are intended to guide both the formulation of PDPs and their implementation, with the basic aim of ensuring that (spatial) developments take place in an orderly, coordinated and efficient manner. They provide clear verifiable minimum standards for development (spatial) activities.

1.7.8.2 Physical Development Plans

This is the most commonly used instrument in regulating land use, so much that it is sometimes erroneously understood to be the only instrument available for land use regulation. A Physical Development Plan articulates land use proposals for a given (planning) area. It assigns different land uses to different areas and also assigns specific development standards. In doing so, the plan bases on the other instruments that regulate land use, including laws, regulations and standards. It is no wonder, therefore, that this is arguably the most commonly used point of reference in the assessment of land use compliance.

1.7.8.3 Bylaws

Local Governments have got the prerogative to formulate and implement bylaws for the purpose of better service provision. Such bylaws may include further clarification of processes in land use regulation. For example, a bylaw may stipulate the amount of plan submission fees that prospective developers may pay to the urban authority upon submission of building plans for approval.

CHAPTER TWO:

2.0 LAND USE REGULATORY INSTRUMENTS AND METHODOLOGY USED

2.1 A Review of the different Tools used in Assessing Compliance of Urban Councils

The TOR required the consultant to review the assessment tool for land use compliance in Urban Centres of Uganda. The consultant reviewed the existing assessment tool and made significant changes especially in the areas of specific indicator and the indicator description. The consultant held a series of meetings with the Technical Team of the Ministry of Lands Housing and Urban Development (Client), where they discussed and agreed on the assessment parameters of the revised assessment tool (Annex 1). It was also during these meetings between the consultant and the client that a list of possible stakeholders was developed subject to modifications as the situation on ground dictated (Annex 2). It was from this assessment tool that the consultant was able to develop the data capture template which was used during field work activities. (Annex 3).

The consultant also developed a list of possible technical equipments for Physical Planning, Engineering and Surveying commonly found in Urban Councils of Uganda in order to guide the Assessment Team in reviewing the available equipments (Annex 4). The consultant also extracted samples of physical planning notices as provided for by various legislations (Illegal Development Notice, Nuisance Notice/ Public Health Notice and Contravention Notice/ non conformity to the approved plan) in order to support the Assessment Team in verifying the actual notices used by the various Urban Councils in executing land use compliance activities in their areas of jurisdictions. Other tools developed and/or used by the consultant for the benefit of the assessment included; A copy of the physical planning Act 2010, the introductory letter from the MoLH&UD, routes and their schedules (Annex 5), exit forms (Annex 6) and list of telephone contacts of either the Town Clerk or the Physical Planner of the assessed Urban Councils.

2.2 Methodology used

The assignment adopted both the qualitative and quantitative methods of data collection and analysis in addition to reviewing literature of relevant documents. In general data collection methods used included but not limited to consultative meetings, desk reviews, Face to face key informant interviews or in-depth interviews for key stakeholders and inspection or observation of selected sites.

The assessment was carried out in three major ways;

1. Reviewed of relevant Documents (reports, files drawings etc) as indicated in the compliance assessment tool. This helped to generate evidence where it was required and it was captured by the AT on the data collection template.
2. Interviewed key informants who included but not limited to; Town Clerk, Heads of Physical Planning departments, Engineering Departments, Human Resource Departments, Enforcement Departments and in some cases members of PPC where applicable.
3. Carried out Field visits for purposes of verifying physical compliance. The AT randomly selected sites for inspection from the information provided by the respondent

for purposes of verifying conformity of approved and the actual developments on the ground.

2.2.1 Desk Reviews.

The AT conducted a desk review for literature of relevant legal documents to get in depth understanding of the existing legal and policy regimes guiding the operationalization of physical plans in the various Urban Councils. In so doing, the AT learnt from the challenges and success stories which enriched and enhanced the development of recommendations for the preparation of state of land use compliance report in the Urban Councils in Uganda. Among the documents reviewed included the following;

- a. National Land Policy of Uganda of 2013 in order to understand in detail, the relevant strategic policy interventions regarding the management and land use in urban centres.
- b. Physical Planning Act of 2010 in order to specifically understand the regulation of land use in Uganda and institutions mandated to control land use at different levels.
- c. The constitution of the Republic of Uganda 1995 in order to understand the fundamental legal basis of land management in Uganda.
- d. The Local Government Act, 1995 in order to understand how Local Governments are meant to prepare planning schemes for lower local government.
- e. The Land Act, 1998 in order to understand the Land tenure systems and management of Land in Uganda.
- f. The Physical Planning Regulations in order to understand the full effect to physical planning Act, 2010.
- g. The National Physical Planning Standards and Guidelines of 2014. This helped the AT to understand the guidelines and standards that guide both the formulation of PDPs and their implementation.
- h. The Land use Regulatory Framework in order to review the assessment parameters.
- i. Report on assessment of local governments' compliance to land use regulatory framework
- j. Physical Development Plans for the respective Urban Councils.

2.2.2 In-Depth Interviews with stakeholders;

The AT also conducted In-depth interviews with various stakeholders who respond to the questions in the assessment template. In-depth interviews were one-on-one interviews conducted with key informants mainly the Town Clerk's, Physical Planners, Engineers and Enforcement officers. This helped to reveal divergent experiences and "outlier" attitudes, and to provide a history of behavior that had seen the trends in the development of urban centers in Uganda's Municipalities and Town Councils. Respondent selection was based on purposive but also used the stakeholders' experience and influence in urban development.

The team also sought the guidance of national regulators (Ministry of Lands, Housing and Urban Development). The gaps exhibited in services executed provided benchmarks for appropriate future policies for implementation. In-depth interviews were therefore adopted so that the unique issues raised by different stakeholders were captured.

2.3 Field work activities

2.3.1 Preparation for field work

The consultant mobilized a team of 12 experienced Physical Planners to undertake the field work exercise. A one day orientation workshop was organized in order to bring on board all the team members. Logistics was organized to support field work activities based on the routes and clustering of towns. Under preparatory stage the consultant undertook the following activities;

- a) Conducting orientation workshop for all the consultants
 - a. Understanding the project TOR and scope of work
 - b. Internalizing the assessment tool and its parameters
 - c. Internalizing the data capture template
 - d. Quality assurance and ethics issues
 - e. Expected field outputs and their timelines
 - f. Introduction of group team members and their group leaders
 - g. Communicating the field itinerary to the consultants
 - h. Discussing expected challenges and mitigation measures
 - i. Signing of individual consultant contracts
- b) Mobilizing logistics
 - a. Vehicles (preferably one that can carry all the group members at ago and a four wheel)
 - b. Accommodation issues
 - c. Feeding
 - d. Filed Allowances
 - e. Digital Cameras
 - f. Tape measures
 - g. Stationery (markers, highlighters, pens, notebooks, field data collection sheets, bags, e. t. c)
 - h. Allocation of vehicles to specific clusters
 - i. Lap tops (each consultant was computer literate and had capacity to prepare preliminary field reports using the laptop)
 - j. Physical address of the secretariat for purposes of coordinating the team.

2.3.2 Field Itinerary

Field work started on the 12th April 2015 and ended on 27th May 2015. The consultant managed to systematically follow the field itinerary although there were about four Urban Councils where the consultant failed to obtain information due to absence of the entire Technical Team at the station during the assessment. The MoLH&UD was responsible for informing the Urban Councils in advance of the pending assessment, which they did although some councils claimed not to be aware. The AT was able to meet the Town Clerks, the Technical Officers of the respective Urban Councils apart from those where there was no response. The assessment of each Urban Council took one day apart from some few councils where the AT had to go there the following day in case some information had not been obtained on the first working day.

As a contingency measure, Town Clerks were asked to delegate to any senior person to be in charge of the exercise in case he or she was off the station. Once each Assessment Team reached the respective Urban Councils, they carried out the following functions;

- i. Introduced themselves to the accounting officer and also pay a courtesy call to the top political leadership of that Urban Council whenever they were available.
- ii. Facilitated a debriefing meeting, which consisted of the TPC and/or the Physical Planning Committee members.
- iii. The Team Leader of each cluster spelt out the objectives of the exercise and called for co-operation among members in providing the required relevant information.
- iv. After the assessment, the Team Leader presented the preliminary findings to the technical officials of the Urban Council during an exit meeting.
- v. The accounting officer after discussions signed an exit form, which consisted of the agreed areas of strength and weaknesses for that given Urban Council.

2.3.3 Urban Council Clustering and Time Schedules

After a careful analysis of the targeted Urban Councils and their location, the consultant created 6 clusters with the smallest having eight (8) and the largest thirteen (13) Urban Councils. The arrangement of assessing the Urban Councils per cluster started with the furthest and ends with the nearest Urban Council to Kampala on a given route and this guided the itinerary. Each cluster had a team of two assessors, one of which was the Team Leader and a Physical Planner by professional. The teams set off on 12th April 2015 to their first work station and the last group finished on the 28th /5/2015.

CHAPTER THREE:

3.0 FINDINGS-AN ANALYSIS OF TYPICAL LAND USE COMPLIANCE ACTIONS IN THE URBAN COUNCILS OF UGANDA:

3.1 Introduction

The findings for the assessment are categorized into two parts namely for the municipalities and for the Town Councils. This was because the mandate and level of service delivery varied from the two levels of the assessed Urban Councils. The findings are presented in three key thematic areas namely; Institutional Readiness to Enforce Land Use Compliance, Physical Planning Situation and Compliance Routine Activities carried out in various Urban Councils assessed.

3.2 ASSESSMENT OF MUNICIPAL COUNCILS

3.2.1 Assessment Schedule

There were 22 municipalities in Uganda assessed for land use compliance. The assessment of the 22 municipalities' was conducted following the approved schedule of work by the MoLH&UD that was communicated to the assessed council well in advance.

3.2.2 Support from MoLH&UD

The MoLH&UD provided support and guidance throughout the assignment. They facilitated a one day orientation workshop with the Consultant which was held on 8th April 2015 at hotel triangle in Kampala. They also provided information key to the assessment.

3.2.3 Reception at the various municipalities

The Town Clerk's of the 22 municipalities generally cordially received the Assessment Team (AT) at the Council Head Quarters as per the schedule dates and time. The Team Leaders introduced the AT members, explained the purpose of the visit to the council to the Technical Teams of various Urban Councils and soon thereafter agreed on a programme for the assessment.

The Town Clerk's had been informed by MoLH&UD regarding the exercise and the schedules had been communicated to them accordingly. The Town Clerk's introduced the AT to the Municipal Mayors for a courtesy call where time allowed. The assessment of the Council commenced soon after the briefing session with the TPC. Most of the relevant documents, reports and minutes for review were availed on time and some Council Officials were available on call.

3.2.4 Exit meeting Proceedings

The de-briefing sessions were chaired mainly by the Town Clerk's and they were held as per the program in a venue organized by various councils. The meetings were mainly attended by Town Clerks, Physical Planner, Senior Law Enforcement Officer, Municipal Engineer and the Records Officer among others. Presentation of preliminary key findings of the assessment was done by Team Leaders according to the thematic areas.

The Team Leaders pointed out the weak and strong areas for each Municipality. These can be seen in the individual reports for each municipality. The AT advised the Municipal Councils on how to improve on the existing situation. The recommended areas for improvement can also be seen in the individual municipality reports.

The meetings were closed by the chairpersons who thanked the AT for informing the councils about their shortfall and they too promised to follow up all the raised matters by the AT. They noted that this kind of exercise should be carried out annually if we are to improve on performance in enforcement of land use compliance.

Challenges faced by the Assessment Team during the exercise

There were serious challenges faced by the AT during the exercise. Apart from absenteeism of some technical officers in some municipalities like; Entebbe and Mbarara Municipal Councils, there was inadequate preparation for the exercise on the side of the technical officers. Documents and other information were sometimes not readily available which resulted into unnecessary delays whenever searching for them. The technical officer did not have documentary evidence in terms of site inspection reports, files or even attendances sheets in order to support some of the information they were providing to the AT. Storage of vital documents such as; files and other information was found to be very poor rendering retrieval of documents very difficult and time consuming.

3.2.6 Institutional Readiness to Enforce Land Use Compliance in Municipal Councils of Uganda

This thematic area had seven key assessment areas which included; availability of technical staff to enforce land use compliance, availability of a fully constituted Municipal Physical Planning Committees to oversee the activities of land use compliance in the various Municipal Councils, existence of a functional Complaint Desk and an appointed officer to handle complaints related to land matters, existence of a plans submission and approval processes, availability of technical equipment to support the implementation of the planned activities related to land use compliance enforcement, existence of the Physical Planning Bylaws to support land use compliance enforcement and whether there was any linkage between the Five Year Development Plan and the Physical Development Plan at municipal level.

3.2.6.1 Municipal Technical Staffing in Uganda

Under this indicator, the Assessment Team looked at the availability of technical staff to enforce land use compliance. The team also looked at the available number, years in service, level of qualification, any refresher course or upgrading done by staff, their roles and responsibilities and common type of compliance cases handled especially by the enforcement officers.

The AT established that in most Municipal Councils the required technical staff were in place however it was very difficult to effectively verify their appointments, the number of years they have served and level of qualification since most of the offices concerned with records keeping were not accessible during the time of assessment. The AT also noted that majority of the technical staff had never attended any refresher course and/or upgrading program ever since they were appointed. The team

also noted that about 50% of the assessed municipalities did not even have activity schedules for staffs defining their roles and responsibilities.

The level competence of the enforcement officers was found to be wanting because majority of the enforcement officer were not substantive in their posts and they were not properly trained in the job. In some cases they were arguing that the salary scale (U7) for the enforcement officers could not attract people with good qualification and competences. The AT also noted some of the municipalities had less while other had more personnel than what was stipulated in their staffing structure (5 enforcement officers) for enforcement staff. Like the technical staff, the Enforcement Officers also lacked activity schedules. They were responding to spontaneous assignments given to them by their Town Clerk. The team also noted that a good number of the officers did not do regular reporting i.e. quarterly reports and field report as required by the public service standing orders. Most of the information obtained from respondents was handed down by word of mouth and hence quite difficult to verify. This meant that even councils were not aware of what goes on in the sector due to lack of reports presented to council for discussion and approval.

In general the Municipalities were understaffed and there was a lot of multi-tasking in areas where they were not competent due to incomplete staffing. Some of the positions were not filled up as per the municipal established structure due to inadequate resources to support the wage bill. Some key technical officers were not available in some municipalities. More detailed can be accessed in the individual municipality assessment report.

3.2.6.2 Composition and functionality of Municipal Physical Planning Committees (MPPC) in Uganda

Under the PPC indicator, the AT looked at the appointment of the PPC, its composition, number of meetings held in the FY 2013/2014 and the common type of cases handled by the MPPC. The FY 2013/2014 was selected because it was the most recently concluded FY where by the municipal officials were expected to still have the facts and information required for the assessment.

Physical Planning Committee (PPC) in Municipalities plays a vital role in the guidance and regulating of physical developments. Therefore their composition and functionality had a very significant impact on the trend of development in any given Municipal Council in Uganda. The Physical Planning Act (2010) clearly defines the composition and membership of the Urban Physical Planning Committees. The view of the AT this should be followed as per the guidelines.

The AT was able to establish that majority of the municipalities in Uganda had the required Physical Planning Committee in place. However it was noted that a good number of them did not fully follow the guidelines during the composition of these committees. Some of these committees were not fully constituted, others had members who were not statutory and worse still majority were not effectively appointed by the appointing authority as required by the law governing these committees. However the AT noted that at list the chairpersons and the secretaries for majority of the municipal PPC were statutory.

The AT also noted that a good number of them convened meetings as required although some were constrained by lack resources to facilitate regular meetings for the PPC. The AT also observed that municipalities had difficulty in identifying the required Architect and the Physical Planner both in private practice to sit on these committees. The reason given was that the two were not easy to

outsource since they were not locally available but also maintaining them in terms of transport and sitting allowances was very challenging.

Business discussed by the Municipal Physical Planning Committees was found to be relevant to their terms of reference. For example most of them were dealing in matters related to building plan approval, change of user, land subdivision, land wrangles among others.

Despite the above motioned constraints, in general the Municipal PPC were found to be functional. Detailed can also be accessed in the individual municipality assessment report.

3.2.6.3 Functionality of a land use complaints desk in Municipalities of Uganda

Under this indicator, the AT was interested in the availability of the complaints desk, appointment of a municipal officer handling the received complaints, the number of land related complaints registered and considered by the MPPC in the FY 2013/2014 and the process followed by the municipality to handle such complaints.

The AT established that a good number of the assessed municipalities did not have a complaints desk neither did they have an officially appointed person to handle such complaints. They did not have a complaint register which made it very difficult for the AT to verify the actual number of complaints registered in the FY 2013/2014. Some municipalities expressed ignorance for the need to have such a desk officer. In such cases such matters were handled by the Town Clerk who would assign an officer to handle a given complaint case by case. In some incidences where such cases were very contentious, the Town Clerk would refer them to the MPPC. The AT however noted that in the USMD municipalities the complaints desks and officer were present. They also had complaints register and they had a systematic procedure of handling land related complaints. Details can be accessed in the individual municipality assessment report.

3.2.6.4 Building plan submission and approval in municipalities of Uganda

Under the building plan submission and approval indicator, the AT was interested in the availability of a Plans Register and a Plans Schedule. The team also wanted to find out whether the MPPC considered submitted Development Applications, how many were approved, deferred and rejected, what common tools did the Municipal PPC used to make/take decisions on such matters and whether the MPPC gave feedback to potential developers as required by the law. The aim was to see if there was involvement of the MPPC which is the statutory organ in decision making on matters related to land use compliance but also to see if the developers receive timely feedback.

The AT discovered that at municipal level all the assessed municipalities had a Plans Register and a Plans Schedule. There was evidence that the MPPC were involved in the decision making on matters related to development applications as evidenced by the minutes reviewed by the AT. The municipalities also were able to give the actual numbers of applications considered, approved, deferred and/or rejected by the MPPC.

There was also some evidence of technical tools used to support decision taking such as detailed plans and scale rules among others. In some municipalities there was evidence of feedback to the developers of the decisions made by the MPPC as evidenced by filed copies reviewed by the AT. But in some case, it was very difficult to verify this because officers claimed to use telephone calls to inform their clients of the decision made the MPPC, something the AT found to be very unrealistic, not cost

effective and not sustainable. The Municipal Councils fairly followed the process required in the approval of Development Application although in some cases there was evidence of personalizing the process by individual officers. Details can also be obtained in the individual municipality assessment report.

3.2.6.5 Technical equipments in Municipalities of Uganda

The technical equipment indicator was another variable looked at by the AT to assess the availability of Physical Planning, Engineering and Surveying equipments in the municipalities. Some of the equipments the AT was looking at included; Graders, Excavators, Back hoes, Vibro rollers, Measuring wheel, Dump levels, Tape measure, Dump trucks, Flying drones, Satellite image, Pickups, Garbage compression in case of engineering. For Physical planning and Surveying they included; Detailed scheme, Scale, Drawing pens, Trench curves, T-square, Drawing table, Maps (Topographical/cadastral), GPS, Workstation/ computer, GIS software, computer aided design software, Vehicles, Cameras, Colored pencils, Scanners, Large format plotters, Photocopier, RTK machines, Total stations, Theodorite among others.

The AT established that in most Municipal Council, the Engineering Department was fairly equipped. The Physical Planning and Survey Departments were totally ill equipped. In some cases the planners and surveyor were using personal equipments to carry out municipal services. Sometimes they would borrow from the district, a practice that had constrained effective service delivery. It was further noted that the current situation was caused by the fact that physical planning and surveying were just sections under engineering. The resource allocation was done to the entire Engineering Department and when it comes to the actual release of funds engineering was taking the lion's share (95%). For this reason there were serious concerns about the need to separate the functions but at the same time coordinated by the Town Clerks Office. Further details can be accessed by looking at the individual municipality assessment report.

3.2.6.6 Physical Planning Bylaws in Municipalities of Uganda

Under this indicator the AT looked at availability of bylaws related to physical planning, the process followed to formulate these bylaws, their approval and level of enforcement. The AT looked at these bylaws as a localized engine in guiding enforcement of physical development and land use compliance in municipalities generally.

It was discovered by the AT that a good number of municipalities in Uganda had formulated bylaws. However some of them did not have those specifically related to physical planning. Others had their bylaws in draft form pending approval. However unfortunately they had gone ahead to enforce these drafted bylaws before their approved, something the AT found to be very irregular and illegal.

A good number of the assessed municipalities could not clearly outline the process followed in generating, discussing and approving these bylaws. Some of the municipalities that claimed to have approved physical planning bylaws could not avail copies to the AT for verification. Specific details can be seen from the individual municipality assessment report.

3.2.6.7 Linkage between the Physical Development Plan and the Five Year Development Plan

Linkage between Physical Development Plans and the Five Year Development Plans was another indicator assessed. The AT looked at the planned and executed activities for the FY 2013/2014,

resources allocated to physical planning activities and the actual releases. The AT established that at the municipality level there was evidence of planned physical planning activities in the Five Year Development Plan which related well with the Physical Development Plans. The AT also observed that there was some budget line for physical planning activities although it was inadequate. However the AT noted further that very little funding was actually released (about 5% of the allocation in some case and even much lower than that) to operationalize physical planning activities in the municipality. It was noted further that physical planning activities generally contribute a significant percentage to the local revenue in most the municipalities but this was never returned back to support the very physical planning activities that generate the same local revenue. This problem was cutting across all the assessed municipalities.

In some cases the priorities planned for under physical planning in the Five Year Development Plan were not matching very well with the priorities and/or action areas that were emphasized in the Physical Development Plans. This was attributed to the limited resource envelop of the Municipal Councils to support projects and programs under physical planning which were considered to be very expensive. At the same time this could be attributed to lack of awareness on what the priorities were in the PDP on the side of the technical staff.

3.2.7 The Physical Planning Situation in Municipal Councils of Uganda

This thematic area covered four key indicators which included; availability of Physical Development Plan (PDP), availability of Local Detailed Plan (LDP), their level of coverage and the linkage between the LDP and the PDP. The aim was to see if physical developments were conforming to the existing plans.

3.2.7.1 Municipal Physical Development Plans in Uganda

Under this indicator, the AT was interested in the availability of a valid Physical Development Plan whereby issues to do with coverage, availability of copies of both the drawing and the report for the PDP were considered, evidence of approval and guiding manual followed in preparing the plan were also looked at.

The AT discovered that in many of the assessed municipalities, they had valid (Approved by the NPPB) Physical Development Plans. However the AT also further noted that some of the PDP were due for review while others especially for those Town Councils, which had been elevated to the municipality level, still had the original Town Council PDP. This means that some of the additional areas of the municipality at the time of elevation were not covered by the existing PDP. A good number of them had evidence of the drawings but copies of the reports were not available. To the assessment team this was a challenge in that implementers of the plan could not do so effectively using only the drawing without the report. The AT also noted that all municipalities assessed lacked guiding manuals for the preparation of PDP, yet some were in the process of preparing them and others were due for review. Further details can be seen from the individual municipality assessment report.

3.2.7.2 Local Detailed Plans in Municipalities of Uganda

The AT also looked at the availability of Local detailed Plans in the municipalities of Uganda. The AT sought to verify whether they were valid, their extent in coverage and availability of a guiding manual for the detailed plan preparation process.

It was noted by the AT that some municipalities had valid detailed plans but on average covering less than 40% of the entire municipality. Others had the plans but they were either in at the preparatory and/or at the approval stages. Generally the AT noted that this is an area that had been neglected in all the assessed councils.

It was very difficult in some cases for the AT to access copies of the drawings and reports for the plans. It would appear like they were kept under very poor storage conditions, which in some cases was attributed to absence of office facilities and/or storage facilities for such very important documents. However the AT also established that this was due negligence of some technical officials in the way they were handling these materials resulting into serious damage and at times total loss.

The team also noted that all the municipalities did not have preparation guiding manual for local detailed plans.

3.2.7.3 Linkage between the Local Detailed Plan and the Physical Development Plan

Under this indicator the AT looked at the relationship between land uses in the PDP and the LDP. The AT discovered that on average all municipalities had over 75% compatibility levels between the Local Detailed Plan and the Physical Development Plan. The only challenge was that the level of implementations was still very low sighting political interference and poor facilitation as the major causes.

3.2.8 Land use Compliance Routine Activities carried out in Municipalities of Uganda

Under this thematic area, the AT was interested in a number of indicators which included; evidence of the building plan approval processes, comparison between the approved plans and the actual developments on ground, evidence of notices served to illegal developers, number of developments halted, management of change of user, evidence of sensitization on physical planning related issues, land subdivision and allocations and whether there was any form of innovative approaches to enforcement of land use compliance in these municipalities.

The AT was able to establish that most of the land use compliance activities were carried out in the municipalities of Uganda. However site compliance inspections were carried out in a reactive manner after disparities had been detected or reported. Otherwise no regular and routine site compliance inspections were being done to ascertain and ensure conformity of ongoing works or physical development to approved building plans and Physical Plans in force. Additionally, there was no existence of clearly laid down procedures in undertaking compliance of land use and physical development coupled with inadequate follow up mechanism on land use compliance activities. It appeared like each municipality had its own localized procedure for handling this matter, which the AT thinks should have been standardized for effective monitoring.

3.2.8.1 Building plans approval processes in municipalities of Uganda.

Most of the municipalities assessed had a clear process followed in the approval of building plans. However a good number of them did not have proper records for the AT to confirm the actual number of plans approved, deferred and/or rejected. The AT noted also that the key common reasons for deferring or rejecting plan were related to; sub standard plot sizes, over usage of plot coverage,

encroachment on the ecologically sensitive areas and road reserves and lack of proof for land ownership. Most municipalities were using services of registered architects as evidenced by stamps of registered architects on the blue prints. However the AT noted that the number of submitted plans was still too low compared to the level of physical development going on in most of the municipalities. This means that a good number of developers build without proper technical guidance from the municipality.

3.2.8.2 Comparison between the approved plans and the actual physical development

There was effort by the municipalities to enforce land use compliance especially in areas of conformity of approved plans and the actual physical developments on ground. The AT found out that a good number of the municipalities had mechanisms in place to enforce compliance despite the many challenges, which are related to lack of enforcement officers, logistics and hostility from the illegal developers.

3.2.8.3 Management of enforcement notices in municipalities

Municipalities were in use of the enforcement notices as provided for by the relevant legislations of Uganda. However the AT noted that there were no clear procedures followed on how to manage enforcement of notices. Some municipalities were using the PPC to guide in the management of enforcement notices while in other cases it was left to the discretion of the individual Town Clerks. The AT further noted that in a number of the municipalities assessed, there were no clear reports describing what activities are normally carried out under this indicator. Most of the information obtained was opinions given by officers interviewed. This means that the AT found it difficult to ascertain the actual figures of halted and/or demolished development in the assessed municipalities.

3.2.8.4 Land allocation and change of user in municipalities

On matters related to land allocation and change of user, the AT noted with concern that very few municipalities were aware that they had a role to play in this area. Information obtained from the field indicated that municipalities had no role to play in the land allocation process. To them it was a domain of the District Land Board only. The controversy here is that the body responsible for enforcing land use compliance (in this case the Municipality) was completely alienated from the land allocation processes resulting into double allocations and inconsistencies with the existing Physical Development Plans. On the other side a few municipalities were handling change of user cases, others were saying they did not have such scenarios in their municipalities yet further probing by the AT proved that change of user does occur in many of these municipalities but they either had no mechanism in place to deal with it or they had no idea of how to handle it.

3.2.8.5 Awareness creation in municipalities

Under sensitization the AT noted that very few municipalities planned for sensitization meetings for the public on matters related to physical planning and land use compliance. Those who did, the number of times they did it were very few and the coverage of the municipality was found to be inadequate. The poor performance under this indicator was attributed to low participation and lack of facilitation.

3.2.8.6 Innovative approaches to enforcement of land use regulations

Under this indicator the AT was able to establish that municipalities in Uganda had tried to develop innovative approaches to ensure that there is land use compliance. Some of those identified included;

- The use of prototype plans to encourage those who could not afford architectural fees to submit plans for approval and put up structures that are properly guided.
- Organize business forums for information dissemination especially to the public
- Conduct joint site inspections as a way of minimizing costs but also ensuring that all aspects affecting physical development are taken care of at once.
- The use of change agents in the sensitization activities, which had encouraged community participation but also trust.
- The use of Public Private Participation in detailed planning processes, where communities were involved in the mapping of community resources and profiling which in a way reduced on the cost of preparing these plans.
- Co-opting the District Land Board (DLB) on the Physical Planning Committee (PPC) whenever the PPC discussed issues related to DLB business on the agenda.

3.2.9 General Municipal Council's performance

The AT looked the general performance of municipalities at the national and regional levels in each thematic area with a purpose of comparing the best and worst performance. It was noted that majority of the municipal councils were falling within the average range (Table 3.1).

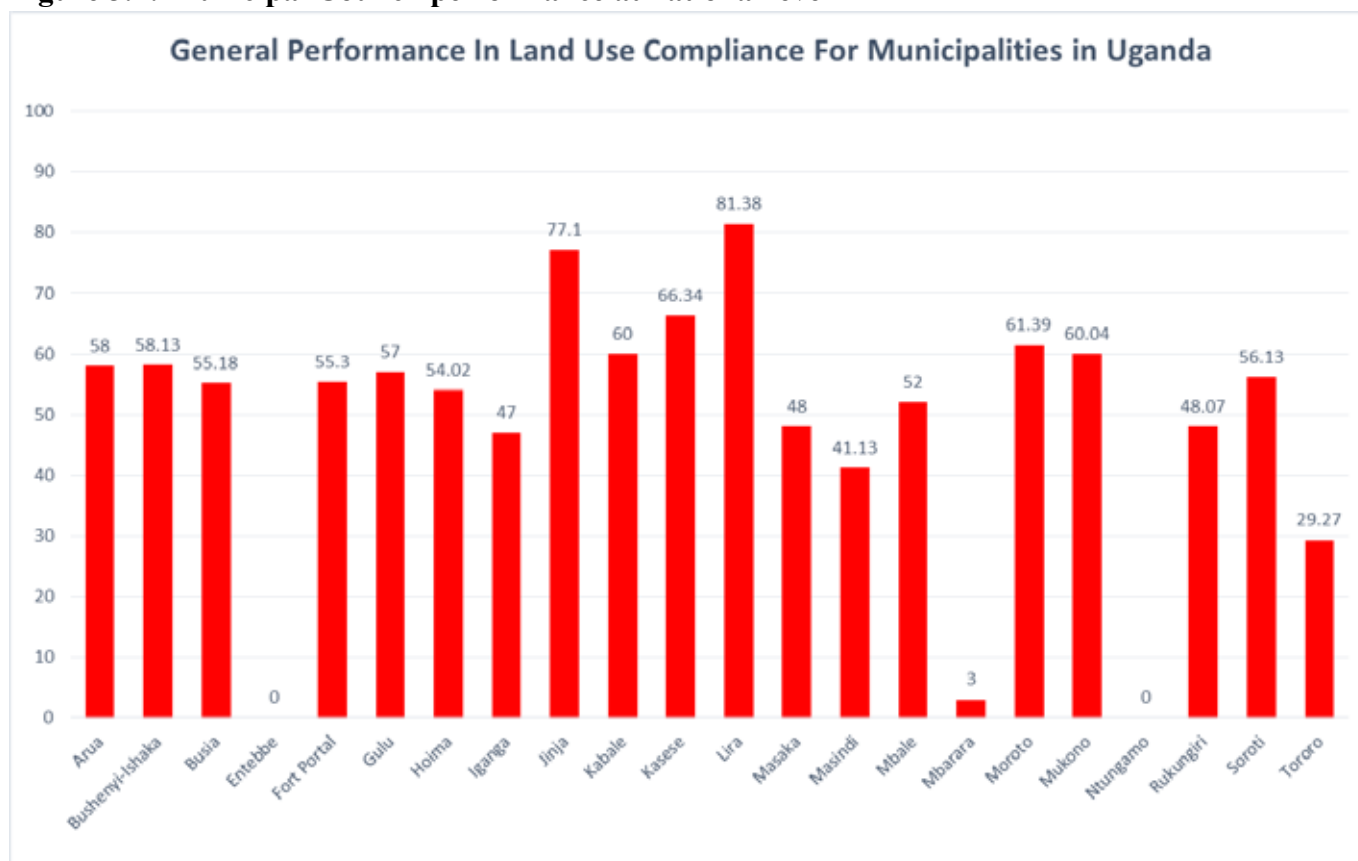
Table 3.1: General performance for Municipal Councils

No.	Municipal Council	Institutional Readiness to enforce Land use Compliance (40%)	Physical Planning Situation (20%)	Land use compliance Routine activities carried out (40%)	Total Score (100%)
1.	Arua	29.00	08.00	21.00	58.00
2.	Bushenyi-Ishaka	17.13	08.00	33.00	58.13
3.	Busia	22.92	08.00	24.26	55.18
4.	Entebbe	00.00	00.00	00.00	00.00
5.	Fort Portal	28.00	13.00	14.30	55.30
6.	Gulu	23.28	13.00	20.30	57.00
7.	Hoima	18.02	07.00	29.00	54.02
8.	Iganga	14.24	10.00	22.40	47.00
9.	Jinja	27.10	19.00	31.00	77.10
10.	Kabale	18.00	16.00	26.00	60.00
11.	Kasese	22.34	15.00	29.00	66.34
12.	Lira	31.38	18.00	32.00	81.38
13.	Masaka	18.00	03.00	27.00	48.00
14.	Masindi	23.00	00.00	18.13	41.13
15.	Mbale	21.89	17.00	12.80	52.00
16.	Mbarara	03.00	00.00	00.00	03.00
17.	Moroto	22.00	14.00	25.39	61.39
18.	Mukono	19.04	11.00	30.00	60.04
19.	Ntungamo	00.00	00.00	00.00	00.00
20.	Rukungiri	20.07	02.00	26.00	48.07
21.	Soroti	16.40	15.00	24.73	56.13
22.	Tororo	15.59	02.00	11.68	29.27

3.2.9.1 National Level performance for municipalities

There were two municipalities that had excelled (above 75%) in the performance (figure 3.1). These included Lira and Jinja Municipal Councils. Twelve municipalities including; Arua, Busheyi-Ishaka, Busia, Fort Portal, Gulu, Hoima, Kabale, Kasese, Moroto, Mukono, Soroti and Mbale however were above average (between the range of 50% - 66%), which indicates a normal performance. However four municipalities of Rukungiri, Masaka, Masindi, Tororo and Iganga were below average which indicates a very poor performance. Municipalities of Entebbe, Ntungamo and Mbarara were not compliant with the assessment because efforts by the AT to access the concerned officials were rendered futile. In the case of Entebbe officers concerned were not in office for two consecutive days and the Town Clerk who was present could not respond to such technical questions. In Mbarara all officers were off station during the assessment time, they were attending a conference in Mukono. In Ntungamo the Town Clerk informed the AT that they were busy with the National Budgeting so officers were not available for the assessment exercise.

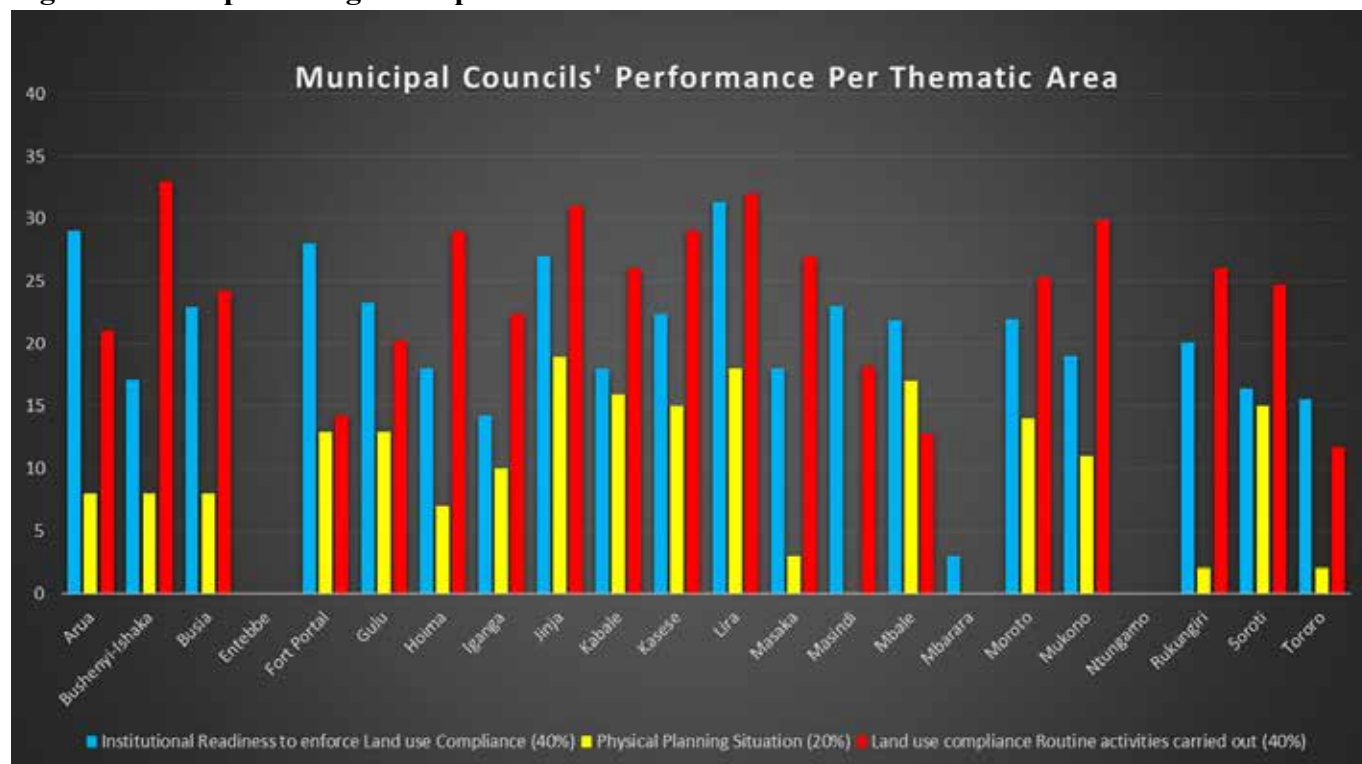
Figure 3.1: Municipal Council performance at national level



3.2.9.2 Comparative General Performance in the three Thematic Areas

Generally all municipalities (75%) were above average in the three thematic areas assessed (figure 3.2). There was good performance in land use compliance routine activities compared to the other two assessed areas. This means that municipal authorities put more emphasis on routine activities and somehow neglect the physical planning situation and the institutional readiness to enforce land use compliance which were poorly performed.

Figure 3.2 Comparative general performances in the thematic areas



It was further noted that under institutional readiness to enforce land use compliance Lira Municipal Council performed very well while Mbarara performed poorly. The rest were all in the average range. Under physical planning situation again Jinja scored highly while Masindi Municipality performed very poorly. In the area of land use compliance routine activities carried out Municipalities like; Bushenyi - Ishaka, performed very well while Tororo municipality' performance was very poor (figures 3.3 - 3.5).

Figure 3.3: General performances under institutional readiness to enforce land use compliance

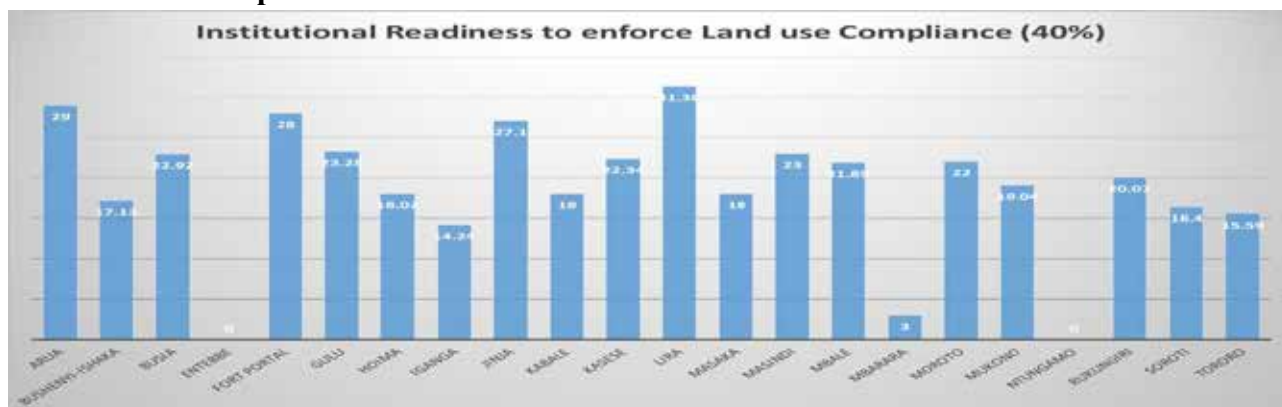


Figure 3.4: General performances under the physical planning situation

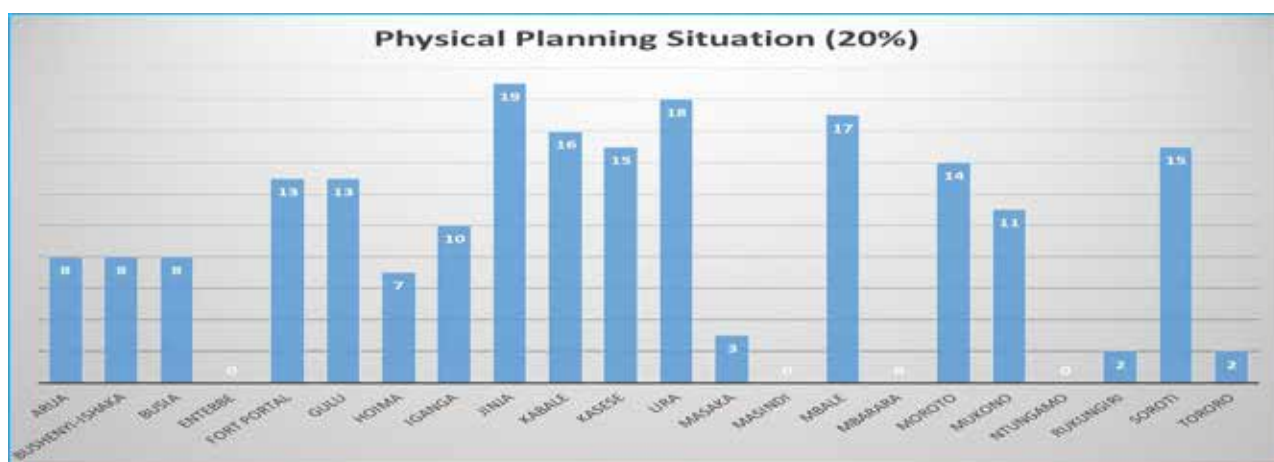
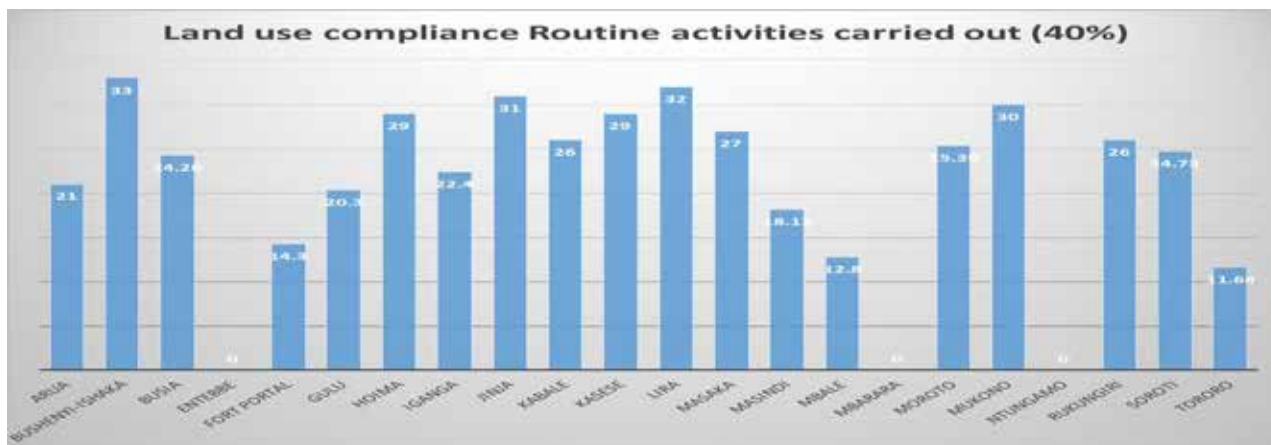


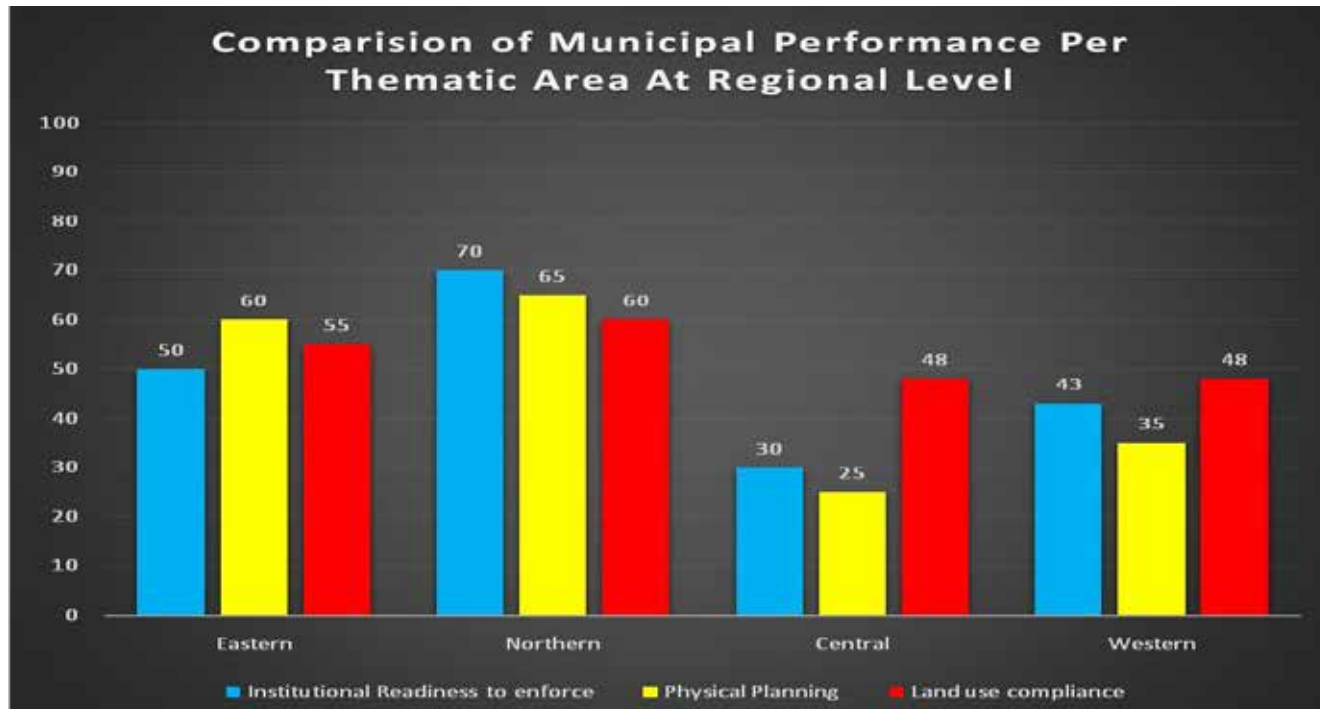
Figure 3.5: General performances under Land use Compliance Routine Activities carried out.



3.2.9.3 Municipality performance at regional level

The Consultant carried out analysis of municipality performance at the regional level in order to compare and contrast the level of performance in each thematic area. It was established that generally the Northern Region had performed much better while the Central Region had the worst performance. The Northern Region did well in all the three thematic area while the Eastern and Western Regions performed well in institution readiness to enforce land use compliance and in land use compliance routine activities. These two regions also had performed fairly well in the physical planning situation. The Central Region was below average in all the three thematic areas (figure 3.6). However it should be noted that there were three municipalities assessed in the Northern Region as opposed to the nine in the Western and seven in the Eastern.

Figure 3.6 Regional average performances per thematic area



3.2.10 Good practices in land use compliance for Municipalities of Uganda

The AT sought to find out some of the good practices that can be replicated in other Urban Councils for better service delivery. Some of the key good practices the AT noted were;

- There was effort to sponsor some of the key officers to undertake further studies in areas that will support improved service delivery in the municipalities.
- There was a high degree of professionalism exhibited in the recommendations and decisions made by the MPPC'S.
- Municipality's endeavoured to pin lists of building plans approved, deferred and/or rejected on public notice boards for public viewing. This enhances speedy access to information by the members of the public.
- Some Municipalities had developed a well laid down Building plan approval process and publically displayed it for easy access.
- Joint field inspections by technical officers was found to be a good practice as it saves resources, time but at the same time provides an all round professional opinion, which can results into taking informed and guided decision.
- Radio programs adopted in local languages to sensitize the public about planning related issues was very instrumental in creating awareness but at the same time reach a wide audience within the shortest time possible.

3.2.11 Achievements registered under land use compliance in municipalities in the FY 2013/2014

The Assessment Team noted some key achievements registered by the municipalities in Uganda in the FY2013/2014. They included;

- Under USMID some Municipalities were able to procure key Technical equipment especially for the Engineering Department to enhance performance.
- All Municipalities had fully constituted and functional Physical Planning Committees.
- Key relevant posts for technical staff to enforce land use compliance were filled with qualified and competent staff.

3.2.12 Key challenges encountered in enforcing land use compliance by municipalities in Uganda.

- Generally it was noticed that most Municipalities had poor record keeping especially in the area of building plans storage.
- A good number of municipalities had no idea of their mandated roles on issues related to land allocation and change of user.
- Proliferation of illegal developments was found to be enormous due to limited, incompetent enforcement officers who were labeled to have corrupt tendencies.
- The general public was generally resistant and at times hostile to land use compliance regulatory activities making enforcement very difficult.
- Most Municipalities do not have Bylaws in place and the few that were in place were not implemented due to political interference.
- Some Municipalities do not have valid PDP's due to financial constraints and yet developments in the municipalities had continued to grow organically.
- Generally the turn up of the public for sensitization meetings was still very poor. There was continued demand for allowances from the public to attend such meeting which money the municipalities could not afford.
- In all municipalities poor funding of physical planning activities was a general practice and this sector had greatly been marginalized in all aspects.

3.3

ASSESSMENT OF TOWN COUNCIL'S PERFORMANCE

3.3.1 Assessment Schedule

The Assessment of the 40 Town Councils' was conducted following the approved schedule by MoLH&UD which had been communicated to the affected councils well in advance.

3.3.2 Support from MoLH&UD

The MoLH&UD provided support and guidance throughout the assignment. They facilitated a one day orientation workshop with the consultant which was held on 8th April 2015 at hotel triangle in Kampala. They also provided information key to the assessment.

3.3.3 Reception at the various Town Councils

The Town Clerk of the 40 Town Councils cordially received the Assessment Team (AT) at the Council Head Quarters as per the schedule dates and time. The Team Leader introduced the AT members, explained the purpose of the visit to the council and soon thereafter agreed on a programme for the Assessment.

The Town Clerks had been informed by MoLH&UD regarding the exercise and the schedules had been communicated accordingly. The Town Clerk's introduced the AT to the Town Council Chairpersons for a courtesy call whenever they were available. The assessment of the council commenced soon after the briefing session with the TPC.

Some of the relevant documents, reports and minutes for review were availed and some Council Officials were available on call.

3.3.4 Exit meeting Proceedings

The de-briefing sessions were chaired by the Town Clerk's or their representatives and they were held as per the program at the venue organized by various councils. The meetings were mainly attended by Town Clerks, Physical Planner, Senior Law Enforcement Officer, Engineer and the Records Officer among others. Presentation of preliminary key findings of the assessment was done by Team Leader according to thematic areas assessed.

The Team Leader pointed out the weak and strong areas for each Town Council assessed. These can be seen in the individual reports for each Town Council. The AT advised the Town Councils on how to improve on the situation. The recommended areas for improvement can also be seen in the individual Town Council reports.

The meetings were closed by the chairpersons who thanked the AT for informing the council about the shortfalls and they too promised to follow up all the matters raised by the AT. Like it was the case for municipalities they also noted that this kind of exercise should be carried out very year if we are to register improved performance in land use compliance enforcement.

3.3.5 Challenges faced by the Assessment Team during the exercise

There were serious challenges faced by the AT during the exercise. Apart from deliberate absenteeism of some technical officers in some Town Councils like; Nebbi, Oyam and Waksio Town Councils, there was inadequate preparation for the exercise on the side of the technical officers. Documents and other information were not readily available which resulted into unnecessary delays while searching for them. The Technical Officer did not have documentary evidence in terms of site inspection reports, files or attendances sheets in order to support some of the information they were providing. Storage of the vital documents, files and other information was found to be very poor rendering retrieval of documents very difficult. In some of the Town Councils the so called ‘technical officers’ could not answer simple questions put to them by the AT requiring the intervention of their Town Clerks. This shows that some of the officers were not qualified to do the kind of work they were doing.

3.3.6 Institutional Readiness to Enforce Land Use Compliance in Town Councils of Uganda

This thematic area had seven key assessment areas which included; availability of technical staff to enforce land use compliance, availability of a fully constituted Town Council Physical Planning Committees (TPPCs) to oversee the activities of land use compliance in the various Town Council Councils, existence of a functional Complaint Desk and an appointed officer to handle complaints related to land matters, existence of a building plans submission and approval processes, availability of technical equipment to support the implementation of planned activities related to land use compliance enforcement, existence of the Physical Planning Bylaws to support land use compliance enforcement and to assess whether there was any linkage between the Five Year Development Plan and the Physical Development Plan in the Town Councils.

3.3.6.1 Town Council Technical Staffing in Uganda

Under this indicator, the Assessment Team looked at the availability of technical staff enforcing land use compliance. Emphasis was put on available number of technical staff, number of years spent in service, level of qualification, any refresher course or upgrading ever attended by staff, their roles and responsibilities and common type of compliance cases handled especially by the enforcement officers.

It was found out with serious concerns that there was absence of most of the key required technical officers in majority the Town Councils of Uganda to handle land use compliance issues. Such technical staff included; the Physical Planners, Surveyors, Environment Officers, Land Officer, Engineer etc. For example, 25% of the Town Councils did not have Physical Planners. Land supervisors were executing the physical planning mandate with virtually no technical competence at all in this field.

On the other hand Town Councils had limited numbers of the law enforcement officers and were grossly ill equipped with the necessary equipment and skills to effectively undertake enforcement of land use compliance. The AT further noted that 60% of the enforcement officers had only O & A level qualifications while only 40% had a diploma in law. Majority of the Town Councils did not have activity schedules and the reporting mechanism was found wanting.

3.3.6.2 Composition and functionality of Town Council Physical Planning Committees (TCPPC) in Uganda

Under the PPC indicator, the AT looked at the appointment of the PPC, its composition and functionality, the number of meetings held in the FY 2013/2014 and the common type of cases handled by the PPC.

Physical Planning Committee (PPC) in Town Councils plays a vital role in the guidance and regulating of physical developments. Therefore their composition and functionality had a very significant impact on the trend of development in any given Town Council. The Physical Planning Act (2010) clearly defines the composition and membership of the Urban Physical Planning Committees; in the view of the AT this should be followed as per the guidelines.

The AT established that about 90% of the Town Councils in Uganda had no fully constituted Physical Planning Committees as required by the law due to the absence of the relevant technical officers to be appointed on the committee. Some Town Councils as a way of trying to meet this requirement, they resorted to appointing any person assumed to be useful to this committee something the AT found to be illegal. In some cases the appointing authority appointed only those persons he or she regarded less confrontational to the appointing authority there by compromising the credibility of the committee. The AT noted further that actually about 10% of the Town Councils had not established the Physical Planning Committees like the case for Kibaale and Kamwenge Town Councils. In this regard the functions of the committee in such councils were at the discretion of the Town Clerk and a few of his/her technical staff. This could explain why there is a lot of informality in some of the Urban Councils.

3.3.6.3 Functionality of a land use Complaints Desk in Town Council of Uganda

Under this indicator, the AT was interested in the availability of the Complaints Desk, appointment of a Town Council substantive officer to handle the received complaints, the number of land related complaints registered and considered by the Town Council's PPC in the FY 2013/2014 and the process followed by the Town Council to handle such complaints. The AT noted that there was no functionality of the land use regulation Complainant Desk in all Town Councils assessed.

Many Town Councils expressed ignorance of the need to create such a desk leave alone appointing an officer to man its activities.

3.3.6.4 Building plan submission and approval in Town Council of Uganda

Under the building plan submission and approval indicator, the AT was interested in the availability of a Plans Register and the Plans Schedule, Also focus was put on whether the TPPC considered submitted development applications, how many are approved, deferred and rejected, what common tools do Town Council PPC's used to make decision and does the TPPC gives feedback to potential developers. The aim was to assess if there was involvement of the TPPC which is the statutory organ, in decision making and also to see if the developers receive timely feedback.

Most of the Town Councils assessed had building plans with varying processes used. The only key tool they had was a building Plans Register others like the Plans Schedule were not in place. This area was seen to be functional because of the local revenue it generated hence the attention given to it by the Town Clerks and the rest of the council technical staff. The AT noted that in a good number of the Town Councils, given the fact that a good number did not have the PPC in place, the Engineer solely handled the building plans i.e. receive them, carry out site inspection, carries out assessment and

recommends to the Town Clerk what is to be approved and what not to approve. Lack of record keeping prevented the AT to ascertain the actual number of plans received and considered by the Town Council technical team. There was no evidence of feed back to the clients of the decision made on the development applications in most Town Councils. There was also lack of Structural Engineers in some Urban Councils yet storied building which require significant input of such Engineeres were visibly coming up.

3.3.6.5 Technical equipments in Town Council of Uganda

The technical equipment indicator was another variable looked at by the AT to assess the availability of Physical Planning, Engineering and Survey Equipments/Tools in the Town Council. Some of the equipments the AT was looking at included; Graders, Excavators, Back hoes ,Vibro rollers, Measuring wheel, Dump levels, Tape measure, Dump trucks, Flying drones, Satellite image, Pickups and Garbage compression in case of engineering. For Physical planning and surveying they included; Detailed scheme, Scale, Drawing pens, Trench curves, T-square, Drawing table, Maps(Topographical/cadastrre), GPS, Workstation/ computer, GIS software, computer aided design software, Vehicles, Cameras, Colored pencils, Scanners, Large format plotters, Photocopier, RTK machines, Total stations and Theodorite.

The AT noted that about 95% of the Town Councils had no physical planning ad survey equipment/tools except for the engineering department which had some but still it was inadequate and some equipment had been grounded. About 98% of all the Physical Planners in the assessed Town Councils had no desk top computers which is basic equipment /tools required in a physical planning office.

3.3.6.6 Physical Planning Bylaws in Town Council of Uganda

Under this indicator the AT looked at availability of bylaws related to physical planning, the process followed to formulate these bylaws, their approval and level of enforcement. The AT looked at these bylaws as the engine in guiding enforcement of physical development and land use compliance generally. It was found out that 95% of the Town Councils in Uganda did not have functional bylaws related to physical planning. Those that had attempted to develop them had not been approved and yet they were enforcing them, something the AT found to be illegal.

3.3.6.7 Linkage between the physical development plan and the Five Year Development Plan

Linkage between Physical Development Plans and the Five Year Development Plans was another indicator assessed. The AT looked at the planned and executed activities for the FY 2013/2014, resources allocated to physical planning activities and the actual releases. It was noted that 27% of the Town Councils had no budgetary allocation for physical planning in the FY 2013/14 and those which had, an average percentage of 39% of the budgeted funds were actually released for undertaking physical planning activities. This shows that physical planning is seriously marginalized at this level of governance.

3.3.7 The Physical Planning Situation in Town Councils of Uganda

This thematic area covered three key indicators which included; availability of Physical Development Plan (PDP), availability of Local Detailed Plan (LDP), their coverage and linkage between the LDP and the PDP.

3.3.7.1 Town Council Physical Development Plans in Uganda

Under this indicator, the AT was interested in the availability of a valid Physical Development Plan whereby issues to do with coverage, availability of copies of both the drawing and the report for the PDP, evidence of approval and guiding manual followed in preparing the plan were considered. The AT established that about 60% of the assessed Town Councils, they had valid (Approved by the NPPB) Physical Development Plans. However the biggest challenge was in the area of storage of these documents. About 70% of the Town Councils which had approved plans, they had lost copies of either the report or the drawings.

It was also established that 40% of the Town Councils had no Physical Development Plans in place to provide a basis for detailed planning and a framework for physical planning functionality as well as guiding physical development. Physical development taking place in these Town Councils was not shaped and guided by the physical plans hence growing organically.

3.3.7.2 Local Detailed Plans in Town Council of Uganda

The AT also looked at the availability of Local detailed Plans in the Town Council of Uganda. The AT wanted to verify whether they were valid, what was the extent of coverage and availability of a guiding manual for the detailed plan preparation process. The AT observed that 50% of the Town Councils in Uganda had no detailed plans to guide the use and development of land in an orderly and sustainable manner. Additionally, 40% of these Town Councils had expired/obsolete detailed layout plans that required review in order to be commensurate with the current trend of developments taking place.

On average only 17% of the land in all Town Councils was covered by the detailed layout plans and therefore 83% of the land in Town Councils was not planned at all at the detail planning level. It was also observed by the AT that in the other parts of the Town Councils which had no detailed plans, serious development was going on unabated thus making land use compliance enforcement very difficult.

3.3.7.3 Linkage between the Local Detailed Plan and the Physical Development Plan

Under this indicator the AT looked at the relationship between land uses in the PDP and the LDP. It was noted that the existing Local Detailed Plans and Physical Development Plans were found compatible and this relationship was found at 70%. It was observed by the AT that planned land uses are changed to other uses without physical planning guidance and authorization. The planned residential areas have been converted to commercial especially along the major/main roads and along the newly opened up roads.

It was further noted that there was no physical planning guide/manual available in all the Town Councils highlighting the Physical Development Plan preparation processes followed. The physical planning processes were not documented and unavailable to the general public.

3.3.8 Land use Compliance Routine Activities carried out in Town Council of Uganda

In this thematic area, the AT was interested in a number of indicators which included; any form of evidence of the building plan approval processes, comparison between the approved plans and the actual developments on ground, evidence of notices served to illegal developers, number of developments halted, management of change of user, evidence of sensitization on physical planning, land subdivision and allocations and whether there was any form of innovative approaches to enforcement of land use compliance.

3.3.8.1 Building plans approval processes

It was observed with concern that over 45% of the Town Councils do not involve their Physical Planning Committees in the submission and approval of building plans and therefore do not consider the submitted plans for approval. The process is undertaken by the technical officers independent of the Physical Planning Committee. About 45% of the Town Councils did not use the registered architects during the submission of building plans therefore the standards and quality of the submitted and approved plans was questionable. It was observed by the AT that each Town Council had its own building plan submission and approval process.

3.3.8.2 Comparison between the approved plans and the actual physical development

There was a disconnect between the plan approval and actual physical development as there were no routine site inspections carried out to ensure compliance to the approved plans. All Town Councils did not have routine site inspection reports and no occupation permits had been issued to developers in the FY 2013/14. Additionally, there were inadequate mechanisms and procedures in place to guide and facilitate the technical officers in undertaking the routine site inspections in an orderly and efficient manner.

3.3.8.3 Management of enforcement notices

About 85% of the Town Councils had evidence of issuance of enforcement notices to illegal developers while the rest just looked on. Impounding of equipment and tools at an illegal site was the most common enforcement action taken followed by demolition and at times prosecution of offenders. However, most Town Councils did not make follow up on the served illegal developments in order to ensure that the illegal works are actually halted.

The AT noted that about 65% of the illegal developments were served with notices because of the illegal construction works and of which 44% of such illegal developments were actually halted. The most type of developments halted were mainly residential followed by commercial. More so, it was reported to the AT that the community was not aware of the fact that developers with intention to carry out a residential development required preparing and submitting building plans for approval before works commenced.

Most of the illegal development served with enforcement notices continued and some were completed. The follow up on illegal developments served with enforcement notices was very limited due to lack of reliable and readily available means of transport and time for the officers to make a follow up.

3.3.8.4 Land allocation and change of user

On matters related to land allocation and change of user the AT noted with concern that only 50% of the Town Councils with detailed layout plans did not receive change of user requests for consideration before land uses and developments are changed and converted respectively. The rest of the Town Councils had experienced land uses and developments on ground actually changed and converted respectively without physical planning guidance and approval thus leading to the distortion of the detailed layout plans.

3.3.8.5 Awareness creation

Under sensitization the AT noted that 70% of the Town Councils did not carry out any community sensitization seminars in a bid to create awareness about the need and importance of physical planning. In addition, most of the Town Councils with detailed layout plans in place had not popularized and publicized their existence to the community and the general public for the purposed gaining support from the communities during their implementation.

In all the town councils, most of the land use compliance routine activities were not carried out apart from the building plan submission and approval.

3.3.8.6 Innovative approaches to enforcement of land use regulations

A number of innovative approaches were identified by the AT and most of them were found feasible and viable for purposes of replicating in the other Town Councils where they don't exist. The innovative approaches to enforcement of land use regulations identified included the following;

- Continuous, consistent and purposeful lobbying of Council to commit funds for preparation of Physical Development Plans from locally generated revenue as was the case in Mubende Town Council.
- Co-opting other officers on the Physical Planning Committee who are not stipulated in the physical planning Act 2010 such as the Health inspector and the head of enforcement for better coordination and enforcement of land use compliance in the Town Council as it was the case in Kyenjojo Town Council.
- Assessment and payments for the Occupation Permits made at the time of building plan submission in a bid to raise revenue from this source as it was in Kyenjojo Town Council.
- Centralization of building plan submission and approval at the Town Council from divisions for better management of the plan approval process as it was in Kyenjojo Town Council.
- Piecemeal planning of the fast growing wards of Kigumba and Kanywa especially the planning of the road network in Mityana Town Council.
- Field inspections carried out as a team to avoid individuals being compromised through bribery to abet illegal developments in Kiboga Town Council.
- Use of mobile vans to sensitize the public on required standards and development guide lines as it was the case in Kisoro Town Council.

3.3.9 General performance of Town Council

The AT looked the general performance of Town Councils at the national and regional levels in each thematic area with a purpose of comparing the best and worst performance. It was noted that majority of the Town Councils were below the average mark which indicated that the situation was not good on the ground (Table 3.6).

Table 3.2: General performance of Town Councils

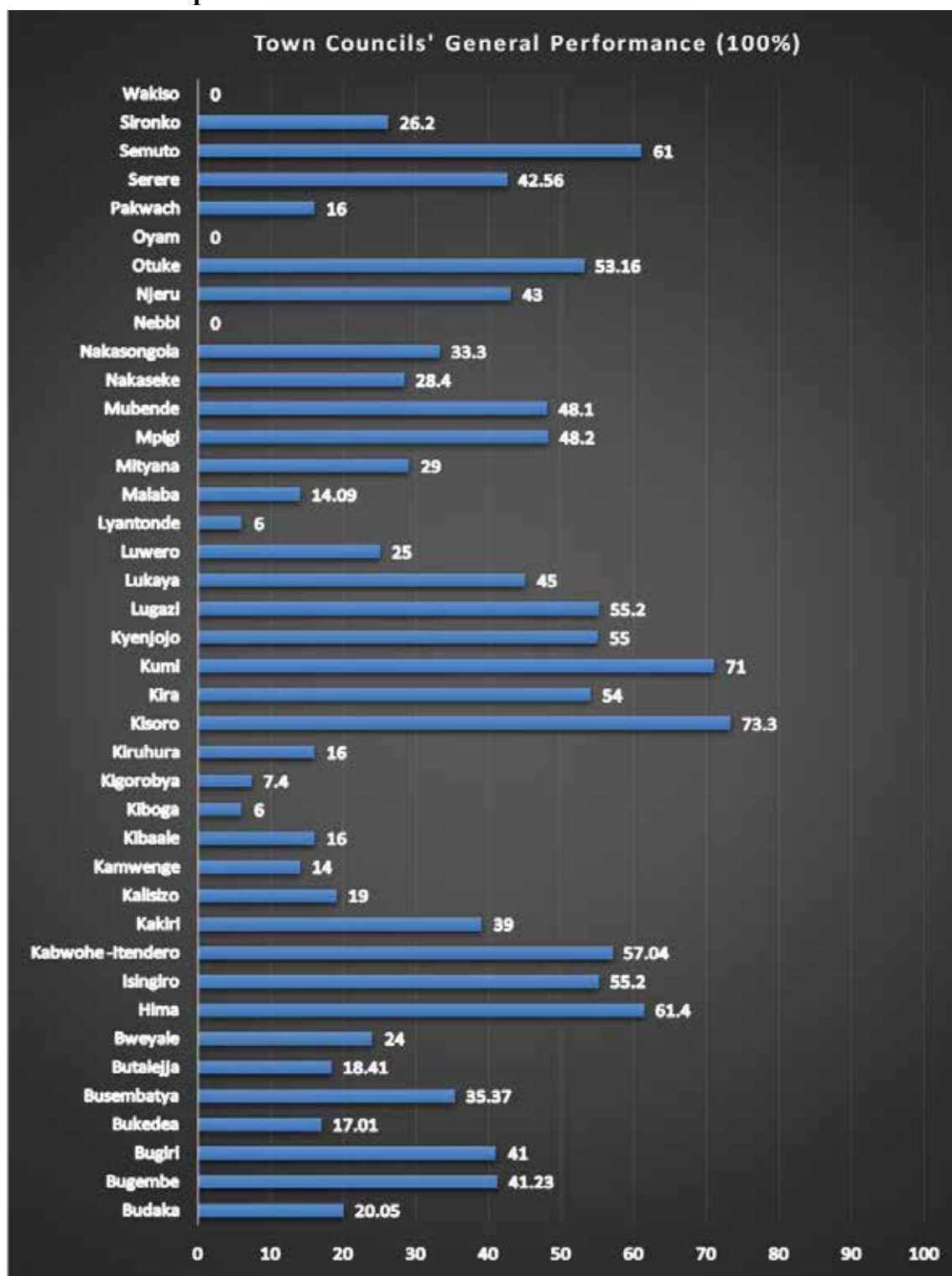
No.	Town Council	Institutional Readiness to enforce Land use Compliance (40%)	Physical Planning Situation (20%)	Land use compliance Routine activities carried out (40%)	Total Score (%)
1.	Budaka	11.39	00.00	08.66	20.05
2.	Bugembe	16.23	06.00	19.00	41.23
3.	Bugiri	09.44	17.00	14.26	41.00
4.	Bukedea	08.68	03.00	05.33	17.01
5.	Busembatya	13.37	14.00	08.00	35.37
6.	Butalejja	05.75	00.00	12.66	18.41
7.	Bweyale	13.00	00.00	11.00	24.00
8.	Hima	24.00	15.00	22.39	61.40
9.	Isingiro	19.17	02.00	34.00	55.20
10.	Kabwohe -Itendero	20.04	11.00	26.98	57.04
11.	Kakiri	12.41	10.00	26.32	39.00
12.	Kalisizo	11.00	00.00	07.60	19.00
13.	Kamwenge	06.68	02.00	04.53	14.00
14.	Kibaale	07.61	00.00	07.99	16.00
15.	Kiboga	02.85	00.00	02.93	06.00
16.	Kigorobya	02.89	02.00	02.4.	07.40
17.	Kiruhura	02.94	13.00	00.00	16.00
18.	Kisoro	28.55	16.00	28.26	73.30
19.	Kira	20.92	06.00	26.93	54.00
20.	Kumi	25.00	19.00	27.00	71.00
21.	Kyenjojo	20.86	13.50	19.60	55.00
22.	Lugazi	19.02	14.00	22.13	55.20
23.	Lukaya	19.47	00.00	25.06	45.00
24.	Luwero	18.23	04.00	02.40	25.00
25.	Lyantonde	02.00	00.00	04.00	06.00
26.	Malaba	13.29	00.00	0.80	14.09
27.	Mityana	21.00	00.00	07.46	29.00
28.	Mpigi	27.00	06.00	21.20	48.20
29.	Mubende	25.00	00.00	23.06	48.10
30.	Nakaseke	08.00	00.00	20.4	28.40
31.	Nakasongola	15.28	00.00	18.00	33.30
32.	Nebbi	00.00	00.00	00.00	00.00
33.	Njeru	15.26	08.00	19.26	43.00
34.	Otuke	15.36	17.00	20.80	53.16

35.	Oyam	00.00	00.00	00.00	00.00
36.	Pakwach	10.00	00.00	06.00	16.00
37.	Serere	21.90	00.00	20.66	42.56
38.	Semuto	20.00	14.00	27.00	61.00
39.	Sironko	08.80	11.00	06.40	26.20
40.	Wakiso	00.00	00.00	00.00	00.00

3.3.9.1 Town Councils Performance at National Level

Findings indicated that there were two Town Councils that had good (above 70%) performance (figure 3.7). These included; Kumi and Kisoro Town Councils. Eight Town Councils including; Hima, Isingiro, Kabwohe-Itendero, Kira, Kyenjojo, Lugazi, Otuke, Semuto however were above average (between 53% - 61%), which represented only 20% of the total number of town councils assessed. However twenty seven Town Councils including; Serere, Pakwach, Njeru, Nakasongora, Nakaseke, Mubende, Mpigi, Mityana, Malaba, Lyantonde, Luwero, Lukaya, Kiruhura, Kigolobya, Kiboga, Kibaale, Kamwenge, Kalisizo, Kakiri, Bweyale, Butaleja, Busembatya, Bukedea, Bugiri, Bugembe and Budaka were below the average mark (between 6% - 48%), which represented 68% of Town Councils with a very poor performance. Three Town Councils of Nebbi, Oyam and Wakiso were not compliant with the assessment because efforts by the AT to access the concerned officials were rendered futile. In the case of Nebbi and Oyam their entire stations were abandoned for about three hours with only the askari present. For Wakiso the Physical Planner had passed on and almost all the information required was in the office which was locked. The acting planner for Wakiso was not accessible as well.

Figure 3.7: General performance of Town Councils



3.3.9.2 General performance of Town Councils in the thematic areas

Generally the biggest number of Town Councils (60%) was below average in the entire three thematic areas assessed (figure 3.8). Apart from the two Town Councils which were above 70%, there was very poor performance in the thematic area of physical planning. This means that Town Council authorities still had a lot to do to change the situation in this thematic area.

It was further noted that under institutional readiness to enforce land use compliance, Kisoro and Kumi Town Council performed well while Kamwegye, Kibaale, Sironko, Nakaseke, Kiruhura, Kiboga, Butaleja, Bukedea, Bugiri and Kigolobya performed very poorly. Under physical planning situation, Kumi, Kisoro Otuke, Hima and Bugiri Town Councils scored fairly well while the rest of the Town Councils were below average. In the area of land use compliance routine activities carried out, Kira, Semuto, Mubende, Mpigi, Lukaya, Lugazi, Kumi, Kisoro, Kakiri, Kabwohe-Itendero, Isingiro and Hima Town Councils were above average representing 30% of the assessed town Councils, while the rest were far below average (figures 3.9 -3.11).

Figure 3.8: Comparative Town Council's performance in the thematic areas

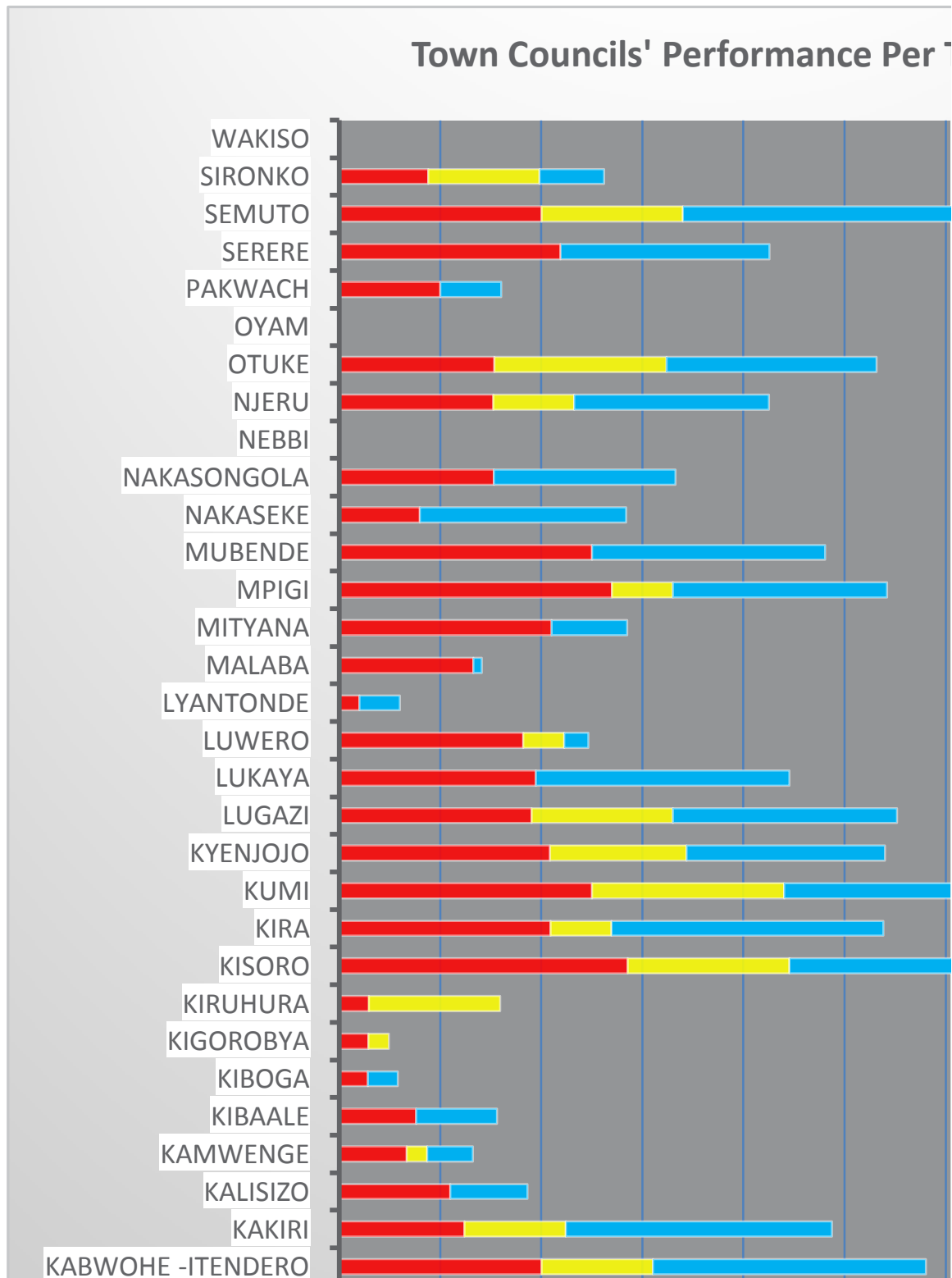


Figure 3.9: Town Council readiness to enforce land use compliance

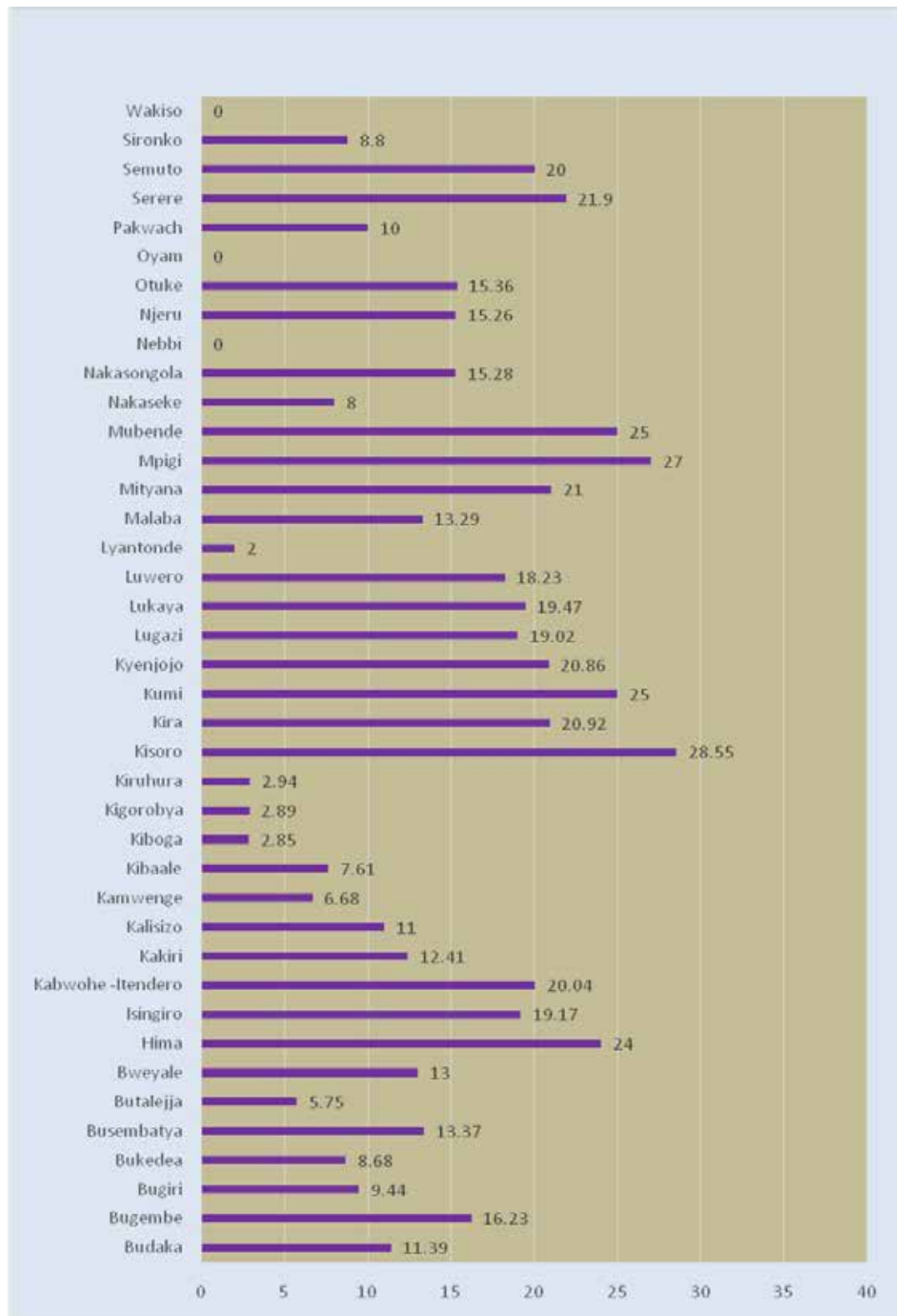


Figure 3.10: Physical Planning Situations in Town Councils

3.11: land use compliance routine activities carried out in Town Councils

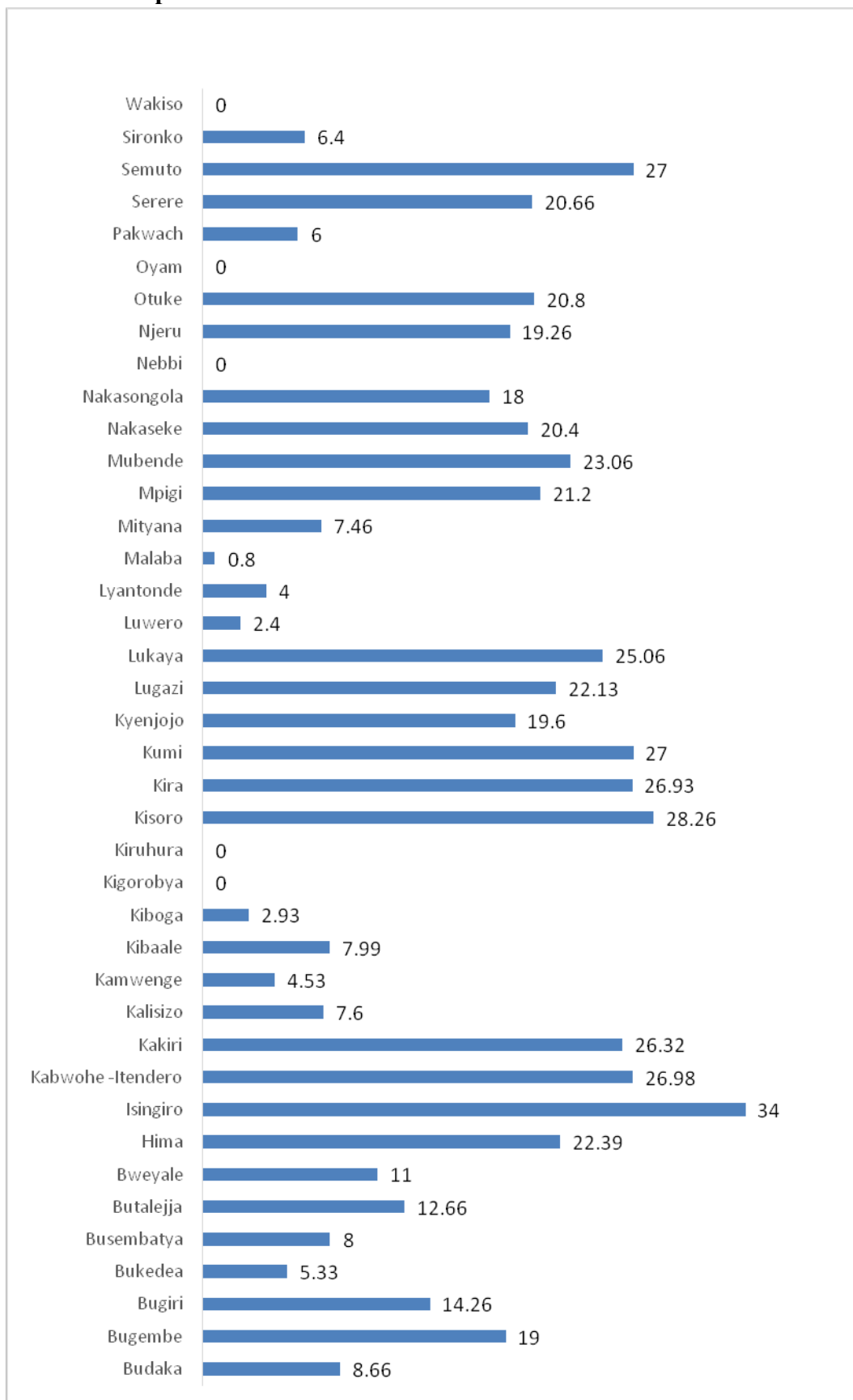
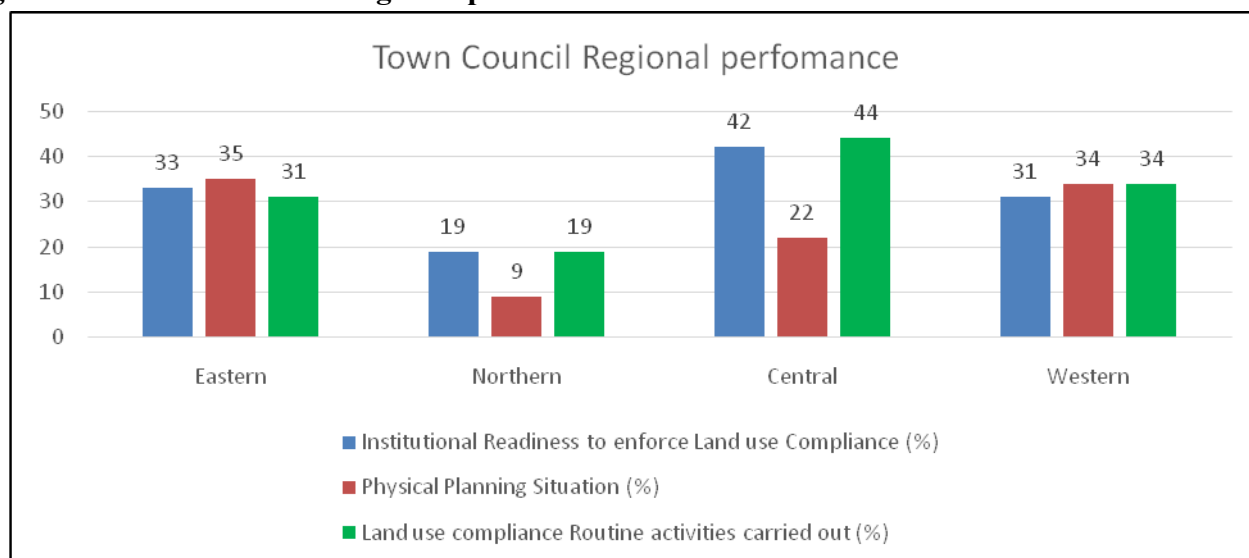


Figure 3.12 Town Council's regional performance



3.3.10 Good practices in land use compliance for Town Councils of Uganda

The AT sought to find out some of the good practices that can be replicated in other Urban Councils for better service delivery. Some of the key good practices the AT noted were;

- Some Town Councils had improvised by recruited enforcement Askari's until such a time when the Public Service through District Service Commissions recruits qualified officer. This measure is intended to cover for the big gap in this sector if the recruits are trained.
- Joint field inspections by technical officers were found to be carried out although in very isolated cases.

3.3.11 Achievements registered under land use compliance in Town Councils in the FY 2013/2014

There were no significant achievements registered by the Town councils during the time of assessment.

3.3.12 key challenges registered by Town Councils in enforcing land use compliance

- Most Town Councils lacked key technical staff. They improvised by assigning the activities to unqualified staff a practice that had muddled the situation even more.
- Most Town Councils lacked fully appointed and constituted Physical Planning Committees. This leave decision making on matters of physical development in the hands of such incompetent and unqualified staff which had escalated informality and haphazard developments in these Town Councils.
- All Town Councils were poorly equipped. Therefore ill equipped, unqualified and incompetent staff can lead to disaster.
- Absence of Physical Planning Bylaws to support enforcement of land use compliance activates was a key challenge in the Town Councils.
- Absence of valid and approved PDP's due to financial constraints was a big challenge because officers could not authentically guide developers.
- All Town Councils had a weakness in record keeping. Documents were not well referenced and even others were dated.

- Under building plan approval processes there was absence of a clear process followed. There was absence of proper Plans Registers and Plans Schedules.
- There was no clearly followed procedure for managing enforcement notices. In many cases the less qualified and incompetent enforcement officers were left to handle such matters resulting into hostilities from the members of the public.
- Land allocation and land subdivision were generally carried out without the involvement of technical staff at the Town Council level yet they were in charge of enforcing development control and guiding developments in their areas jurisdiction.
- Poor funding of physical planning activities and political interference were equally key impediments to effective service delivery in Uganda's Town Councils.

CHAPTER FIVE:

6.0 SUMMARY, CONCLUSION AND RECOMMENDATIONS

6.1 Summary of Key Findings

This assessment was conducted to ascertain the level of land use compliance enforcement in the 22 Municipalities and 40 selected Town Councils in Uganda. The key findings by the consultant are as follows;

The Assessment found out that there was generally understaffing in physical planning and enforcement sections in both Municipal Councils and the Town Councils of Uganda. It was evident that at most time's officers were compelled to multi-task even in areas where they had no capacity at all. In some cases those who were acting had no idea of what they were doing apart from just filling that portfolio. It was noted also that many times officers especially those from enforcement were highly compromised while executing of their work. There were common cases of interdictions for officers who had misused their offices and there were no attempt to fill the gap with competent technical persons. It was further noted that majority of the technical officers had never undergone any refresher course ever since they were appointed yet we live in a changing world.

A good number of the Urban Councils especially the Town Councils lacked PDPs and LDPs. Those without were improvising by either using the National Physical Planning Guidelines and Standards or use the drafts PDPs and LDPs to enforce land use compliance. Some Urban Councils who had endeavored to prepare their own PDP and LDPs were frustrated by delays in the approval process and at times these drafts got misplaced in the MoLH&UD. Majority of the Urban Councils without such plans lacked resources and the technical know how to develop the plans. They depend on the consultants who had different approaches and capabilities to produce credible plans. This was attributed to lack of a guiding manual in the plan preparation processes.

There was vivid marginalization of the Physical Planning Section under the Engineering Department in terms of resource allocation, equipment and decision making especially on matters related to land use compliance. Given the fact that physical planning was under engineering, the Engineers controlled the budgets and as such most of the money goes to engineering activities. The engineering had a lot of allocations in terms of equipment and to make matters worse in some cases even at the municipality level, the Engineer were the secretary to the PPC contrary to the PPA.

Findings also indicated that most of the Urban Councils lacked equipment to carry out their mandated roles. In case of Municipalities there were very few types of equipment for planners and at times officers were using their personal equipments to execute official government work. This had put these councils in a dearing situation to the extended that when the officer leaves, he or she may carry every thing including a few that may belong to that particular council claiming ownership. For the case of Town Councils there was total absence of these equipments. Actually officers had leant how to cope with the situation without them. This probably explains the very poor performance in majority of these Town Councils.

In most Urban Councils assessed, it was evident that physical planning was generating some good local revenue. However this generated local revenue was never at all remitted back to support the same units that generate these monies. It was established that in almost all Urban Councils the land use

compliance routine activities had the attention of councils because it generates revenue. But in the other areas like physical planning, Urban Councils performed poorly largely because the activities involved a lot of money and the results were not immediately realized. This explains why in almost all Urban Councils assessed, there were logistical and facilitation inadequacies.

Most Urban Councils had PPCs in place and they were functional. However their composition was generally not statutory, they lacked formal appointment letters and were ill facilitated which affected their performance. There were conflicts in their roles and responsibilities among members of the PPC. Most Urban Councils were not even sure on the actual number of times a PPC can convene because it had a cost implication.

There was poor record management in almost all the Urban Councils. Documents were not referenced, others lacked dates, minutes were not signed and the storage facilities of all documents were in a sorry state.

Municipalities especially those under USMD program were aware of the need to have a Land use Complaints Desk but those outside USMD program either had no idea or they did not see its relevance. These were in place in some Urban Councils and other especially the Town Councils did not have any idea about having a Complaints Desk and an appointed officer to man it. In such a circumstance they did not have a proper process followed in handling complaints.

The building plan approval process in Municipal Council was generally okay. Municipal Councils had in place Plans Register and Plans Schedules. However the big challenge was in the Town Councils where almost the entire process was a one man's show. Some of the officers handling these plans in these Town Councils had no idea of the technical aspects involved in handling building plans. All they were doing was to receive the plans, assess the inspection fees and once the owner pays they stamp and allow the person to go ahead to erect the structure. There were no site inspections done to ensure conformity of the elected developments to the plans and majority of elected structures were occupied without issuance of an occupation permit.

Most Urban Councils lacked bylaws especially those related to physical planning and land use compliance. This was due to lack of skills by the technical staff to develop them but also where attempts were made there were gross delays in approval by the Ministry of Justice. Some Urban Councils had resorted to implementing draft bylaws which was a very big anomaly.

Findings also indicated that there was very limited correlation between the Five Year Development Plan (FYDP) and the PDP priorities. It appeared as if when developing the FYDP, Urban Councils do not consult other relevant documents like the PDP which result in generation of new priorities that do not relate to those already developed in the PDP. This could be attributed to incompetence of some officers when developing workplans for the budget framework paper. The problem was made worse in a situation where an Urban Council had an approved plan drawing but it had no copy of the accompanying report, which was very prevalent in most Urban Councils that had an approved plan. Guiding developments based on the drawing alone can be very difficult without making reference to the standards and regulations which are always part of the report.

It was very difficult for the AT to verify information provided by the technical team of a given Urban Council without proper reporting method. Most officer especially in Town Councils were giving information by word of mouth without an authentic report approved by TPC. This means that they hardly prepare quarterly reports which must be presented and discussed by the TPC.

A good number of the Urban Councils had attempted to carry out sensitization of the masses on matters related to land use compliance. However they faced a problem of limited facilitations to carry out this activity. The situation was aggravated by the demand for allowances from the participants which the Urban Councils could not afford. The culture of providing allowances for one to get free knowledge/information to help him or her advance was found to be unacceptable. The unwillingness of the community/public to be sensitized explains the hostility they unleash towards council officers enforcing land use compliance.

It was further noted that the DLB worked in most cases were independent of the council officials in matters related to land allocation. This in many instances resulted into incompatible land use allocation simply because the DLD was not the custodian of the planning standards and regulations for a given Urban Council yet they did not consult them in the allocation process.

It was also noted that some Urban Councils especially Town Councils had no idea on how to deal with change of user in their areas of jurisdictions. Those with an idea, they were not following the process to the end as provided for by the law.

Political interference in the execution of technical work was sighted as a major hindrance to systematic enforcement of land use compliance. Politicians lacked the knowledge of where they are supposed to start and end in matters related to land use compliance. Many times officers were threatened with dismissal if they tried to stick to the rules and procedures. This highly compromised the performance of technical staff in those assessed Urban Councils.

6.2 Conclusion

In conclusion one can say that generally Municipal Councils performed better than Town Councils in all the three assessed thematic areas. It is a fact that majority of the Town Councils were just gambling with issues related to land use compliance and that they need serious attention from the ministry of MoLH&UD. It was also true that there was a glaring disparity between municipalities under the USIMD program with the exception of Tororo Municipality and those outside the program. If this gap is not attended to in the near future, the consultant envisages a situation where we shall have 'super' and 'inferior' municipalities. On the other hand generally physical planning was neglected especially in the Town Councils of Uganda. There was a state of despair and lack of interest in most of the the Town Councils which calls for an immediate action.

6.3 Recommendations

- There was need to review the staffing structure of Urban Councils in the country where by physical planning may need to be detached from engineering and be made a fully fledged department at list for the start at the municipality level. The number of planners for the municipality also needs to be revised up words list one per each division for the start. This will solve the problem of multi-tasking in issues one does not understand.

- The MoLH&UD should develop guiding manuals for the PDP and LDP preparation processes. The same ministry with other development partners should support Urban Councils in development of at list PDPs for the start and also encourage them to increamentaly develops LDPs using locally generated revenue. This will help Urban Councils to have a standardized preparatory process but also to guide and regulate development with statutory tools and instruments.
- Urban Local Governments with support from the MoLU&D should invest in building capacities of the technical staff by designing tailored training progames to address local needs in order to enhance their capabilities in service delivery. Where need be officers who are under perfoming in a given council can be attached to other council those perfomace is good for mentoring and skills development for aspecified time period.
- Urban Councils should start to priporities physical planning activites during their budgeting and actual relaese of funds. This will go a long way to tap into the unexploited reveue sources and hence enhance the local revenue collection base but at the same time improve on the general outlook of the urban fabric. This mean that Urban Councils may have for a start to at list remit 30% of the total local revenue generated to the physical planning department.
- All Urban Councils must have fully constituted PPC's and they must be functional. The appointing authority needs to observe the law to dot and also facilitate their activities. The MoLH&UD may need to issue new guideline/ communication on how many times a PPC should convine but also guide on the roles and responsibilities of each and every member of the committee. The consultant is of the view that apart from the co-opted member of the PPC (Registered Architect and the Physical Planner both in private practice), the technical officers sitting on a particular PPC of a given council should not be renunimated because this part and persal of their rountine activity. This will go a long way to cut costs of maintaining the committees.
- The MoLG, MoLH&UD should design training programs to boost skills of officer in records management. Emphasis should be put on referencing of files, letters, filling systems and their storage. Preparation and handling of minutes among others.
- It should be made mandatory for all Urban Council to have Complaints Desk, Focal Peron handling these complaints and a clearly raid down procedure of handling complaints. There must be a Complaints Register in place and a committee to handle these complaints.
- The MoLH&UD should come up with a standardized procedure for handling development applications in all Urban Councils. These guidelines must address issues of receipt, registration, reports and consideration of these applications. This will eliminate the tendency of some council officials taking advantage of absence of these guidelines to personalize the entire process.
- The Ministry of Justice should design training programs to build capacities of Urban Council Officials in developing meaningful and realistic bylaws related to physical planning. The

ministry should also establish a focal point office to handle and expedite the review and approval processes of the submitted draft bylaws by various Urban Councils.

- There is need also to build capacities of Urban Council TPC's and the political leadership in trying to develop synergies between the FYDP and the PDP priorities so that the PDP objectives are achieved through the developed and implemented workplans of the FYDP.
- Urban Councils should make it a requirement for all their officers to develop quarterly reports on the executed activities and these reports should be discussed and approved by their TPCs.
- The Central Government must revisit the way DLB operate in order to make it mandatory for the DLB to consult technical officers in the Urban Councils on matters of land allocation. There is a general feeling that it was time for municipalities to have their own land Boards if developments were to be guided in accordance to the developed Municipal PDPs.
- Urban Councils are encouraged to invest in information dissemination in order to avert hostilities and unwanted development trends. There should be at least two sensitization workshops on land use compliance planned and executed in these Urban Councils every financial year. There is also need to do stakeholder analysis so that information dissemination targets purposive groups.
- The Government of Uganda should introduce a policy where a levy should be charged on all projects related to physical planning to facilitate the building of capacities for technical officers and especially those fresh from the universities. This will go a long way to improve on the quality of manpower on the market in order to offer quality service delivery.

Annexes

Annex 1: revised assessment tool

General Area of Assessment	Specific Indicator	Indicator Description	Evidence	Source of information	Methods	Total Possible Points	Actual Score	Remarks
1.1 Institutional Readiness to Enforce Land use Compliance						40%		
	1.1.1 Availability of the most relevant Technical Personnel (Physical Planners, Engineer, Land Officers, Surveyor,)	<ul style="list-style-type: none"> Number of years in service Level of qualification Refresher / upgrading courses attended Roles and responsibilities Achievements / successes Challenges 	<ul style="list-style-type: none"> Appointment letter Activity schedule Annual work plans 	<ul style="list-style-type: none"> Town clerk's office Relevant officers Personal files (ref.) 	<ul style="list-style-type: none"> Document review Observation Interviews 	5		
	1.1.2 Availability of law Enforcement Officers (5 for Municipality, 2 for Town Councils)	<ul style="list-style-type: none"> Number of officers appointed Roles and responsibilities Number of cases handled Common type of cases handled Achievements Challenges 	<ul style="list-style-type: none"> Activity schedule Appointment letters Reports 	<ul style="list-style-type: none"> Town clerk Relevant officers Personal files (Ref.) 	<ul style="list-style-type: none"> Document review Interviews Observation 	5		
	1.1.3 Existence of a fully constituted and Functional Physical Planning Committee	<ul style="list-style-type: none"> Appointed Physical Planning Committee Composition of the committee Number of meetings held (FY 2013 – 2014) Common type of cases handled Recommendations / decisions made Challenges faced by the committee 	<ul style="list-style-type: none"> Appointment letters Minutes of the committee 	<ul style="list-style-type: none"> Physical Planning Act (2010) PPC members Personal files (Ref.) Clerk to council 	<ul style="list-style-type: none"> FDGs Document review Observation 	10		
	1.1.4 Existence of a Functional Land use Regulation Complaint Desk	<ul style="list-style-type: none"> Availability of the complaint desk / office Appointed officer to receive complaints Number of complaints registered and submitted to PPC for consideration Process of handling complaints 	<ul style="list-style-type: none"> Appointment letters Reports 	<ul style="list-style-type: none"> Memo Complaints register File (ref.) Officer in charge of complaints 	<ul style="list-style-type: none"> Interview Observation Document review Photography 	5		
	1.1.5 Existence of a plans	<ul style="list-style-type: none"> Evidence of Plans registration Evidence of plans 	<ul style="list-style-type: none"> Plans Register with entries seen Plan schedules 	<ul style="list-style-type: none"> Plans clerk office Clerk to 	<ul style="list-style-type: none"> Interviews Observation Document 	7		

	submission and Approval	<ul style="list-style-type: none"> • schedule • PPC consideration of submitted plans schedule • Number of plans approved, deferred or rejected by PPC • Plan approval process followed • Technical tools used in the approval process • Evidence of feedback to clients/applicants • Achievements • Challenges 	<ul style="list-style-type: none"> • PPC minutes • Communication to developers of PPC decisions • Copies of approved plans • Correspondence s and memos 	<ul style="list-style-type: none"> • council • Physical Planning Act (2010) • Town clerk's office • Physical planning office 	review			
	1.1.6 existence of Technical Equipment	<ul style="list-style-type: none"> • Physical planning equipment • Survey equipment • Engineering equipment 	<ul style="list-style-type: none"> • Equipment physically seen 	Departments of Physical Planning, Engineering and Survey	<ul style="list-style-type: none"> • Observation • Photography • Interview • Site visit 	3		
	1.1.7 Existence of Physical Planning Bylaws	<ul style="list-style-type: none"> • Origin and process of by law formulation • Date of approval • Level/degree of enforcement • Achievements • Challenges 	<ul style="list-style-type: none"> • Copies of Physical Planning and enforcement by laws and ordinances • Council minute • Sector committee minutes 	<ul style="list-style-type: none"> • Town clerk's office • Enforcement office • Clerk to council • Physical planning department 	<ul style="list-style-type: none"> • Document review • Observation • Photography 	2		
	1.1.8 Linkage between the five year development plan and the Physical Development Plan	<ul style="list-style-type: none"> • Planned and executed activities for (FY 2013-2014) • Resource allocation • Actual funds release 	<ul style="list-style-type: none"> • Approved work plan 	<ul style="list-style-type: none"> • 5 Year Development Plan • Physical Planning report • TPC minutes 	<ul style="list-style-type: none"> • Observation • Document review • Field verification • Interviews 	5		
Sub Total score						42		
1.2 The Physical Planning Situation						20%		
	1.2.1 Presence of a valid approved physical development plan	<ul style="list-style-type: none"> • Plan covering entire planning area. • Evidence of approval • Copies of plan and report available • Guiding manual followed for the PDP process 	<ul style="list-style-type: none"> • Date of approval • Drawing number • Minutes and reports • Correspondence s and memos • PDP Manual 	<ul style="list-style-type: none"> • Planning file (Ref.) • PPD • Town clerk's office 	<ul style="list-style-type: none"> • Document review • Observation • Photography 	5		
	1.2.2 Presence of Approved local (Detailed) plans	<ul style="list-style-type: none"> • Plan covering entire planning area. • Evidence of approval • Copies of plan and report available • Guiding manual for the LDP process followed 	<ul style="list-style-type: none"> • Date of approval • Drawing number • Minutes • Correspondence s and memos • LDP Manuals 	<ul style="list-style-type: none"> • Planning file (Ref.) • PPD • Town clerk's office 	<ul style="list-style-type: none"> • Document review • Observation • Photography 	5		
	1.2.3 Local (detailed) plans'	<ul style="list-style-type: none"> • 50 – 100% (5) • 30 – 49% (3) • 10 – 29 (2) 	<ul style="list-style-type: none"> • Actual size of planning area • Actual coverage of the 	<ul style="list-style-type: none"> • PPD 	<ul style="list-style-type: none"> • Observation • Photography 	5		

	coverage as a percentage of the total planning area.	<ul style="list-style-type: none"> • 2 – 9% (1) • Below 2 (0) 	local detailed plan					
	1.2.4 Linkage between the local detailed plans and the Physical Development Plan	<ul style="list-style-type: none"> • Close relationship between the land uses in the Detailed Plan and the PDP 	<ul style="list-style-type: none"> • 75% Compatibility level 	<ul style="list-style-type: none"> • Area zoning plan • Detailed plan • PDP 	<ul style="list-style-type: none"> • Observation • Field verification • Interviews 	5		
Sub Total score						20		
1.3 Land use Compliance Routine Activities carried out						40%		
	1.3.1 Evidence of Building plans processed	<ul style="list-style-type: none"> • Number of approved plans • Number of rejected plans • Number of deferred plans • Common reasons for deferring and / or rejection • Evidence of use of registered architects 	<ul style="list-style-type: none"> • Functional plans record book • Stamped plans • 	<ul style="list-style-type: none"> • Plans clerk office • Town clerk's office • Submit building plans 	<ul style="list-style-type: none"> • Document review • Interview • Photography 	8		
	1.3.2 Comparison of approved building plans and developments on the ground at the respective sites	<ul style="list-style-type: none"> • Evidence of compliance between the approved plan and the actual physical development • Successes registered • Challenges encountered 	<ul style="list-style-type: none"> • Inspection Field report • Occupation permits 	<ul style="list-style-type: none"> • PPD • Town clerk's office • Plans clerk office • Approved building plans 	<ul style="list-style-type: none"> • Sampling approved developments • Photography 	7		
	1.3.3 Evidence of notices served to illegal Developers	<ul style="list-style-type: none"> • Type of notices issued • Process followed in issuing notices • Common actions taken • Process followed in issuing notices • Challenges encountered • Common techniques used in issuing notices 	<ul style="list-style-type: none"> • Copies of notices • Delivery book • Countersigned notices • Format of notice 	<ul style="list-style-type: none"> • PPA (2010) • Town clerk's office • Physical planning office 	<ul style="list-style-type: none"> • Document review • Interview • Photography 	6		
	1.3.4 Evidence of illegal developers Actually halted	<ul style="list-style-type: none"> • Number of developments halted • Number of developments demolished • Common types of developments halted / demolished (%ge coverage) • Challenges 	<ul style="list-style-type: none"> • Records, • Field reports 	<ul style="list-style-type: none"> • TC's office • Physical Planning office • Enforcement office 	<ul style="list-style-type: none"> • Document review • Interviews • Field visits 	7		
	1.3.5 Percentage of halted Development	Above 70% (5)	•	• Departmental reports	• Document review	5		

	s of all illegal notices served	50 – 69% (3) 20 – 49% (2) 5 – 19% (1)						
	1.3.6 Evidence of submissions of requests for change of user	<ul style="list-style-type: none"> • Number of applications received • Number of applications considered by PPC • Number of applications approved by PPC • Number of applications deferred by PPC • Number of applications rejected by PPC • Change of user process followed • Challenges encountered 	<ul style="list-style-type: none"> • Minutes of PPC • Change of use schedules • 	• Departmental Reports	• Document review	3		
	1.3.7 Evidence of sensitization Meetings held on physical planning/ land use compliance	<ul style="list-style-type: none"> • Planned sensitization workshops • Sensitization materials prepared • Number of meetings / workshops held • Level of stakeholder participation • Challenges • Successes 	<ul style="list-style-type: none"> • Sensitization Workshops Schedule • Attendance lists • Reports • Minutes 	• Departmental work plan	<ul style="list-style-type: none"> • Interviews • Document review 	5		
	1.3.8 Innovative Approaches to enforcement of land use regulations	<ul style="list-style-type: none"> • Type of innovation (proactive / reactive) • Feasibility of innovation 		<ul style="list-style-type: none"> • Enforcement office • TC's office • PPD • Reports 	<ul style="list-style-type: none"> • Interview • Document review 	10		
Sub Total score						51		
Grand total score								

Annex 2: List of possible stakeholders engaged

The consultant identified the following persons as key informants;

- The Town Clerk/ accounting officer
- The Physical Planner
- The Municipal/Town Engineer
- Land Surveyor where they exist
- Head of Enforcement
- Human Resource Officer
- Clerk to Council
- Plans Clerk
- Complaints Desk Officer
- Economist
- The Municipal Mayor and/or the Chairperson of the TC
- Members of the Physical Planning Committee

Annex 3: Data capture template

GENERAL AREA OF ASSESSMENT	SPECIFIC INDICATOR	INDICATOR DESCRIPTION	KEY POINTERS OF COMPLIANCE AND SUCCESS	REFERENCE/INFORMATION LOCATION	TOTAL POSSIBLE POINTS	ACTUAL SCORE	REMARK (capture all the points/information here in detail)				
1.1 Institutional Readiness to Enforce Land use Compliance				40%							
	1.1.1 Availability of the most relevant Technical Personnel (Physical Planners, Engineer, Land Officers, Surveyor, environmentalist, land officer(etc)	<ul style="list-style-type: none"> Number of technical officers available (1) Number of years in service (1) Level of qualification (1) Refresher / upgrading courses attended (1) Roles and responsibilities (1) Achievements / successes <ul style="list-style-type: none"> Challenges 	<ul style="list-style-type: none"> Appointment letter Activity schedule Annual work plans 		5		No	Name	Position	Date of Appointment	reference
							1				
							2				
							3				
							4				
							5				
							6				
							7				
	1.1.2 Availability of law Enforcement Officers (5 for Municipality , 2 for Town Councils)	<ul style="list-style-type: none"> Number of officers appointed (2) Roles and responsibilities (1) Number of cases handled (1) Common type of compliance cases handled (1) Achievements Challenges 	<ul style="list-style-type: none"> Activity schedule Appointment letters Reports Staff establishment/structure 		5		No	Name	Position	Date of Appointment	reference
							1				
							2				
							3				
							4				
							5				
	1.1.3 Existence of a fully constituted and Functional Physical Planning Committee	<ul style="list-style-type: none"> Appointed Physical Planning Committee (2) Composition of the committee (2) Number of meetings held (FY 2013 – 2014) (2) Common type of cases handled (2) Recommendations / decisions made (2) Challenges faced by the committee 	<ul style="list-style-type: none"> Appointment letters Minutes of the committee 		10		No	Name	Position	Date of Appointment	reference
							1				
							2				
							3				
							4				

							5					
							6					
							7					
	1.1.4 Existence of a Functional Land use Regulation Complaint Desk	<ul style="list-style-type: none"> • Availability of the complaint desk / office (1) • Appointed officer to receive complaints(1) • Number of complaints registered and submitted to PPC for consideration (2) • Process of handling complaints (1) 	<ul style="list-style-type: none"> • Appointment letters • Reports 		5							
	1.1.5 Existence of a plans submission and Approval	<ul style="list-style-type: none"> • Evidence of Plans registration (1) • Evidence of plans schedule (1) • PPC consideration of submitted plans schedule (1) • Number of plans approved, deferred or rejected by PPC (1) • Plan approval process followed (1) • Technical tools used in the approval process (1) • Evidence of feedback to clients/applicants/time element (1) • Achievements • Challenges 	<ul style="list-style-type: none"> • Plans Register with entries seen • Plan schedules • PPC minutes • Communication to developers of PPC decisions • Copies of approved plans • Correspondences and memos 		5							
	1.1.6 existence of Technical Equipment	<ul style="list-style-type: none"> • Physical planning equipment • Survey equipment • Engineering equipment • (1mark each) 	<ul style="list-style-type: none"> • Equipment physically seen • Programs used for executing work 		3							
							N o	Phy/Plg	Survey	Engineering		
							1					
							2					
							3					
							4					
							5					
							6					
							7					
	1.1.7 Existence of Physical Planning Bylaws	<ul style="list-style-type: none"> • Origin and process of by law formulation (1) • Date of approval • Level/degree of enforcement (1) • Achievements • Challenges 	<ul style="list-style-type: none"> • Copies of Physical Planning and enforcement by laws and ordinances • Council minute • Sector committee minutes 		2							
	1.1.8 Linkage	<ul style="list-style-type: none"> • Planned and executed activities for (FY 	<ul style="list-style-type: none"> • Approved work plan 		5							

	between the five year development plan and the Physical Development Plan	2013-2014) (1) <ul style="list-style-type: none"> • Resource allocation (1) • Actual funds release (3) • Challenges faced • Successes registered 	<ul style="list-style-type: none"> • Budget FY 2014/2015 				
Sub Total score				42			
1.2 The Physical Planning Situation				20%			
	1.2.1 Presence of a valid approved physical development plan	<ul style="list-style-type: none"> • Plan covering entire urban council. (2) • Evidence of approval(3) • Copies of plan and report available (1) • Guiding manual followed for the PDP process 	<ul style="list-style-type: none"> • Date of approval • Drawing number • Minutes and reports • Correspondences and memos • PDP Manual 		6		
	1.2.2 Presence of Approved local (Detailed) plans	<ul style="list-style-type: none"> • Evidence of approval (2) • Copies of plan and report available (2) • Guiding manual for the LDP process followed 	<ul style="list-style-type: none"> • Date of approval • Drawing number • Minutes • Correspondences and memos • LDP Manuals 		4		
	1.2.3 Local (detailed) plans' coverage as a percentage of the total planning area.	<ul style="list-style-type: none"> • 50 – 100% (5) • 30 – 49% (3) • 10 – 29 (2) • 2 – 9% (1) • Below 2 (0) 	<ul style="list-style-type: none"> • Actual size of urban council • Actual coverage of the local detailed plan 		5		
	1.2.4 Linkage between the local detailed plans and the Physical Development Plan	<ul style="list-style-type: none"> • Close relationship between the land uses in the Detailed Plan and the PDP 	<ul style="list-style-type: none"> • 75% Compatibility level 		5		
Sub Total score				20			
1.3 Land use Compliance				40%			
	1.3.1 Evidence of	<ul style="list-style-type: none"> • Number of plans submitted (2) • Number of plans considered (6) 	<ul style="list-style-type: none"> • Functional plans record book • Stamped 		10		

Routine Activities carried out	Building plans processed	<ul style="list-style-type: none"> • Number of approved plans • Number of rejected plans • Number of deferred plans • Common reasons for deferring and / or rejection • Evidence of use of registered architects (2) 	<ul style="list-style-type: none"> • plans 				
	1.3.2 Comparison of approved building plans and developments on the ground at the respective sites	<ul style="list-style-type: none"> • Evidence of compliance between the approved plan and the actual physical development(5) • Successes registered • Challenges encountered 	<ul style="list-style-type: none"> • Inspection Field report • Occupation permits 		5		
	1.3.3 Evidence of notices served to illegal Developers	<ul style="list-style-type: none"> • Type of notices issued (2) • Process followed in issuing notices (2) • Common actions taken (2) • Process followed in issuing notices (2) • Common type notices issued • Challenges encountered • Common techniques used in issuing notices 	<ul style="list-style-type: none"> • Copies of notices • Delivery book • Countersigned notices • Format of notice 		8		
	1.3.4 Evidence of illegal developers Actually halted	<ul style="list-style-type: none"> • Number of developments halted (2) • Number of developments demolished (3) • Common types of developments halted / demolished (%age coverage) (2) • Challenges 	<ul style="list-style-type: none"> • Records, • Field reports 		7		
	1.3.5 Percentage of halted Developments of all illegal notices served	<p>Above 70% (5)</p> <p>50 – 69% (3)</p> <p>20 – 49% (2)</p> <p>5 – 19% (1)</p>	<ul style="list-style-type: none"> • 		5		
	1.3.6 Evidence of submissions of requests for change of user	<ul style="list-style-type: none"> • Number of applications received (1/2) • Number of applications considered by PPC (1/2) • Number of applications recommended by PPC (1/2) • Number of applications deferred by PPC (1/2) • Number of applications rejected by PPC (1/2) • Change of user process followed (1/2) • Common type of change of user application 	<ul style="list-style-type: none"> • Minutes of PPC • Change of use schedules • 		3		

		<ul style="list-style-type: none"> registered Challenges encountered 					
	1.3.7 Evidence of sensitization Meetings held on physical planning/ land use compliance	<ul style="list-style-type: none"> Planned sensitization workshops (1) Sensitization materials prepared (1) Number of meetings / workshops held (2) Level of stakeholder participation (1) Challenges Successes 	<ul style="list-style-type: none"> Sensitization Workshop s Schedule Attendance lists Reports Minutes 		5		
	1.3.8 land subdivision and allocation	<ul style="list-style-type: none"> Processes followed during land allocation (2) Process followed during land sub division (2) Involvement of technical staff (1) Challenges and successes registered 	<ul style="list-style-type: none"> Application files Reports Minutes 		5		
	1.3.9 Innovative Approaches to enforcement of land use regulations	<ul style="list-style-type: none"> Type of innovation (proactive / reactive) (2) Feasibility of innovation (1) 			3		
Sub Total score				51			
Grand total score							

Annex. 4: List of possible technical equipments

Physical planning	Engineering	surveying
<ul style="list-style-type: none"> • Detailed scheme • Scale • Drawing pens • Trench curves • T-square • Drawing table • Maps(Topographical/ cadastre) • GPS • Workstation/ computer • GIS and computer aided design software • Vehicles • Cameras • Colored pencils • Scanners • Large format plotters • Photocopier 	<ul style="list-style-type: none"> • Graders • Excavators • Back hoe • Vibro rollers • Measuring wheel • Dump levels • Tape measure • Dump trucks • Flying drones • Satellite image • Pickups • Garbage compression 	<ul style="list-style-type: none"> • Measuring wheel • Dump levels • Tape measure • Scanners • Large format plotters • Photocopier • GPS • Workstation/ computer • GIS and computer aided design software • Vehicles • RTK machines • Total Station

Annex 5: Routes and their schedules

ROUTE 1 (Kasese cluster)	Date of entry and exit
Departure	12th /4/2015
1. KASESE MUNICIPALITY	13 TH /4/2015
2. HIMA TOWN COUNCIL	13 TH /4/2015
3. FORT PORTAL MUNICIPALTY	14 TH /4/ 2015
4. KAMWENGE TOWN COUNCIL	14 TH /4/2015
5. KYENJOJO TOWN COUNCIL	15 TH /4/ 2015
6. KIBAALE TOWN COUNCIL	15 TH /4/ 2015
7. MUBENDE TOWN COUNCIL	16 TH /4/2015
8. MITYANA TOWN COUNCIL	16 TH /4/2015
Travel back to Kampala	17 TH /4/2015
ROUTE 2 (Kisoro cluster)	Date of entry and exit
Departure	12th /4/2015
1. KISORO TOWN COUNCIL	13 TH /4/2015
2. KABALE MUNICIPALITY	13 TH /4/2015
3. NTUNGAMO MUNICIPALITY	14 TH /4/ 2015
4. RUKUNGIRI MUNICIPALITY	14 TH /4/2015
5. BUSHENYI – ISHAKA MUNICIPALITY	15 TH /4/ 2015
6. KABWOHE- ITENDERO TOWN COUNCIL	15 TH /4/ 2015
7. MBARARA MUNICIPALITY	16 TH /4/2015
8. ISINGIRO TOWN COUNCIL	16 TH /4/2015
9. KIRUHURA TOWN COUNCIL	17 TH /4/2015
10. LYANTONDE TOWN COUNCIL	17 TH /4/2015
11. KALISIZO TOWN COUNCIL	18 TH /4/2015
12. MASAKA MUNICIPALITY	18 TH /4/2015
13. LUKAYA TOWN COUNCIL	19 TH /4/2015
Travel back to Kampala	20 TH /4/2015
ROUTE 3 (Masindi cluster)	Date of entry and exit
Departure	12th /4/2015
1. KIBOGA TOWN COUNCIL	13 TH /4/2015
2. HOIMA MUNICIPALITY	13 TH /4/2015
3. KIGOROBYA TOWN COUNCIL	14 TH /4/ 2015
4. MASINDI MUNICIPALITY	14 TH /4/2015
5. NAKASONGOLA TOWN COUNCIL	15 TH /4/ 2015
6. LUWERO TOWN COUNCIL	15 TH /4/ 2015
7. SEMUTO TOWN COUNCIL	16 TH /4/2015
8. NAKASEKE TOWN COUNCIL	16 TH /4/2015
9. MPIGI TOWN COUNCIL	17 TH /4/2015
Travel back to Kampala	17 TH /4/2015
ROUTE 6 (Bugiri cluster)	Date of entry and exit
Departure	12th /4/2015
1. BUGIRI TOWN COUNCIL	13 TH /4/2015
2. IGANGA MUNICIPALITY	13 TH /4/2015
3. JINJA MUNICIPALITY	14 TH /4/ 2015
4. BUGEMBE TOWN COUNCIL	14 TH /4/2015
5. NJERU TOWN COUNCIL	15 TH /4/ 2015
6. LUGAZI TOWN COUNCIL	15 TH /4/ 2015
7. MUKONO MUNICIPALITY	16 TH /4/2015
8. ENTEBBE MUNICIPALITY	16 TH /4/2015N
Travel back to Kampala	17 TH /4/2015
Route 4 (Arua cluster)	Date of entry and exit
Departure	19th /4/2015
1. ARUA MUNICIPAL COUNCIL	20 TH /4/2015

2. PAKWACH TOWN COUNCIL	20 TH /4/2015
3. NEBBI TOWN COUNCIL	21 TH /4/ 2015
4. GULU MUNICIPALITY	21 TH /4/2015
5. OTUKE TOWN COUNCIL	22 ND /4/ 2015
6. LIRA MUNICIPALITY	22 ND /4/ 2015
7. OYAM TOWN COUNCIL	23 RD /4/2015
8. BWEYALE TOWN COUNCIL	23 RD /4/2015
9. KAKIRI TOWN COUNCIL	24 TH /4/2015
10. WAKISO TOWN COUNCIL	24 TH /4/2015
11. Kira Town Council	27 TH /4/2015
Travel back to Kampala	27 TH /4/2015
Route 5 (Moroto cluster)	Date of entry and exit
Departure date	19th /4/2015
1. MORORTO MUNICIPALITY	20 TH /4/2015
2. SOROTI MUNICIPALITY	20 TH /4/2015
3. SERERE TOWN COUNCIL	21 TH /4/ 2015
4. KUMI TOWN COUNCIL	21 TH /4/2015
5. BUKEDDEA TOWN COUNCIL	22 ND /4/ 2015
6. BUSIA MUNICIPALITY	22 ND /4/ 2015
7. MALABA TOWN COUNCIL	23 RD /4/2015
8. TORORO MUNICIPALITY	23 RD /4/2015
9. SIRONKO TOWN COUNCIL	24 TH /4/2015
10. MBALE MUNICIPALITY	24 TH /4/2015
11. BUDAKA TOWN COUNCIL	27 TH /4/2015
12. BUTALEJJA TOWN COUNCIL	27 TH /4/2015
13. BUSEMBATYA TOWN COUNCIL	28 th /4/2015
Travel back to Kampala	28 TH /4/2015

Annex 6: Exit form

THE REPUBLIC OF UGANDA



MINISTRY OF LANDS HOUSING AND URBAN DEVELOPMENT National Assessment of the Land Use Compliance for 62 Selected Urban Councils in Uganda

EXIT DECLARATION FORM

To be filled by the Town Clerk or Representative of the Urban Council under assessment and the Team Leader at the exit meeting.

Name of the Urban Local Government:

.....

Date of assessment:

.....
.....

This form is designed to capture key issues emerging during the assessment. The key issues must be agreed upon by both the Assessment Team and Urban Council and fully endorsed by the Team Leader of the assessment team and the Town Clerk of that Urban Council.

1. Level of preparedness by the Urban Council for the assessment:

- a. Availability of key/relevant officials during the assessment;

.....
.....
.....
.....

- b. Access to key documents and other relevant information;

.....
.....
.....
.....

2. Strength identified by the assessment team:

.....
.....
.....
.....
.....
.....
.....
.....

3. **Weaknesses identified by the assessment team:**

.....

.....

.....

.....

.....

.....

.....

.....

4. **Points of action agreed upon to improve performance:**

.....

.....

.....

.....

.....

.....

.....

.....

5. **Specific areas of dispute arising from the entire assessment where the Urban Council is not in agreement with the findings:**

.....

.....

.....

.....

.....

.....

.....

.....

6. **General comments and observation by the Town Clerk:**

.....

.....

.....

.....

7. **Endorsement by Town Clerk:**

Sign:

Name:

Date: (Stamp)

Endorsement by the assessment Team Leader:

Sign:

Name:

Date:

Ministry of Lands Housing and Urban Development
P. O. Box 7096, Kampala
Plot 13-15 Parliamentary Avenue
Email: mlhud@mlhud.go.ug
Website: www.mlhud.go.ug