



SPATIAL DEVELOPMENT PROCESSES AT THE MMDAs – THE ROLE OF THE WORKS DEPARTMENT

LOCAL GOVERNMENT SERVICE WORKSHOP SERIES
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Presentation Outline

- ▶ Introduction
- ▶ The Reporting Relationship
- ▶ Establishment Of The Works Department
- ▶ The Development Permitting and the Requirements For Permit
- ▶ The Ghana Building Code 2018 and The Responsibility of the Works Department
- ▶ Relationship between Works and Physical Planning Departments
- ▶ The Way Forward

INDICTMENT ON THE PLANNING AUTHORITY

**'This is madness!' Roads Minister leads team to demolish barricade
on Airport road Source: Myjoyonline.com Date: 18-12-2019**



INDICTMENT ON MMDAs



- ▶ “The chief executive of this area must be questioned. Not even the president will do this. And I don’t care which political power, economic power or traditional power that person has, this will not be allowed and we will not allow this.

Turf wars: What the Outsider thinks and Says



When 2 Elephants Fight It is
The grass that suffers

- ▶ This Assembly people!! Hmmm!!!!
- ▶ Each For himself
- ▶ Only Bribe Taking

Some Governing Acts and Codes

“..DEVELOPMENT DEPENDS UPON GOOD GOVERNANCE”

The New Acts to make conducting business and working in the MMDAs easier and faster

- Local Governance Act 2016 Act 936
- Land Use and Spatial Planning Act 2016 Act 925
- The Land Use and Spatial Planning Regulations, 2019 (L.I. 2384)
- Ghana Building Code 2018

Strong Institutions Not Strongmen

On his first visit to Sub-Saharan Africa as President of the United States of America, President Barack Obama in his remarks to the Ghanaian parliament on 11th July, 2009 said:

“...Africa doesn't need strongmen, it needs strong institutions”

Why institutions matter for economic growth

- ▶ If you want to predict the prosperity of a country, just look at its institutions. Together, the legal and administrative organizations that underpin every society form what we economists call an “enabling environment” for the creation of wealth (World Economic Forum *Margareta Drzeniek*) 02 Jan 2015
- ▶ **Strong and Legal Frameworks For A Strong Economy** Christine Lagarde -June 4, 2013, Washington Foreign Law Society

ESTABLISHMENT OF WORKS DEPARTMENT AT MMDA LEVEL

The Works Department is established at MMDAs as per Second Schedule of the Local Governance Act, 2016 (*Act 936*).

Strategic Overview of Works Department

The guiding principles for the functioning of the Works Department are as follows:

ESTABLISHMENT OF WORKS DEPARTMENT AT MMDA LEVEL

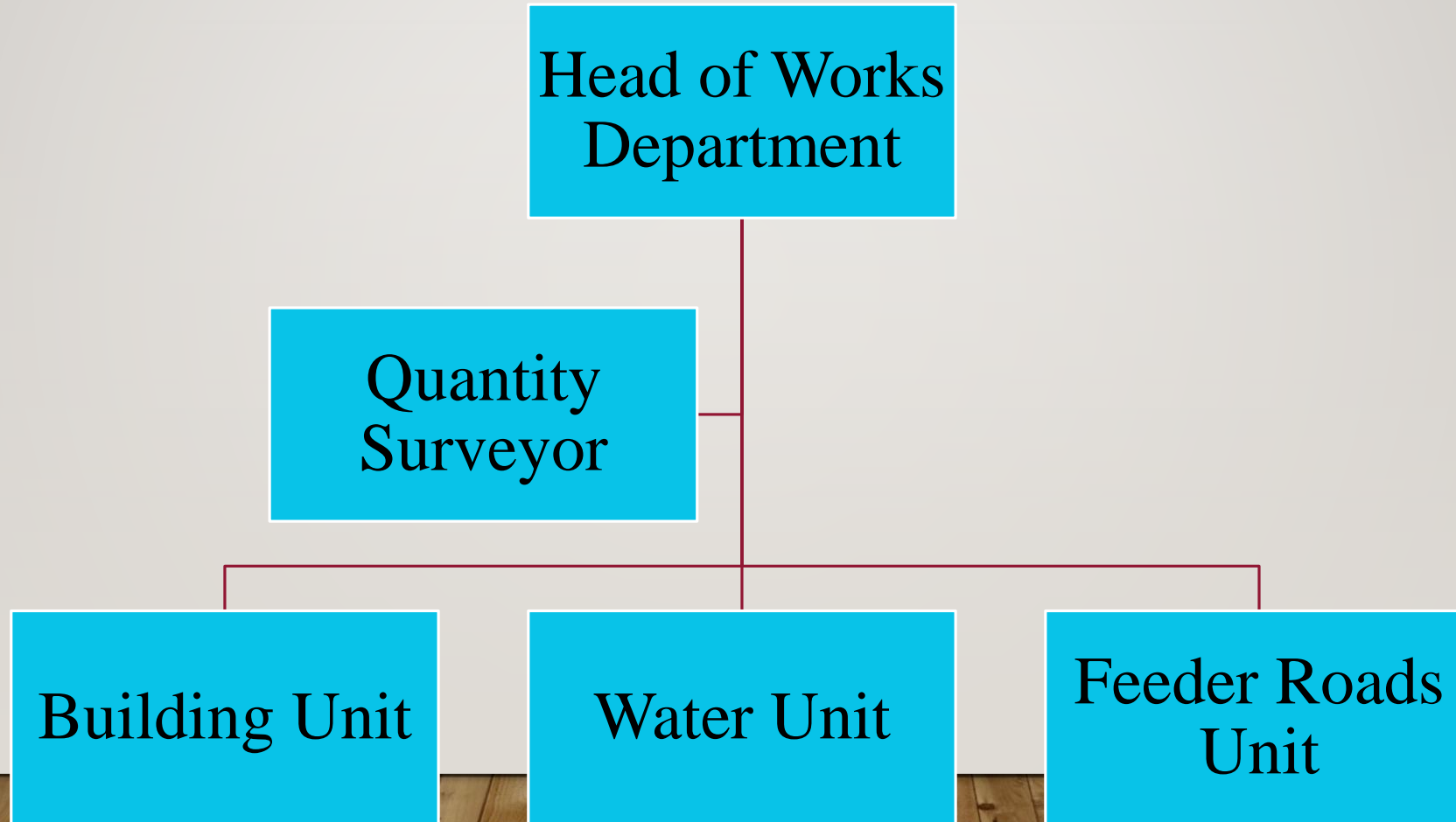
Vision:

To become a well – respected and reliable technical and engineering services department.

Mission:

To improve the living standards of Ghanaians by offering superior services through effective stakeholder collaboration for the provision and maintenance of adequate, safe, cost effective and socio – economic infrastructure in an environmentally sustainable manner.

TECHNICAL STRUCTURE FOR THE WORKS DEPARTMENT



Technical Structure of the Works Department at the MMDA

The Works Department is made up of the following Units and Sections:

- ▶ Building Unit
- ▶ Water Unit
- ▶ Feeder Roads Unit
- ▶ Building Control Management Section
- ▶ Physical Projects Development Section
- ▶ Facilities Management Section

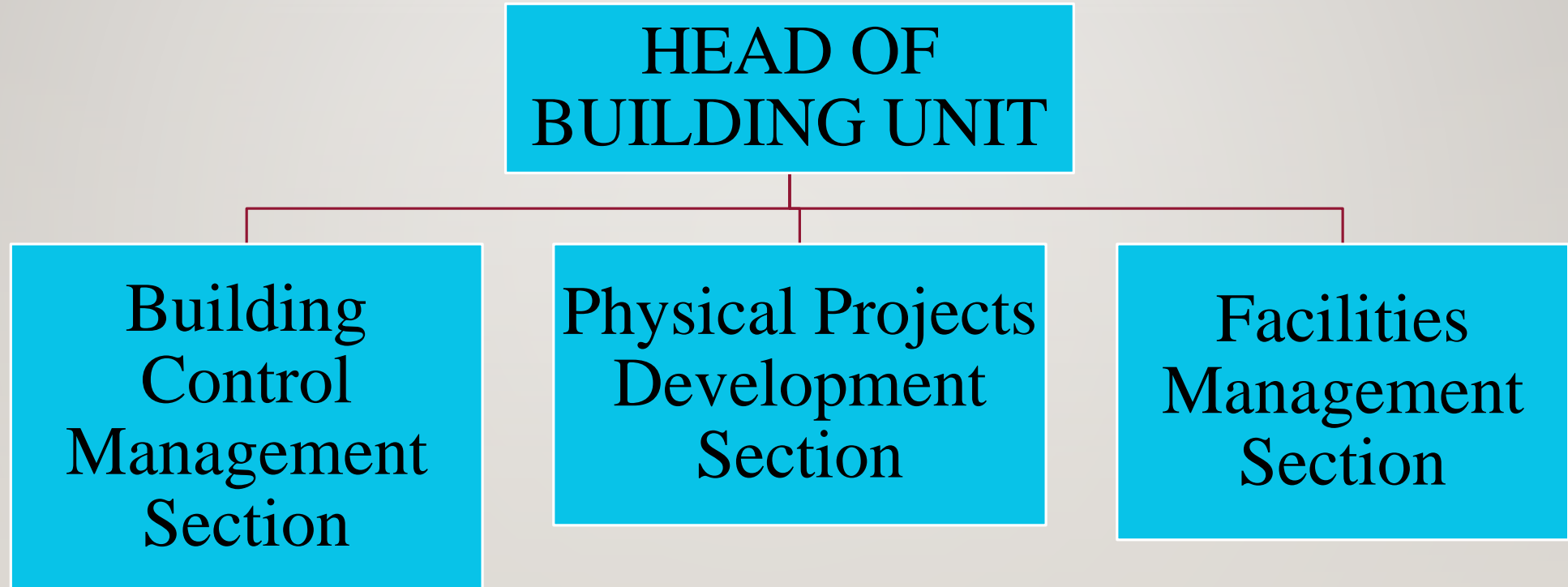
Technical Structure of the Works Department at the MMDA

- ▶ Design and Supervision Section
- ▶ Operations and Maintenance Section
- ▶ Survey and Design Section
- ▶ Quality Control Section
- ▶ Contract Management Section
- ▶ Maintenance Section

Objectives of the Establishment of the Works Department.

- (a)* To ensure an integrated and harmonised infrastructural development at the district level
- (b)* To create synergy among work related activities
- (c)* To ensure effective, efficient and sustainable service delivery (value for money)
- (d)* To provide technical services for all works related activities (Feeder Roads, Buildings, and Water Systems etc.)

TECHNICAL STRUCTURE FOR THE BUILDING UNIT



Functions related to the Building Control Management Section

- Review of building permit (applications) drawings
- Monitor all building construction works in the district
- Prepare and maintain building permit register
- Enforcement of approved building permits

Planning & Building Permit (Development)

A Development Permit comprises both a Planning Permission and Building permission as prescribed by Regulation 45(3) of LI 2384

Planning and Building permitting is the main instrument for controlling or managing physical development

- ▶ A Development permit is a written permission authorizing a person to carry out development in accordance with conditions specified in the permit
- ▶ A Building Permit allows construction of buildings or structure to proceed on condition of compliance to building code.
- ▶ A Building Permit deals with the manner in which a building is constructed, eg its structural stability, fire resistance, weather resistance, etc.

Land Use and Spatial Planning Regulations, 2019

FORM 43C
(regulation 45 (13)(b))

DEVELOPMENT PERMIT CERTIFICATE

[Letterhead of Land Use and Spatial Planning Authority and Metropolitan / Municipal / District Assembly]

Application Number.....
Permit Number.....

DEVELOPMENT PERMIT

This development permit certifies that (insert name of Applicant) having his/her/its (delete as appropriate) land at(provide location of site, including GPS code) has approval from the (Metropolitan / Municipal / District Assembly)(insert as appropriate) to (insert the purpose for which the planning permit is being granted), subject to the attached conditions and in accordance with the attached plan.

DATED AT THE OFFICE OF THE (provide name of assembly) ASSEMBLY THIS (insert date).

(Signature)

(Date)

(Name).....

PHYSICAL PLANNING OFFICER,(provide name of assembly)

(Signature)

(Date)

(Name).....

WORKS ENGINEER,(provide name of assembly)

NOTE:

1. This development permit does not relieve the applicant from the necessity of compliance with any building regulations for the time being in force in the Planning Area
2. If development is not completed within the time, application for renewal must be made to the Spatial Planning Committee.
3. This development permit does not imply or confirm the right or title of the applicant to the land or building comprised herein.

Activities that require Development permit

- ▶ Erection of any building or structure except those exempted by law
- ▶ Making Structural Alteration and or Transformation (Renovation) To A Building
- ▶ Hoarding of property
- ▶ Planning Permission-In-Principle
- ▶ Change Of Use/Rezoning
- ▶ Sub-division or Amalgamation of plot

Activities that require Development permit

- ▶ Extension of Time
- ▶ Certificate Of Completion For Habitation
- ▶ Temporary Structure Permit
- ▶ Regularization of Existing Structures
- ▶ Extension of Existing Building

Certificate of Completion for Habitation Form 43E (regulation 45 (18))

- ▶ Developers who have completed their building to the satisfaction of the District Planning Authority shall be issued a **“Certificate of Completion for Habitation”**
- ▶ Applicants shall be required to demonstrate that all conditions and requirements of the Development and Building Permit issued have been fulfilled.
- ▶ Signed by the Head of Works within 14days after inspection of development

Application for Certificate of Completion for Habitation

For the purposes of issuance of “Certificate of Completion for Habitation” a developer shall give to the District Planning Authority notice in writing (per the form attached as Appendix 8) of:

- ▶ The erection of a building not more than seven (7) days after completion or if a building or part of a building is occupied before completion, not less than seven (7) days after completion;
- ▶ Any alteration or extension of a building, not more than seven (7) days after completion; or
- ▶ The execution of works or the installation of fittings in connection with a building, not more than seven (7) days after completion.
- ▶ The District Planning Authority shall within 7 days after inspection of the development issue the Certificate of Completion for Habitation.

Land Use and Spatial Planning Regulations, 2019

FORM 43E
(regulation 45 (18))
CERTIFICATE OF HABITATION

[Letterhead of Land Use and Spatial Planning Authority and Metropolitan / Municipal / District Assembly]

Application Number

Permit Number.....

CERTIFICATE OF HABITATION

This certifies that *(insert name of Applicant)* having his/her/its *(delete as appropriate)* property at *(provide location of site, including GPS code)* and having satisfied all permit conditions has approval from the *(Metropolitan/Municipal/District Assembly)(insert as appropriate)* to occupy his/her/its property for the purposes of *(insert the approved use for which the planning permit was granted).*

The said property shall be subjected to fees and charges as required by the Assembly.

DATED AT THE OFFICE OF THE *(provide name of assembly)*
ASSEMBLY THIS *(insert date).*

(Signature)

(Date)

(Name).....

WORKS ENGINEER, *(provide name of assembly)*

Ghana launches its first Building Code regulation

<https://constructionreviewonline.com/2018/11/>

By [Munene Abigail](#) - Nov 7, 2018

- ▶ The government of Ghana has launched its first Building Code aimed at regulating activities of the country's building and construction industry.
- ▶ Speaking during the launch, Dr. Mahamudu Bawumia, Ghana's Vice President expressed delight over the production of the standard document after decades of effort in formulation.
- ▶ "Ghana has been operating without a comprehensive building code since independence. Essentially, it has been a free for all in the building and construction industry with no clearly defined standards. Ghana's construction environment will now be safe and meet international standards," said Dr. Mahamudu Bawumia.

Ghana's building code launched; Veep confident of efficient building costs

<https://www.myjoyonline.com/business/2018/october-31st>

- ▶ To ensure the safety of all public, residential and industrial buildings across the country, the government together with the Ghana Standards Authority (GSA) has launched the Ghana Building Code.
- ▶ This code determines the standards required for all construction works. Vice president, Dr Mahamudu Bawumia, says the code will be a benchmark in ensuring value for more for all types of construction works in Ghana.
- ▶ The Building Code is a set of rules that specify the standards from constructed objects such as building and non-building structures and which regulates the design and construction of these structures. It focuses on public health, safety and welfare of the users.

APPLICABILITY

1.2.1 General.

- ▶ Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different clauses of this Code specify different materials, methods of construction or other requirements, the most restrictive shall govern
- ▶ **1.2.2 Application of references.**
- ▶ References to Part or clause numbers, or to provisions not specifically identified by number, shall be construed to refer to such part, clause or provision of this Code.

1.2.3 Referenced Codes and standards.

- ▶ The Codes and standards referenced in this Code shall be considered to be part of the requirements of this Code to the prescribed extent of each such reference and as further regulated in Clauses 1.2.3.1 and 1.2.3.2.

1.2.3.1 Conflicts.

- ▶ Where conflicts occur between provisions of this Code and referenced Codes and standards, the provisions of this Code shall apply.

Done By The OHLGS

1.3.1.1 Appointment

- ▶ The Head of Works shall be appointed by the Authority.

1.3.1.2 Organization

The Head of Works shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of the Code and as authorized by the Authority.

DUTIES AND POWERS OF HEAD OF WORKS

1.4.1 General.

- ▶ The Head of Works is hereby authorized and directed to enforce the provisions of this Code. The Head of Works shall have the authority to render interpretations of this Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this Code.



1.4.2 Applications and permits.

- ▶ The Head of Works shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this Code.

1.4.7 Department records.

- ▶ The Head of Works shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records

1.4.4 Inspections.

- ▶ The Head of Works shall make the required inspections, or the Head of Works shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Head of Works is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority

1.4.8 Liability.

- ▶ The Head of Works, member of the board of appeals or employee charged with the enforcement of this Code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this Code or other pertinent law or ordinance, shall not thereby be civilly or criminally rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

1.4.8.1 Legal defense.

- ▶ Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The Head of Works or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this Code.



1.4.11.2 Tests.

- ▶ Whenever there is insufficient evidence of compliance with the provisions of this Code, or evidence that a material or method does not conform to the requirements of this Code, or in order to substantiate claims for alternative materials or methods, the Head of Works shall have the authority to require tests as evidence of compliance to be made without expense to the jurisdiction. Test methods shall be as specified in this Code or by other recognized test standards. In the absence of recognized and accepted test methods, the Head of Works shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the Head of Works for the period required for retention of public records.

PERMITS

1.6.1 Required.

- ▶ Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this Code, or to cause any such work to be performed, shall first make application to the Head of Works and obtain the required permit.


1.6.1.1 An occupancy permit is required:

- ▶ (a) to allow the occupancy of a building or part thereof;
- ▶ (b) when occupancy of a building or part thereof is changed.

1.6.3.3 Application for permit.

To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.

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4. Be accompanied by construction documents and other information as required in Clause 1.9
 5. State the valuation of the proposed work.
 6. Be signed by the applicant, or the applicant's authorized agent.
 7. Give such other data and information as required by the Head of Works.

1.6.3.4 Action on application.

- ▶ The Head of Works shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent of this Code the Head of Works shall reject such application in writing, stating the reasons therefore. If the Head of Works is satisfied that the proposed work conforms to the requirements of this Code and legislation applicable thereto, the Head of Works shall issue a permit therefore as soon as practicable.

1.6.3.5 Time limitation of application.

- ▶ An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Head of Works is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated

Ghana Building Code 2018

- ▶ Puts A Huge Responsibility on The Head of Works which include among others:
 - ▶ 1. Understanding and Applying the Ghana Building Code
 - ▶ 2. Keeping Proper Records which should be made available upon request
 - ▶ 3. Proper and Effective Communications between the Authority and the Developer

Relationship Between Works and Physical Planning Departments

Step 1

- Secretariat Receives Application
- Copies are given to Relevant Departments to Start Review

Step 2

- Head Of Works and his team starts their Review
- Works Dept undertake all necessary checks including Site Visits

Step 3

- Works Dept Review Meeting to Collate Comments
- Works Presenting Written Comments at Technical Sub Cttee Meeting

THE WAY FORWARD

- A Professional Conducting and Acting Professionally at all times
- Staff Conversant with the Acts, Codes and Bye-Laws (Ability to apply all relevant Acts, Bye-Laws and Codes)
- A Disciplined, Diligent, Well- Motivated Staff
- Cooperation and Collaboration among members of the Technical Sub-Committee

THE WAY FORWARD

- An Efficient and Effective Teamwork
- A Strong, Knowledgeable Technical Sub Committee able to work within the demands of the Acts, Bye-Laws and Codes but still produce an excellent work
- The Coordinating Director as a Chief Whip



**THANK YOU FOR YOUR
ATTENTION**