



REPUBLIC OF GHANA



OUR VISION

Our Vision is to become a world-class Supreme Audit Institution delivering professional, excellent and cost-effective auditing services.



PERFORMANCE AUDIT REPORT OF THE AUDITOR-GENERAL ON THE ISSUANCE AND ENFORCEMENT OF BUILDING PERMITS BY THE KUMASI METROPOLITAN ASSEMBLY

**This report has been prepared in compliance with
Article 187(2) of the 1992 Constitution of Ghana and
Section 13(e) of the Audit Service Act, 2000 (Act 584)
for submission to Parliament in accordance with
Section 20 of the Act**

**Johnson Akuamoah Asiedu
Auditor-General
Ghana Audit Service
12 June 2023**

The study team comprised:

**Adorkor Addo (Leader), Daniel Neequaye, Kwadwo Amponsah Antwi-Boasiako
and Jesse Fiadzo under the Supervision of Mr. Kwaku Akyena (Director, PSAD)
and Mr. Lawrence N. Ayagiba (DAG, PSAD)**

**This report can be found on the Ghana Audit
Service website: audit.gov.gh**

**For further information about the
Ghana Audit Service, please contact:**

**The Director, Communication Unit
Ghana Audit Service Headquarters
Post Office Box MB 96,
Accra.**

Tel: 0302 664928/29/20

Fax: 0302 662493/675496

E-mail: info@audit.gov.gh

Location: Ministries Block 'O'

© Ghana Audit Service 2023

TRANSMITTAL LETTER

My Ref. No. **AG.01/109/Vol.2/187**

Office of the Auditor-General

Ministries Block “O”

P. O. Box MB 96

Accra

GA-110-8787

Tel. (0302) 662493

Fax (0302) 675496

12 June 2023

Dear Rt. Hon. Speaker,

PERFORMANCE AUDIT REPORT OF THE AUDITOR-GENERAL ON THE ISSUANCE AND ENFORCEMENT OF BUILDING PERMITS BY KUMASI METROPOLITAN ASSEMBLY

I have the honor, in accordance with Article 187(2) of the 1992 Constitution of Ghana, Sections 13(e) and 16 of the Audit Service Act, 2000 (Act 584) to present to you a performance audit report on the Issuance and enforcement of building permits in the Kumasi Metropolitan Assembly (KMA).

2. Building permits are used to regulate physical development that allows the construction of buildings and structures to be executed in accordance with regulations to promote orderliness, convenience of movement, and public safety while enhancing the economic value of the property and being a source of revenue generation for the assemblies.

3. Sections 90 to 107 of the Local Governance Act, 2016 (Act 936) enjoins the Physical Planning and Works Departments of the assemblies to be responsible for the issuance and enforcement of building permits.

4. A study of Spatial development in KMA in 2013 revealed that, unauthorised structures both residential and commercial facilities were haphazardly developed which caused fire outbreaks, flooding, congestion, poor sanitation, and distortion of the spatial planning.
5. The Metropolitan Chief Executive (MCE) of KMA in a sessional address in 2017 lamented the alarming rate at which slums were developing within the metropolis and if not checked, could pose security, health, and fire threats.
6. Management of the Fire Service has also complained about building structures sited on roads thereby impeding firefighters from getting easy access to areas of fire outbreaks.
7. Similar complaints have also been made and carried in the print and electronic media about how building structures are sited on waterways and wetlands which are reserved for ecosystem balance.
8. In view of these concerns, the Auditor-General in line with Section 13(e) of the Audit Service Act 2000, (Act 584), commissioned a performance audit into the issuance and enforcement of building permits in the Kumasi Metropolitan Assembly (KMA) to ascertain whether KMA ensured that developers obtained building permits and built according to the permit conditions.
9. The audit was carried out in the Kumasi metropolitan area and covers the period from January 2017 to July 2022. We focused on the activities of the Physical Planning and the Works Departments of the Kumasi Metropolitan Assembly.
10. We noted that the Spatial Planning Committee (SPC) had made some efforts to meet their mandate, for instance within our audit period, by increasing the number of meetings to take decisions on applications on time.
11. The Physical Planning Department (PPD) and the Metropolitan Works Department (MWD) were able to generate GH¢5,404,690.00 as revenue from the processing and issuance of building permits within our audit period.

12. Despite these positive strides, we also found that the Spatial Planning Committee (SPC) delayed in approving applications, although the applicants had met all requirements with all relevant documents attached.

13. The insistence of the MCE to chair meetings when he did not have the time to do so created backlogs on approvals and contributed to delays and so some applicants built without permits.

14. We also noted that the Metropolitan Works Department of KMA did not conduct stage-by-stage inspections of permitted buildings to ensure that the sittings were as approved, and this encouraged developers to build contrary to their permit conditions.

15. In the course of our audit, we found for instance that while the Development Control Unit of the Works department did not regularly monitor physical developments within the metropolitan area to ensure that people did not build in unauthorised areas, the Assembly also failed to sanction developers who did so.

16. I have made recommendations to KMA, the details of which are in this report to bring about improvement in their activities. I also recommend that KMA and for all Assemblies to use the issuance of building permits to improve revenue generation as the potential exists to do so.

Yours faithfully,



JOHNSON AKUAMOAH ASIEDU
AUDITOR-GENERAL

THE RIGHT HON. SPEAKER
PARLIAMENT HOUSE
ACCRA

TABLE OF CONTENTS

Contents

LIST OF ABBREVIATIONS	viii
CHAPTER ONE	1
INTRODUCTION	1
i. Documents review	6
ii. Interviews	7
iii. Inspections	7
CHAPTER TWO.....	10
2.1 Historical Background.....	10
2.2 Mandate of KMA	11
2.3 Visions, Missions and Functions of the Physical Planning and the Works Departments of KMA.....	12
2.4 Funding	13
2.5 Organizational structure	15
2.6 Key players and their roles.....	16
2.7 Process description.....	17
CHAPTER THREE.....	20
3.2 Issuance of Building Permit	21
Conclusions	25
Recommendations	26
Auditee response.....	26
3.3 Enforcement of Building Permits	27
Conclusion	30
Recommendations	31
Auditee's response	31

3.4 Monitoring of Physical Developments	32
Conclusion	40
Recommendations	41
Auditee's response	41
3.5 Overall conclusion	42
Detailed Audit questions, assessment criteria and sources of criteria.	43
Audit criteria	43
APPENDIX 'B'	45
Details of 60 Applications Sampled	45
APPENDIX 'C1'	47
Details of Documents Reviewed.....	47
APPENDIX 'C2'	48
Details of 50 Development Application Files Reviewed	48
APPENDIX 'D'	50
List of people interviewed	50
APPENDIX 'E'	51
Process description for the issuance of building permit:	51
Process description for the enforcement of building permit:	52

LIST OF ABBREVIATIONS

CAP	-	Country Planning Ordinance
CBD	-	Central Business District
DACF	-	District Assemblies Common Fund
EPA	-	Environmental Protection Agency
EIA	-	Environmental Impact Assessment
FSA	-	Fire Safety Assessment
HDCU	-	Head of Development Control Unit
IGF	-	Internally Generated Funds
INTOSAI	-	International Organisation of Supreme Audit Institutions
KMA	-	Kumasi Metropolitan Assembly
LAP	-	Land Administration Project
L I	-	Legislative Instrument
LOE	-	Line of Enquiry
LUSPA	-	Land Use and Spatial Planning Authority
MCD	-	Metropolitan Co-ordinating Director
MCE	-	Metropolitan Chief Executives
MMDAs	-	Metropolitan, Municipal and District Assemblies
MPPD	-	Metropolitan Physical Planning Department
MPPO	-	Metropolitan Physical Planning Officer
MWD	-	Metropolitan Works Department
NDPC	-	National Development Planning Commission
PPD	-	Physical Planning Department
SPC	-	Spatial Planning Committee

TIA	-	Traffic Impact Assessment
TSC	-	Technical Sub-Committee

Executive Summary

Building Permits are issued by District Assemblies to authorise construction works within their jurisdiction. The Assemblies are to issue and enforce the permits to see to the reduction in haphazard developments such as buildings on water ways and on water bodies, ensure proper construction practices, buildings in nature reserves and road reservations and filling of wetlands for construction of buildings. The Kumasi Metropolitan Assembly is responsible for the issuance and enforcement of building permits within the Kumasi metropolitan area.

2. However, there were media reports and research about the alarming rate of unauthorised developments in the Kumasi metropolitan area that had contributed to flooding, congestion, poor sanitation, and distortion of the spatial planning.

What we did

3. The Auditor-General commissioned the audit to ascertain whether the Kumasi Metropolitan Assembly (KMA) issued building permits on time to ensure that developers obtained building permits and built according to the permit conditions. The audit focused on the activities of the Physical Planning and the Works Departments of KMA in relation to issuance of building permits, monitoring permitted developments, and monitoring of unauthorised developments. The audit covers the period January 2017 to July 2022.

What we found and our recommendations

4. We noted that the number of Spatial Planning Committee (SPC) meetings increased steadily within the audit period and the (SPC) took decisions on all the applications received during the period. The Physical Planning Department (PPD) and the Metropolitan Works Department (MWD) generated GH¢5,404,690.00 as revenue from the processing and issuance of building permits.

5. Notwithstanding, we identified the following areas that need to be improved:

Issuance of Building Permit

6. Out of the 60 applications sampled, the Spatial Planning Committee (SPC) delayed in approving 40% within the required 30 working days, although the applicants had all relevant documents attached. The insistence of the MCE to chair meetings of the SPC when he did not have time to do so, created backlogs which contributed to the delays. Twenty percent of the applications were also delayed due to queries by the SPC, which should have been detected by the Building Control Unit at the time of submission. The delays led to some applicants commencing construction without permits.

7. We recommended that the:

- MCE should make the necessary arrangements for the MCD to chair SPC meetings in his absence to minimise the delays in the issuance of building permit, and
- Head of the Building Control Unit should ensure that the staff use the checklist of required attachments, to ascertain the completeness of all relevant attachments before accepting applications for onward submission to the Technical Sub-Committee and the SPC for consideration.

Enforcement of Building Permits

8. The Metropolitan Works Department of KMA did not conduct stage-by-stage inspections of permitted buildings. This encouraged developers to build contrary to their permit conditions. The Metropolitan Works Engineer (MWE) failed to ensure that the Development Control Unit (DCU) discussed the schedule of works with developers and appoint Officers to carry out the inspections and submit reports on them. Also, there was poor coordination between the Head of DCU and Sub-metro Engineers on permits that were issued.

9. We recommend that the:

- Metro Works Engineer should ensure that the Head of DCU makes the necessary arrangements to discuss the schedule of works with developers and subsequently appoint Officers to undertake stage-by-stage inspections for approved permits,

- HDCU should ensure that Sub-metro Engineers are informed and furnished with information about issued permits to facilitate stage-by-stage inspections, and
- Sub-metro Engineers should be proactive and request for information about issued permits on monthly basis to facilitate the stage-by-stage inspections.

Monitoring of Physical Developments

10. The MWD of KMA did not regularly monitor physical developments within the metropolitan area to ensure that people did not build without permit, and at unauthorised areas. KMA failed to sanction people who developed without building permits. The Assembly also lost revenue that could have been realised from issuance and enforcement of building permits such as fines, penalties, processing fees, and permit fees from those who built without authorisation. This encouraged haphazard developments, encroachment of buffer zones, and developments ahead of planning schemes.

11. We recommend that:

- The MWE should collaborate with the Sub-metro Engineers and make the necessary arrangements for means of transport for Building Inspectors and/or employ information technology for regular monitoring of physical developments within the metropolis,
- KMA should take steps to prevent developments in areas acquired by the State; and where possible, the Assembly should prepare planning schemes and regularise development in areas where people have built without permit to enable it to realise any revenue due,
- The MWE should ensure that Building Inspectors desist from treating permit application receipts as building permits, as such developers may not have paid the necessary permit fees to obtain building permits,
- KMA should implement measures that will ensure that developers who build without permits pay the appropriate fines, penalties, and fees to the Assembly, and
- Use the issuance of the permit to improve revenue generation for the Assembly.

CHAPTER ONE

INTRODUCTION

1.1 Motivation for the audit

A building Permit is an official document issued by the local government agency authorising the holder, usually a developer, to construct a building of a particular kind on a particular plot of land. It is intended to ensure that project plans comply with local standards for land use and zoning.¹

2. Building permits allows construction of buildings and structures to be executed in compliance with the approved building conditions, codes and regulations which promotes orderliness, convenience of movement, and public safety while enhancing the economic value of the property and also as a source of revenue generation for the assemblies. Sections 90 to 107 of the Local Governance Act, 2016 (Act 936) enjoins district assemblies to be responsible for the issuance and enforcement of building permits.

3. The district assemblies are to enforce compliance with the conditions of building permits issued to developers and penalise developers who build without acquiring a permit, and ensure they regularise their development activities by acquiring the permit.

4. The Physical Planning and the Works Departments of the assembly are responsible for the issuance and enforcement of building permits. Their roles are to see to the reduction in haphazard developments such as buildings on water ways and building closely along water bodies; poor construction practices;

¹ <https://www.wordwebonline.com/search.pl?w=building+permit>

buildings in nature reserves and road reservations; and filling of wetlands for construction of buildings.

5. In a research conducted in 2013 by Oteng Daniel in a suburb within KMA on the topic “Unauthorised structures in the Central Business District and its effects on the spatial planning: a case study of Adum-Nsuase” he indicated that, the unauthorised structures both residential and commercial facilities were haphazardly developed which contributed to, flooding, congestion, poor sanitation, and distortion of the spatial planning² and impeded the movement of fire fighters from getting to fire outbreaks

6. In a news report³ by Ghana News Agency on 18 February 2015, the District Fire Officer of the Jaman South District of the Bono Region mentioned in an interview that there were many communities in Ghana where construction and siting of buildings caused blockage of roads, which impeded fire fighters from getting easy access to areas of fire outbreaks.

7. The Metropolitan Chief Executive (MCE) of KMA in a sessional address in 2017 said the rate at which slums were developing within the metropolis was alarming and if not checked, could pose security, health, and fire threats.⁴

8. In a news report⁵ by Myjoyonline dated 20 October 2021, the Chief Executive Officer of the Environmental Protection Agency (EPA) also talked about the need to educate the public about wetlands conservation. He indicated that wetlands are

² Oteng Daniel (Author), 2013, Unauthorised Structures in the Central Business District and its Effect on Spatial Planning. A Case study of Adum-Nsuase, Munich, GRIN Verlag, <https://www.grin.com/document/503431>

³ GNA (2015) Communities urge to help the GNFS in firefighting (online) Available from <https://newsghana.com.gh/communities-urge-to-help-the-gnfs-in-fire-fighting/> Accessed on 03/03/2022

⁴ Hon. Osei Assibey Antwi (2017) Kumasi Metropolitan Assembly, Sessional Address (online) Available from http://kma.gov.gh/kma_metro/others/6062017_MCEs_Sessional_address.pdf Accessed on 05/04/2022

⁵ Joy online (2021) EPA partners Manhyia Palace to preserve wetlands, deal with flooding in Ashanti Region (online) Available from <https://www.myjoyonline.com/epa-partners-manhyia-palace-to-preserve-wetlands-deal-with-flooding-in-ashanti-region/> Accessed on 27/09/2022

areas of high sensitivity when it comes to environmental issues and serve as sinks for floodwaters, therefore building there puts our lives in danger. He also mentioned that though poor drainage system in the city is ascribed as a cause of flooding in many commercial and residential areas, the building at wetland areas and on waterways had been a major contributing factor. According to NADMO, at least twelve flood related deaths were recorded in Ashanti region in year 2021.

9. In view of these concerns, the Auditor-General in line with Section 13(e) of Audit Service Act 2000, (Act 584), commissioned a performance audit into the issuance and enforcement of building permits in the Kumasi Metropolitan Assembly (KMA).

1.2 Purpose of the audit

10. The purpose of the audit was to determine whether KMA issued building permits on time to ensure that developers obtained building permits and built according to the permit conditions.

1.3 Scope of the audit

11. The audit was carried out in the Kumasi metropolitan area and covers the period January 2017 to July 2022. We focused on the activities of the Physical Planning and the Works Departments of Kumasi Metropolitan Assembly in relation to:

- ❖ issuance of building permits,
- ❖ monitoring developments with permits to ensure compliance with the permit conditions, and
- ❖ monitoring the metropolis to prevent unauthorised developments.

1.4 Audit objectives

12. The objectives of the audit were to determine whether the:
- i Physical Planning Department of KMA was able to issue building permits within the stipulated 30 working days when all conditions were met by the applicant,
 - ii Works Department of KMA ensured that persons who obtained building permits constructed their buildings in conformity with permit conditions (Sitting and construction quality), and
 - iii Works Department of KMA monitored physical developments in the Kumasi metropolis to ensure that developers did not build without obtaining a building permit.

1.5 Audit questions and assessment criteria

13. The audit questions with their corresponding assessment criteria, and the sources of the criteria are presented in Table 1. *(See Appendix A for further details).*

Table 1: Audit questions, assessment criteria and sources of criteria.

No.	Audit questions	Audit criteria	Source of criteria
1	Objective 1: Issuance How long did it take the KMA to issue building permits to applicants?	Where an applicant applies with all necessary attachments, KMA shall approve building permit to the applicant within 30 working days.	Section 3.4.3.5 of the Development Permitting Guidelines 2015 of the Town and Country Planning Department
2	Objective 2: Enforcement How did MWD ensure that persons who obtained building permit constructed their buildings in conformity with permit conditions	The MWD of KMA is to conduct stage-by-stage inspection of permitted physical developments to ensure compliance with permit conditions.	Section 159(1) of LUSPA Act 2016, Act 925.
3	Objective 3: Monitoring How did KMA monitor physical developments to prevent people from building without building permit?	MWD of KMA is to monitor physical developments within the metropolis on daily basis to prevent and sanction people who build without permit.	- Function of the Works Department. - Regulation 11 of National Building Regulations 1996, (LI 1630) - Section 113, 117, 118 & 119 of LUSPA, 2016 Act 925

Source: Compiled by Audit Team (August 2022).

1.6 Audit standards

14. The audit was carried out according to International Organisation of Supreme Audit Institutions (INTOSAI) standards. These standards require that the audit is planned and performed to obtain sufficient and appropriate evidence to provide a reasonable basis for the findings and conclusions based on the audit objectives.

1.7 Implementation

15. We sampled 60 out of 465 building permit applications received by the Physical Planning Department (PPD) from January 2017 to July 2022 for the audit. The sampling was based on the year of application, site location and use of building. Considering the year of application, we selected ten applications from each of the years (i.e., 2017 – 2022). The 60 comprised applications from each of the Sub-metros to ensure that the selection was a representation of all the five⁶ Sub metro's in KMA. We selected 27 from Nhyiaeso ,12 from Subin, seven from Manhyia South, eight from Bantama and six from Manhyia North sub-metros.

16. The number of applications selected from each sub-metro was based on the volume of applications received from each of them within the audit period. We also considered the use of buildings such as residential (30), commercial (19), mixed-use (6) and civic (5). Details of the 60 applications is attached as *Appendix "B"*.

17. We used documents review, interviews, and inspections to gather data for the audit.

i. Documents review

18. We reviewed documents from the Physical Planning Department (PPD), Spatial Planning Committee (SPC) and Metropolitan Works Department (MWD) on the issuance and enforcement of building permit. This enabled us to know how long it took the Assembly to issue building permits from the date of submission of application; and whether they followed the due processes to issue building permits.

⁶ Nhyiaeso, Bantama, Manhyia North, Manhyia South and Subin

19. The reviews enabled us to know how the MWD carried out monitoring to prevent unauthorised developments and ensured that developers of permitted projects complied with permit conditions. It assisted us to understand how the PPD, SPC and MWD applied the laws and policies on building permits within the Kumasi Metropolitan area. Attached as *Appendix "C"* is a detailed list of documents that we reviewed.

ii. Interviews

20. We conducted interviews to know how the officials involved issued building permits; monitored physical developments and enforced compliance to permit conditions. We again interviewed developers without permit to determine if they were issued with stop notices and possibly sanctioned by the Assembly for failure to comply with the notices. The interviews also helped us to confirm and seek clarity on information we gathered during document review and inspections. Full list of persons interviewed is attached as *Appendix "D"*.

iii. Inspections

21. We inspected the sites of permitted developments to verify whether the developers complied with approved setbacks; number of floors and area to be covered; access and distance to the site from road; number of buildings on the site; location; and use of building. We inspected five permitted developments in four out of the five sub-metros. Two of the developments were in Manhyia South sub-metro and one each in Manhyia North, Bantama and Nhyiaeso sub-metros respectively. We were unable to inspect additional developments in these sub-metros because when we got to the sites, the Engineers and Building Inspectors could not locate the buildings. We did not inspect any permitted development in Subin sub-metro because the office did not have a copy of the planning scheme for the area we selected for inspection and therefore could not locate the sites. In addition, the building drawings for some of the sites were not available at the sub-

metros for comparison with what had been done on site. See the details of the sites that we visited in Table 2.

Table 2: Authorised Developments with permits the team Inspected.

No.	Sub Metro	Application No.	Permit No.	Location	Digital Address	Nature of building	Completion Level
1.	Manhyia South	NET/SEC.41/22/2	031/22	Adjacent Coded-Ex Travel & Business Centre	AK-000-7679	2 storeys Commercial	At ground floor
2.		NET/SEC.4/19/3	200/19	Mbrom Adjacent Kumasi-Wa VIP station	AK-016-1707	Single storey commercial (lorry terminal)	Single story building
3.	Manhyia North	BSA/SEC.41/20/4	257/20	Buokrom plot No. 42 block IV	AK-073-0951	2 storey Residential Building	At 3 rd floor
4.	Nhyiaeso	NSO/SEC.19/21/12	252/20	Adiembra plot No. 56B block B	AK-368-8330	2 storey fuel filling station	At 2 nd floor
5.	Bantama	BAN/SEC.41/20/4	197/19	Bantama behind Centre for National Culture	AK-034-8855	2 storeys commercial (Midcity Auto Services Ltd)	At 2 nd floor

Source: Inspections by Audit Team (August 2022).

22. The team inspected a total of seven unauthorised developments within the various sub-metros. The details of the unauthorised developments are shown in Table 3. This was to check whether the Works Department inscribed ‘stop work’ on unauthorised developments and if the developers were still building without permit after the directive. The inspections enabled us to determine the impact of unauthorised developments on the immediate surroundings.

Table 3: Unauthorised Developments Inspected.

No.	Sub Metro	Location	Digital Address	Use of building	Completion Level	Stop Work Inscription
1.	Manhyia South	Ashtown close to Abbeys Park	AK-006-3558	Mixed used	At 2 nd floor	No
2.	Manhyia North	Duase new site	AS-057-7653	Residential Apartment	At 1 st floor	No
3.	Manhyia North	Duase adjacent Icon filling station	AS-075-0433	Commercial	At 2 nd floor	Yes
4.	Manhyia North	Duase	AS-057-3803	Filling of waterlogged area to build	Retaining wall constructed	No
5.	Bantama	Amanfrom New site	AA-T1584-4588	Residential	At 1 st floor	No
6.	Nhyiaeso	True vine hotel, Ahodwo	AK-301-4660	Commercial	Completed Single Storey	No
7.	Subin	Benstel School, Asafo	AK-041-8267	Civic	At 3 rd floor	No

Source: Inspections by Audit Team (August 2022).

23. We gave KMA 30 days to respond to our findings and conclusions via management letter and their responses have been incorporated into the report.

CHAPTER TWO

DESCRIPTION OF THE ISSUANCE AND ENFORCEMENT OF BUILDING PERMITS BY KUMASI METROPOLITAN ASSEMBLY

2.1 Historical Background

24. Since the colonial era, deliberate efforts have been made to ensure harmonious spatial development in Ghana. In 1945, the Town and Country Planning Ordinance (CAP 84) was enacted, which established the country's zoning and building codes.⁷ The planning system and the Town and Country Planning Authority was however criticised for failing to effectively control development in the major cities. Ghana's independence led to a drive to widen the spatial scope of planning and improve institutional capacities, which resulted in the creation of planning departments in district assemblies across the country.⁸

25. The planning of towns and cities was then delegated to the district assemblies under Section 12 and 49 of the Local Government Act 1993, Act 462. Act 462 has been replaced with the Local Governance Act 2016, Act 936 which demands that no physical development should be carried out without the prior written approval in the form of a written permit issued by the District Planning Authority (Section 91 of the Local Governance Act 2016, Act 936)

26. The National Building Regulations of 1996 (L.I. 1630) were passed to provide greater guidelines for physical development in the areas of erection and alteration of buildings, and installation of fittings.

⁷ Ahmed, A and Dinye, R.D. (2011). Urbanisation and the Challenges of Development Controls in Ghana, A Case Study of WA Township. *Journal of Sustainable Development in Africa*, 13(7): 210-235.

⁸ Fuseini, I and Kemp, J. (2015). A Review of Spatial Planning in Ghana's Socioeconomic Development Trajectory: A Sustainable Development Perspective. *Land Use Policy*

27. In 2007, the Land Administration Project (LAP) was inaugurated to consolidate the laws on land use and planning; provide for the orderly and progressive development of land, towns, and other areas through a decentralised planning system. It sought to ensure sustainable development and improvement in the quality of life and human settlements amenities and ensure the continuous improvement in the development and judicious use of land.

28. Through the LAP, the Draft Land Use and Planning Bill, 2011 was developed with the intention to regulate national, regional, and district spatial planning, and promote health and safety, and order. In 2016, the Land Use and Spatial Planning Act, 2016 (Act 925) was enacted to provide a comprehensive legal framework that will consolidate, revise, and harmonise existing legislation on land use and spatial planning and provide for sustainable development of land and human settlement.

29. Among other things, Act 925 requires the district assemblies including the Kumasi Metropolitan Assembly to prohibit the building of any structure or works or any other physical development on a land in a district without building permit. In the KMA, the Physical Planning and the Works Departments are responsible for the issuance and enforcement of building permits in the Kumasi metropolitan area.

2.2 Mandate of KMA

30. KMA is mandated by Section 83, (e) (f) of the Local Governance Act, 2016, Act 936 to integrate and ensure that sector and spatial policies, plans, programs, and projects of the district are compatible with each other and with national development objectives.

31. They are also to synthesise the policy proposal on development planning in the district into a comprehensive framework for the economic, social, and spatial development of the district including human settlements and ensure that the

policy proposal is in conformity with the principles of sound environmental management.

2.3 Visions, Missions and Functions of the Physical Planning and the Works Departments of KMA

32. The vision, mission and functions of the Physical Planning and the Works Departments are as follows:

2.3.1 Physical Planning Department

a. Vision

33. To become a unique, technically competent, and proactive department able to contribute effectively to sustainable and rational human settlement and environmental horticulture.

b. Mission

34. To plan, manage and promote harmonious, sustainable, and cost-effective development of human settlements in the country and in accordance with sound environment and planning principles.

c. Functions

- ❖ The preparation of plans and proposals to direct growth and development of the Metropolis. (Strategic Planning),
- ❖ Preparation of land use planning schemes (layouts) for public and Stool lands,
- ❖ Research into all emerging issues in the planning and management of the Metropolitan area,
- ❖ Development Control (processing development applications for the requisition of the necessary permits), and
- ❖ Formulation of technical standards to regulate the use and development of land. (Land use Planning) – National Level.

2.3.2 Works Department

a. Vision

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

b. Mission

36. 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.

c. Functions

- ❖ To ensure that developers build according to the laid down planning scheme of the areas,
- ❖ To ensure that developers build according to their drawings, structurally and to specification,
- ❖ To generate revenue for the assembly, and
- ❖ To minimise unauthorised structures in the metropolis.

2.4 Funding

37. The Assembly funds the activities of the Physical Planning Department (PPD) through Internally Generated Funds (IGFs) from the fees charged for the processing of building permit applications. The PPD is to retain 50% of proceeds from the processing of permit applications for its operational activities and remit the remaining 50% into KMA's IGF account. Table 4 represents the details of the revenue generated, amount retained, and the budget and expenditure from January 2017 to July 2022.

Table 4: Revenue generated, amount retained by PPD, and the budget and expenditure from 2017 to July 2022.

Years	Revenue Generated (GH¢)	Amount Retained by PPD (GH¢) (X)	Budget (GH¢)	Expenditure (Y) (GH¢)	Variance (X - Y) (GH¢)
2017	225,830.00	180,644.00	23,220.00	36,242.60	144,401.4
2018	132,400.00	105,920.00	48,000.00	109,217.73	(3,297.73)
2019	79,100.00	63,280.00	93,834.59	58,301.14	4,978.86
2020	246,000.00	123,000.00	66,221.20	122,715.34	284.66
2021	541,720.00	270,860.00	297,000.00	225,147.58	45,712.42
2022*	501,320.00	250,660.00	406,400.00	213,152.82	37,507.18
TOTAL	1,726,370.00	994,364.00	934,675.79	764,777.21	229,586.79

Source: Finance Department, KMA and PPD Accounts Unit (August 2022)

** Figures for 2022 represent revenue generated, amount retained and expenditure from January to July*

38. From Table 4, PPD retained more than the 50% (i.e., 80%) of proceeds from 2017 to 2019. Except for 2018, the PPD spent less than they retained for all the years.

39. The Metro Works Department of KMA generates revenue from building permit fees and remits all into the IGF account of KMA. The number of building permits issued, and the amount generated from 2017 to July 2022 is presented in Table 5.

Table 5: Revenue generated by the MWD from January 2017 to July 2022.

YEAR	No. of Building Permit Issued	REVENUE GENERATED (GH¢)
2017	43	205,638.18
2018	101	1,051,028.94
2019	37	229,499.34
2020	71	608,688.28
2021	63	926,256.19
January to July 2022	41	657,210.04
TOTAL AMOUNT GENERATED (GH¢)		3,678,320.97

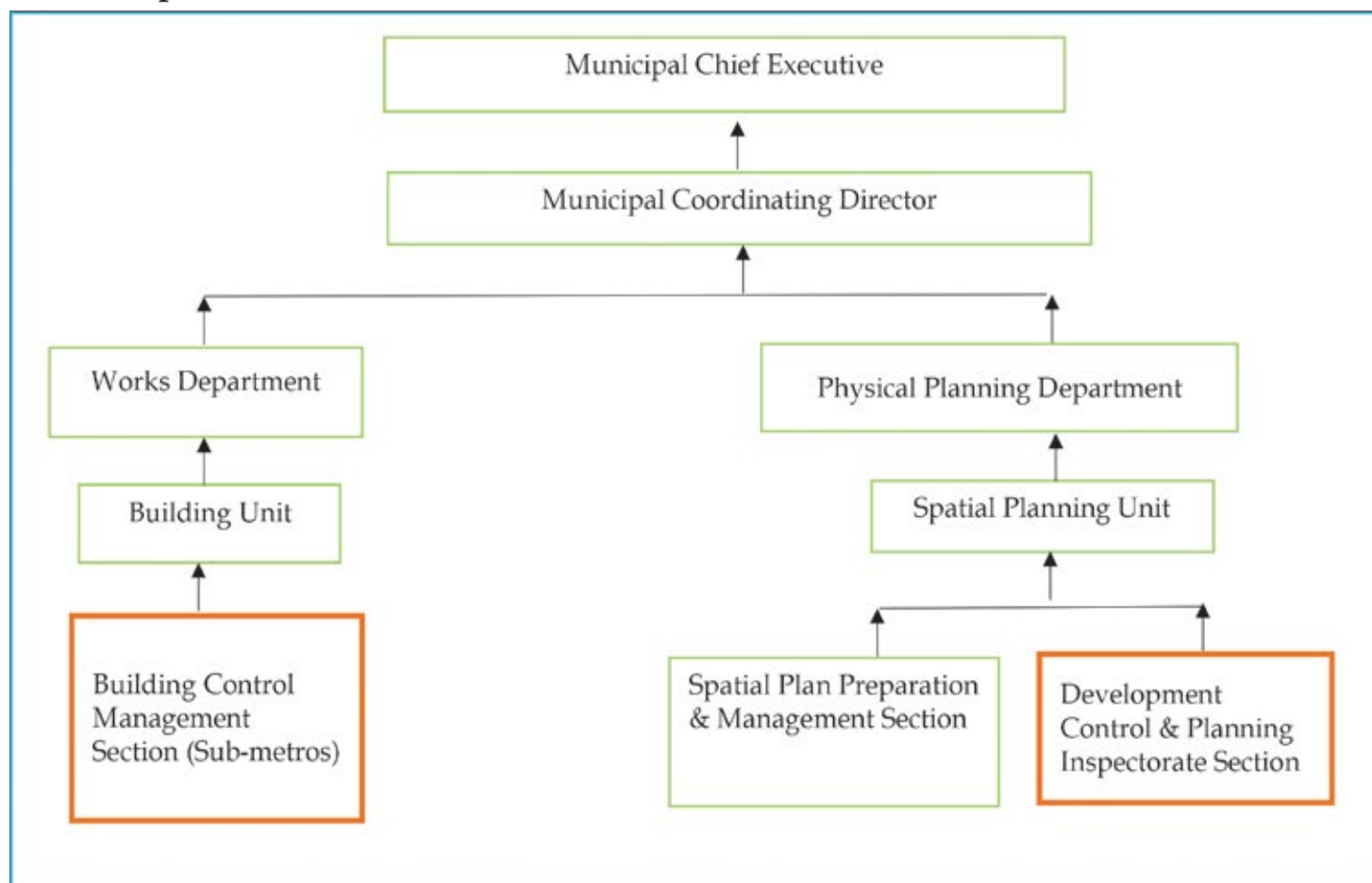
Source: Finance Department, KMA and MWD Annual Reports (August 2022)

40. According to the MFO of KMA, the expenses of the Works Department is charged on the main account of KMA. However, he did not provide the budget and expenditure for the Works Department upon request.

2.5 Organisational structure

41. The Issuance and enforcement of building permits at KMA is managed by the Physical Planning Department and the Works Department. The departments are headed by the Physical Planning Officer and Works Engineer respectively. The Physical Planning Department serves as the secretariat for the Spatial Planning Committee (SPC), which is responsible for the approval of permit applications on behalf of KMA. The Building Control Management Section under the Works Department is responsible for the enforcement of building permits. The organisational structure is presented in Figure 1.

Figure 1: Organisational Structure of Physical Planning and Works Departments of KMA.



Source: Compiled by Audit Team from annual reports, physical planning & works departments' operational manual. (August 2022)

2.6 Key players and their roles

42. Table 6 presents the key players involved in the issuance and enforcement of building permits and their roles.

Table 6: Key players and their roles.

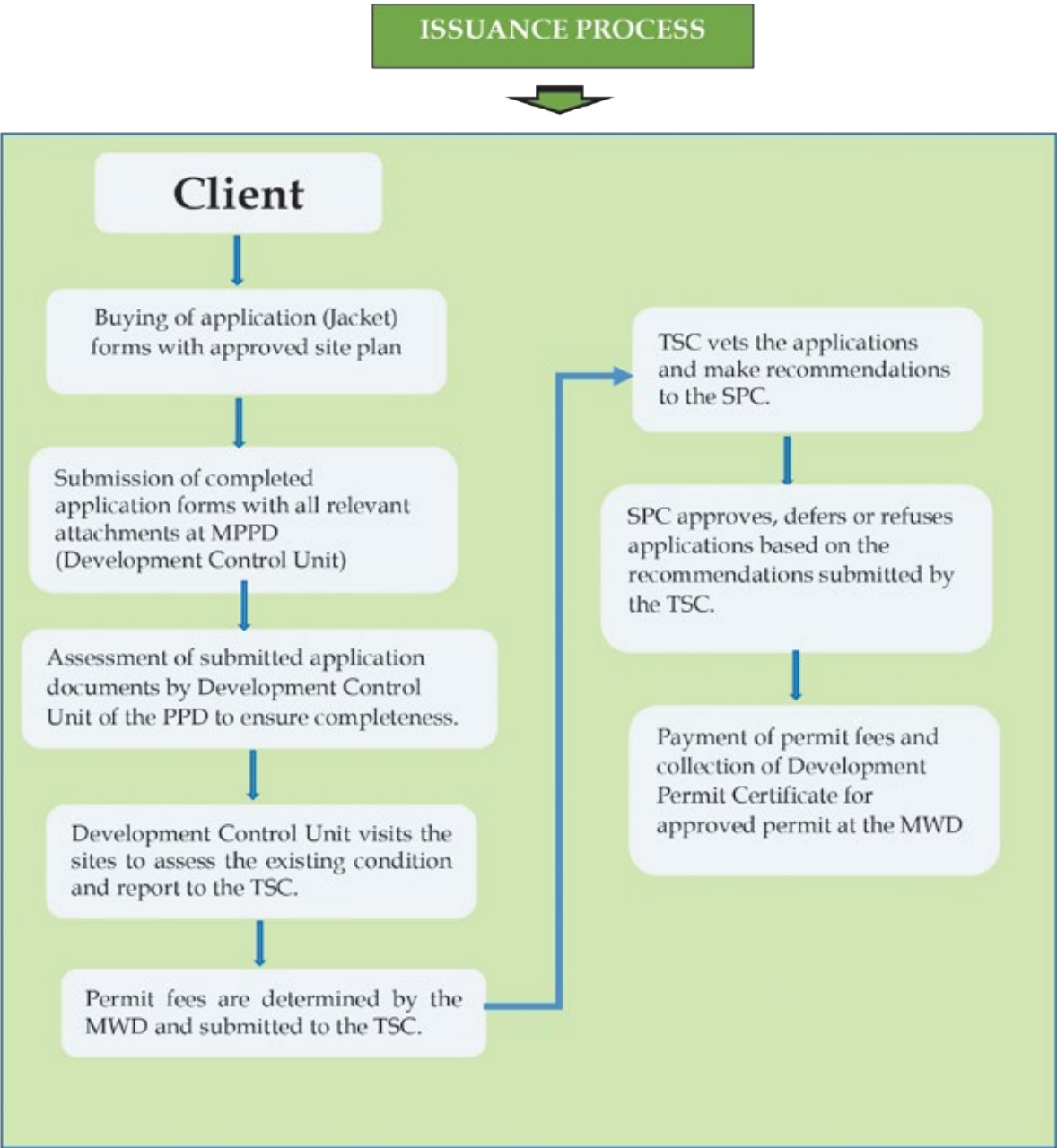
KEY PLAYERS	ROLES
Physical Planning Department	<ul style="list-style-type: none">• In collaboration with survey department, prepares development schemes for communities in the municipality.• Vets and recommends for development approval schemes prepared by private surveyors for communities.• Receives and reviews relevant documents (site plans, drawings, land title) from applicants for building permits
Metro Works Department	<ul style="list-style-type: none">• Examines architectural drawings for conformity to building regulations.• Determines building permits fees.• Monitors activities of developers.• Keeps records of Assembly’s copies of building permits.• Undertakes the removal of unauthorised structures with the support of the Assembly’s taskforce and security agencies.• Attends to complaints on building development issues.• Produces quarterly reports.• Assists in the resolution of boundary issues.• Enforcement of approved building permit.
Technical Sub-Committee	<ul style="list-style-type: none">• Vets’ documents (site plans, building plans/drawings, land title certificate) to ensure they meet the required standards.• Recommend approval of applications for building permits by the Spatial Planning Committee.
Spatial Planning Committee	<ul style="list-style-type: none">• Approves planning schemes.• Review permit applications and take decision on them.• Revokes permit of developers who do not comply with permit conditions
Chiefs/Residents’ Associations	<ul style="list-style-type: none">• Report incidences of flouting of building regulations to the Assembly

Source: Compiled by Audit Team from Local Government Service’s Operational Manual for Works Departments (August 2022)

2.7 Process description

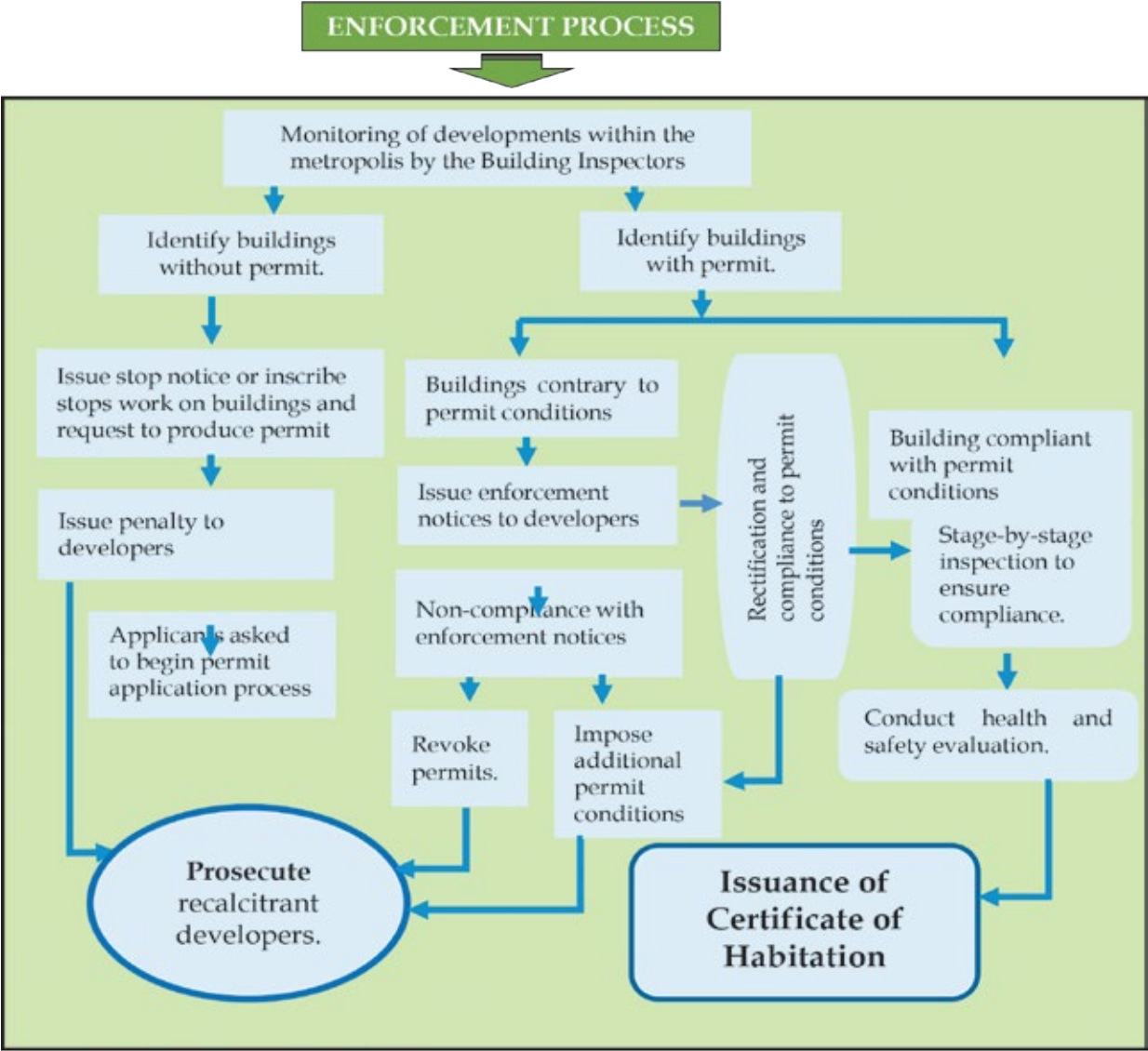
43. Figures 2 and 3 illustrate the process description for the issuance and enforcement of building permit by the PPD and MWD respectively. Detailed description of the process is presented in *Appendix “E”*.

Figure 2: Process Description for the issuance of building permit.



Source: Audit Team (August 2022)

Figure 3: Process Description for the enforcement of building permit.



Source: Audit Team (August 2022)

CHAPTER THREE

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

3.1 Introduction

44. We applied our audit methodology to gather sufficient evidence that enabled us to answer the audit question based on our objective of determining whether KMA issued building permits to applicants to enable them regulate development in the metropolises as well as generate revenue for development.

45. Our reviews revealed that, the Physical Planning Department (PPD) between January 2017 and July 2022 received a total of 465 building permit applications and the Spatial Planning Committee (SPC) met to take decisions on all the applications them.

46. During the audit period, the PPD generated GH¢1,726,370.00 as fees for processing of building permit applications whilst, the Metropolitan Works Department (MWD) generated GH¢3,678,320.97 as revenue for issuance of permit.

47. Through monitoring, the MWD was able to safeguard some flood prone areas within the metropolis from being filled by developers for construction works, which could have led to flooding during downpours. The Department also cleared some illegal structures on road reservations and ceased the tools of developers who built without permit.

48. These achievements notwithstanding, we identified some areas that need to be improved, which we have presented in this chapter of findings, conclusions and recommendations under the following headings:

- ❖ Issuance of Building Permits to ensure that developers build according to the laid down planning scheme of the areas,

- ❖ Enforcement of Building Permits to ensure that developers build according to their drawings, structurally and to specification, and
- ❖ Monitoring of Physical Developments to minimise unauthorised structures; and enhance revenue generation.

3.2 Issuance of Building Permit to ensure that developers build according to the laid down planning scheme of the areas.

49. The issuance of building permit by District Assemblies is vital in ensuring that physical developments are in accordance with approved planning schemes. The essence is to minimise haphazard developments and ensure that buildings are constructed in line with acceptable standards. It is therefore important for Assemblies to promptly issue building permits to reduce the tendency of undertaking physical development without a permit and prevent unplanned development.

50. Section 3.4.3.5 of the Development Permitting Guidelines 2015 of the Town and Country Planning Department mandates the Spatial Planning Committee (SPC) to approve each building permit application within 30 working days of submission, when the applicant has attached all relevant documents to the completed application form.

51. We sampled and reviewed 60 applications and found that the Assembly approved 24 out of the 60 within the stipulated 30days. An equal number of 24 were not issued within the required 30 working days period although the applicants had all relevant documents attached. Those approved were also delayed and the period of delays ranged from three to 353 days (See details of the period of delays in Table 7). The remaining 12 had not been approved due to queries for lack of complete documentation.

Table 7: Delays in the approval of the 36 building permits and the number of times the SPC held meetings (January 2017 to July 2022).

Year	Permit Applications					SPC Meetings		
	Application No.	Application Date	Date of SPC's Decision	No. of Days Taken to Approve /Defer	No. of Days Beyond 30 Days	Dates of SPC Meetings	Min. No. of Meetings Expected Per Year	No. of Times SPC Met
2017	BSA/SEC.47/17/1	10-Apr-17	19-Oct-17	130	100	19-Oct-17	12	1
	BAN/SEC.2/17/1	11-Apr-17	19-Oct-17	131	101			
	ODU/SEC.11/17/4	2-May-17	19-Oct-17	119	89			
	BSA/SEC.47/17/2	15-May-17	19-Oct-17	110	80			
	BSA/SEC.47/17/3	15-May-17	19-Oct-17	110	80			
	RIG/SEC.18/17/2	23-May-17	19-Oct-17	104	74			
	SUN/SEC.1/17/1	8-Jun-17	19-Oct-17	93	63			
	BSA/SEC.47/17/4	11-Jul-17	23-Jan-19	383	353			
2018	FAN/SEC.34/17/16	30-Nov-17	8-Mar-18	66	36	8-Mar-18 15-May-18	12	2
	INO/SEC.40/18/2	24-May-18	23-Jan-19	165	135			
	DAN/SEC.54/18/1	7-Jun-18	23-Jan-19	156	126			
	BSA/SEC.47/18/2	23-Aug-18	23-Jan-19	104	74			
	FAN/SEC.34/18/20	29-Oct-18	23-Jan-19	58	28			
	NET/SEC.4/18/2	1-Nov-18	23-Jan-19	55	25			
	FAN/SEC.34/18/22	9-Nov-18	23-Jan-19	49	19			
2019	FAN/SEC.34/18/22	4-Dec-18	25-Oct-19	221	191	23-Jan-19 15-May-19 22-Aug-19 25-Oct-19	12	4
	RIG/SEC.18/19/1	14-Jan-19	25-Oct-19	197	167			
	FAN/SEC.34/19/3	20-Jun-19	25-Oct-19	89	59			
	NET/SEC.4/19/3	2-Jul-19	25-Oct-19	81	51			
	FAN/SEC.34/19/6	15-Aug-19	25-Oct-19	51	21			
	ANO/SEC.42/19/2	19-Nov-19	5-Mar-20	73	43			
2020	FAN/SEC.34/19/10	10-Dec-19	5-Mar-20	59	29	5-Mar-20 23-Jun-20 11-Sep-20 22-Sep-20 30-Nov-20	12	5
	ODU/SEC.11/19/3	14-Jan-20	5-Mar-20	38	8			
	OAM/SEC.15/19/1	14-Jan-20	5-Mar-20	38	8			
	PAT/SEC.20/20/2	3-Jun-20	11-Sep-20	71	41			
	ODU/SEC.11/20/6	12-Jun-20	11-Sep-20	64	34			
	NET/SEC.41/20/1	6-May-20	23-Jun-20	34	4			
	DAN/SEC.54/20/6	10-Dec-20	11-Feb-21	42	12			
2021	ZON/SEC.7/20/1	23-Dec-20	11-Feb-21	33	3	11-Feb-21 26-Mar-21 4-Jun-21 7-Jul-21 29-Jul-21 16-Aug-21 27-Sep-21 1-Nov-21 10-Nov-21	12	9
	FAN/SEC.34/21/9	26-Mar-21	15-Mar-22	240	210			
	NSO/SEC.19/21/13	14-Jul-21	31-Jan-22	136	106			
	NSO/SEC.19/21/17	1-Sep-21	31-Jan-22	103	73			
				33	3			
2022	RIG/SEC.18/21/20	10-Dec-21	31-Jan-22			31-Jan-22 15-Mar-22 29-Apr-22 8-Jun-22	7	4
	ODU/SEC.11/22/1	04-Feb-22	29-Apr-22	58	28			
	BAN/SEC.2/22/4	14-Feb-22	16-May-22	60	30			
	PAT/SEC.20/22/1	14-Feb-22	16-May-22	60	30			

Source: Compiled by Audit Team from the submission register, receipt books of KMA's PPD, and SPC files (August 2022)

52. We noted that the inability of the SPC to meet at least once a month (12 times in a year) as per Section 41 of the Land Use and Spatial Planning Act, 2016 (Act 925) to conduct business on building permit applications and other matters mainly contributed to the delays in the issuance of building permits (See details in Table 7).

53. Where the SPC was able to meet most of the times, they were able to decide on most of the applications. For instance, in 2021 the SPC had a total of nine meetings instead of 12. Out of the nine meetings, seven were in relation to building permits. Our examination of 10 sampled applications for 2021 shows that the SPC approved seven of them that had all relevant attachments within the required 30 working days. The remaining three were queried by the SPC because of the absence of relevant attachments, which were supposed to have been checked by the staff of the Building Control Unit of the PPD before accepting them for processing.

54. From 2017 to 2019, the SPC set a target to meet once every quarter (a total of four meetings in each year). We noticed that the SPC was unable to meet this target in the years under review except 2019, though there were applications to be considered in each of the quarters for the various years as shown in Table 8.

Table 8: The number of quarters the SPC met, and the applications received by PPD in each quarter January 2017 to July 2022.

YEAR	No. of applications received in each quarter				Total applications per year	No. of SPC meetings in a year	
	1 ST QUART.	2 ND QUART.	3 RD QUART.	4 TH QUART.		TARGET	ACTUAL
2017	16	29	23	26	94	4	1
2018	29	18	12	18	77	4	2
2019	4	10	10	7	31	4	4

Source: Compiled by Audit Team from the submission register and SPC files (August 2022)

55. The Assembly in 2017 received a total of 68 applications for the first three quarters but the only time the SPC met to decide on them was in October (see Table 8). The SPC decided on 17 applications submitted in the final quarter of 2017 in March 2018. Analysis of Table 8 shows that, the PPD received a total of 30 permit applications in the 3rd and 4th quarters of 2018, but the SPC did not meet during this period (see Table 8) to decide on them. The SPC took decisions on all the 30 applications in 2019. Though the SPC met its target of four meetings in 2019, decisions on most of the applications went beyond the required 30 working days (see Table 8) due to irregular meetings. For example, between the SPC meetings held on 15 May and 22 August 2019, the PPD received a total of 12 applications, but all 12 applications were approved on 25 October 2019.

56. We also noted that the irregular meetings of the SPC were because the Metropolitan Chief Executive (MCE) who was supposed to chair the meetings was not available for most of the meeting days. In his absence, he did not take steps to ensure that the MCD chaired the meetings as required by the Land Use and Spatial Planning Act, 2016 (Act 925). This created backlogs of applications leading to delays in issuing the permits.

57. In addition, we found that queries on applications for commercial and public buildings also contributed to the delays in issuing building permits by KMA. The

queries were as a result of non-attachment of reports on traffic and environmental impact assessments and fire safety assessment which were a pre-requisite for commercial and public buildings. The queries caused some of the applications to be deferred, which resulted in delays. These permit applications passed through the staff of the Building Control Unit of PPD whose duty was to use a checklist to ensure applications had all relevant attachments before accepting them for the 30 working days processing period to commence. They, however, accepted applications which did not have the relevant attachments at the time of submission and the 30 working days processing period started counting until such applications were tracked and processing terminated.

58. We found that once the queries were not communicated to the developers, they went ahead to commence construction without permit.. Such developments could have been tracked and stopped with the help of information technology. For instance, we tracked the construction history of an application the Assembly received on 14 July 2021 (referenced NSO/SEC.19/21/13) and issued the permit on 31 January 2022. Using the information on the site plan of the application to locate and track the construction history with Google Earth on 20 February 2023, we observed that as at the date of submission (14 July 2021) construction had commenced and by the time the permit was issued (31 January 2022) the building had been roofed.

Conclusions

59. Out of the 60 applications sampled, the SPC was unable to meet to issue 24 permit applications (40%) within the required 30 working days, when the application had all relevant documents attached. The insistence of the MCE to chair meetings and failure to ensure that the MCD chaired the SPC meetings in his absence created backlogs which contributed to the delays.

60. Twelve out of the 60 applications (20%) also delayed due to queries by the SPC, which should have been detected by the Building Control Unit at the time of submission. The delays led to some applicants commencing construction without permits.

Recommendations

61. We recommended that the:

- MCE should make the necessary arrangements for the MCD to chair SPC meetings in his absence to minimise the delays in the issuance of building permit, and
- Head of the Building Control Unit should ensure that the staff use the checklist of required attachments, to ascertain the completeness of all relevant attachments before accepting applications for onward submission to the Technical Sub-Committee and the SPC for consideration.

Auditee response

62. *Management agreed to the findings and recommendations with the following explanations:*

On Spatial Planning Committee's Meetings, they explained that;

- *In 2017, only one (1) SPC meeting was held because;*
 - a. there were transitional issues; The appointed Metropolitan Chief Executive did not assume office on time.*
 - b. After assumption to office by the Metropolitan Chief Executive, there was a bit of standoff at the Assembly between the legality of the Spatial Planning Committee and the Metropolitan Planning Board under the L.I 1614 (the L.I. establishing the Kumasi Metropolitan Assembly. The metropolitan Chief Executive resorted to seeking legal advice on the matter. This issue was communicated to the Land Use and -spatial Planning Authority,*

- *The same issue repeated itself in 2018 and only two (2) Spatial Planning Committee meetings were held,*
- *In 2019, the Secretary to the Spatial Planning Committee was indisposed and that accounted for about four (4) meetings for the year,*
- *In 2020, with all the attendant challenges and issues with COVID 19 the Spatial Planning Committee held five (5) meetings. However, to cover for some issues the Technical Sub-committee held fourteen (14) meetings, and*
- *Currently, with the absence of the Metropolitan Chief Executive, the Metropolitan Coordinating Director sits in as chairman.*

In the instance of Submission of Development Applications Stage

63. *Management acknowledged that applications were received sometimes without supporting documents but that was done to commit the applicant to the process and not leave them and chase them again. According to them the Spatial Planning Committee has taken notice of this deficiency in the process and has vigorously started pursuing public education in this regard so that developers will know what is expected of them when submitting their development application. Going forward the secretariat has taken notice of that and has developed a strategy to be in constant communication with applicants and to help them secure other documents from other consultants and institutions.*

3.3 Enforcement of Building Permits to ensure that developers build according to their drawings, structurally and to specification.

64. Enforcing permit conditions ensures that people build according to approved design, layout and zoning requirements of the metropolitan area. It also forms the basis for the Assembly to issue certificates of habitation to developers to indicate the safety of buildings for occupancy. In line with this, Section 4.1 of the Local Government Service, Works Department Operational Manual, 2018 requires the Metro Works Department (MWD) of KMA to inspect each stage of construction to ensure that developers with building permits build according to the approved

permit conditions. The stages of construction include demarcation of the site and siting of the buildings; setting out and building of the foundations; erection of pillars and laying of blocks; as well as roofing and provision of services such as electrical and plumbing.

65. The Sub-metro Engineers for the five sub-metros said they did not conduct stage-by-stage inspections of permitted buildings to ensure compliance with permit conditions because the Assembly failed to coordinate the schedules of construction with the developer. Our interview with developers confirmed that the Building Inspectors at the Sub-metros did not visit their site to inspect their buildings when construction was ongoing.

66. The MWE did not ensure that the Sub-metro Engineers inspect and produce reports on the stage-by-stage inspection of permitted developments. The MWE is required to discuss the schedule of work with successful applicants to enable the Assembly to appoint an Officer to carry out the stage-by-stage inspection as stated in letters that were issued to applicants notifying them about their approved permit applications. However, the MWE did not make the necessary arrangements to discuss the schedule of works with developers. Consequently, the Department did not assign Officers to the developers to carry out stage-by-stage inspections.

67. The Head of the Development Control Unit (HDCU) of the MWD who oversees the operations of Sub-metro Engineers also failed to notify and furnish the sub-metros with issued permits and information that are necessary for inspections such as the location of permitted developments, contact numbers of developers, architectural and structural drawings of developments. The Sub-metro Engineers also did not request this information from the HDCU to assist them in conducting stage-by-stage inspections within their sub-metros.

68. Our inspections of five permitted developments in the sub-metros showed that none of the developers complied with permit conditions. As we observed at the MidCity Vehicle Testing Centre behind the Kumasi Cultural Centre within the Bantama sub-metro. Per the building permit, the Assembly approved a two-storey building but the developer had constructed an additional three-storey office block, and washrooms beyond the permit condition, See Picture 1.

Picture 1 showing approved and unapproved buildings at Midcity Auto Services Ltd (vehicle testing centre)



Source: Field inspection by Audit Team (August 2022)

69. Similarly, a two-storey residential building with permit number (257/20) which is located at Buokrom in the Manhyia North sub-metro had a setback of 10 feet (three meters) from the left side of the building but the developer constructed the building leaving a setback of 3.6 feet (1.1 meters). See Picture 2. The setbacks are to be of the required measurements to ensure optimum sunlight and ventilation to the building and adjoining properties. They are also to enhance easy access to emergency services during fire outbreaks, and to prevent the possibility of run-off water from roofs from pouring unto adjoining plots. In the case of the

example in Picture 2, the 3.6 feet (1.1 meters) setback provided does not guarantee optimum sunlight and ventilation and will impede movement and access for emergency services such as fire tenders and ambulances.

Picture 2: Two storey residential building with permit number (257/20) at Buokrom in the Manhyia North sub-metro



Distance between the fence wall and building on the approved permit



Distance between the fence wall and the building constructed

Source: Field inspection by Audit Team (August 2022)

Conclusion

70. The Metropolitan Works Department of KMA did not conduct stage-by-stage inspections of permitted buildings. This encouraged developers to build contrary to their permit conditions. The MWE failed to ensure that the DCU discussed the schedule of works with developers and appoint Officers to carry out the inspections and submit reports on them. Also, there was poor coordination between the HDCU and Sub-metro Engineers on permits that were issued.

Recommendations

71. We recommended that the:

- Metro Works Engineer should ensure that the Head of DCU makes the necessary arrangements to discuss the schedule of works with developers and subsequently appoint Officers to undertake stage-by-stage inspections for approved permits,
- HDCU should ensure that Sub-metro Engineers are informed and furnished with information about issued permits to facilitate stage-by-stage inspections, and
- Sub-metro Engineers should be proactive and request for information about issued permits on monthly basis to facilitate the stage-by-stage inspections.

Auditee's response

72. *Management acknowledged the audit findings and recommendations. They added that the Assembly has put the following measures in place to manage post permitting activities;*

- *The Assembly has started training technicians and engineers in post permitting activities. The Assembly acknowledge that the staff in the Works Department will require further training in managing the post permitting activities,*
- *The Spatial Planning Committee has tasked the Works Engineer to present a proposal on post permitting activities. This will help the Sub Metropolitan Council's Engineers work according to laid down processes and reporting format, and*
- *The entire Technical Sub-committee of the Spatial Planning Committee has been tasked to check ongoing developments in the metropolitan planning area and*

conduct stage by stage inspection whether developers are building according to the approved conditions in the permit.

3.4 Monitoring of Physical Developments to minimise unauthorised structures; and enhance revenue generation.

73. The Development Control Unit of KMA is required to monitor developments in the metropolis daily to identify buildings without permits and to stop such developments until the developer obtains the right permit. The KMA may issue “stop” notices; fine and/or summon the developer in accordance with Section 117, 118 and 119 of LUSPA, 2016 (Act 925). This is to enable KMA to prevent developments without building permits; haphazard developments; encroachment on catchment areas; and the loss of revenue from those who build without permits.

74. We found that the Building Inspectors within the Sub-metros decided to monitor physical developments three days in a week and use the remaining two days to receive complaints from Assembly members, residents, and developers on building related issues.

75. Though the Inspectors monitored physical developments within the metropolis, we noted that they could not meet their target of monitoring three days a week. For instance, available monthly reports indicated that the Nhyiaeso, Manhyia South and Subin sub-metros carried out monitoring for only 8, 18, and 13 days in 2017, 2020 and July 2022 respectively (See Tables 9, 10 and 11 for details). There was no information on monitoring for 2018, 2019 and 2021 at the three sub-metros. There was also no information on monitoring of physical developments by the Manhyia North and Bantama sub-metros for the audit period.

Table 9: The monitoring days, locations, issues and actions taken in 2017 by the Nhyiaeso sub-metro.

Date	Location	Issues Identified	Action Taken
08/05/2017	Sokoban	Construction of estate without permit	No action taken
05/06/2017	Nhyiaeso	Monitored flood prone areas	Decision to constantly monitor to prevent activities that will lead to flooding,
	Daban	Construction of proposed café shop on flood prone area	Demolishing recommended
3/10/2017	Ahodwo	hoarding without permit	hoarding demolished
25/10/2017	Ridge Nhyiaeso	Construction of building without permit	Work ongoing though developers were asked to stop. Recommended legal action.
26/10/2017	Patase Down	Construction of drain without permit & causing flooding	work stopped
15/12/2017	Adiebeba	Unauthorised filling of water way for construction	Joint taskforce led by the MWE visited the site and mounted a signage with the inscription " Water way Keep Off". This caused the developers to stop work
18/12/2017	Ridge Dakojom	Development on suspected government land	No action was taken
Total number of monitoring days			8

Source: Compiled by Audit Team from monitoring reports (August 2022)

Table 10: The monitoring days, locations, issues and actions taken in 2020 by the Manhya South sub-metro.

Date	Location	Issues Identified	Action Taken
1 st Quarter, 2020	Krofrom	unauthorised temporary structures on a lane	Removed
18-Jan-20	Reborn	Unauthorised structures on road reservation	Notice to remove structure
26-Jan-20			Structure Removed
26-Jan-20	Suame Round About	Unauthorised structures on road reservation	Notice to remove structures
15-Apr-20	Alabar	People around prevented property owner from constructing staircase believing it's on the road	Measurement was taken and staircase was not on the road
19-Jun-20	Dichemso	Drainage conflict	Accused instructed to construct drainage pipe
19-Jun-20	Dichemso	Construction of a mosque on road reservation	Stop notice
1 st Quarter, 2020	Odumase Downtown	Developments of nature reserves	Stop notices
1 st Quarter, 2020	Abbey Park	On-going construction works without permit by a former Assembly Man	1. Requested for permit 2. Developer claimed to have submitted plan for permit
1 st Quarter, 2020		inspection of on-going construction of a bus terminal	Requested for permit
1 st Quarter, 2020	Alabar	About 4 on-going projects without permit	Requested for permit. Developers claim they have applied
2 nd Quarter, 2020	Alabar	Petition to remove unauthorised structures	Removed after written notices and sent to main office for safe keeping
2 nd Quarter, 2020	Odumasi	On-going projects	1. Requested for permit. 2. Developers claim they have applied
2 nd Quarter, 2020	Manhya Extention	Construction of a single-storey building without permit	1. Requested for permit. 2. Developers yet to start with the application process
2 nd Quarter, 2020	Mmbrom (Dannypharma road)	Unauthorised structures on road reserves	Earmarked for removal
2 nd Quarter, 2020		Renovation of a house to be used for a hotel	Yet to receive permit from developer for verification
24-Oct-20	Ashtown	casting of foundation to construct a store attached to existing one by the government	Stopped work
Total number of monitoring days			18

Source: Compiled by Audit Team from monitoring reports (August 2022)

Table 11: The monitoring days, locations, issues and actions taken in 2020 by the Subin sub-metro.

Date	Location/ Plot No.	Issues Identified	Action Taken
12-Jul-22	Amakom 11 B 17	Construction of 3-storey building 1. foundation level completed	1. Requested for permit. 2. Developer claimed to have submitted application but did not provide evidence
19-Jul-22		2. Laying footing course	
12-Jul-22 19-Jul-22	Adum Abinkyi	Construction of 2 separate 2-storey buildings at first floor levels without permit	1. Requested for permit. 2. 2. Developer presented application receipt dated 27 April, 2022. 3. Developer advised to comply with safety and pre-pour guidelines provided to them.
14-Jul-22 19-Jul-22 29-Jul-22	Adum Puma Filling Station	Construction of 2storey building without permit	1. Requested for permit 2. Developer advised to comply with safety requirements, undertook pre-pour inspection and corrected reinforcement arrangements
22-Jul-22	Adum behind water works	Construction of 3 unit 3-storey flat without permit	1. Requested for permit. 2. Developer presented application receipt dated 27 April, 2022. 3. Developer advised to comply with safety and pre-pour guidelines provided to them
27-Jul-22	Adum P.N 10	Construction of 3-storey building at first floor level	1. Requested for permit. 2. Developer claimed to have submitted application but did not provide evidence 3. Developer presented application cert. no. ODU/EC11/03/20 4. Developer advised to comply with safety and pre-pour guidelines provided to them
Jul-22	Adum P.N 325	Construction of 4-storey building at 2nd floor level without permit	1. Developer advised to comply with safety and pre-pour guidelines provided to them upon claim of having submitted application for permit.
28-Jul-22	Adum P.N OTB 665	Construction of 4-storey building at 2nd floor level without permit	1. Developer requested to provide permit at next visit since the one on site was not clear
Jul-22	Fante New Town	Encroachment on road reservation	1. Inscription of 'remove' on structure 2. Office to issue final warning in the form of written notice
Jul-22	Behind Hello FM Station	Encroachment of walkways by sellers	1. Took decision to remove all unauthorised structures
Total number of monitoring days			13

Source: Compiled by Audit Team from monitoring reports (August 2022)

76. The Building Inspectors said they required a dedicated pick-up vehicle for monitoring but each of the Sub-metros had none. According to the Inspectors, the situation made it challenging to carry out frequent monitoring. We found that the Sub-metro Engineers made no attempt to request for a dedicated vehicle from the Assembly for monitoring or to request for funding from the Assembly for alternative transportation arrangements for monitoring. This could have enabled the Inspectors to carry out more monitoring visits than they did for the respective years.

77. We noted that the Inspectors did not detect developments without a permit at the outset of construction due to irregular monitoring and the developments were well underway at the time the Inspectors visited the locations. For most of the issues they detected during their monitoring as shown in Tables 9, 10, and 11, the Inspectors failed to issue "stop notices", charge fines, and/or take further steps to ensure that developers obtained permits.

78. The Inspectors treated receipts for submission of permit applications by developers as approved permits during monitoring. When developers presented such receipts, the Inspectors did not enquire about the status of the applications from Head of DCU but accepted the receipts as approved permits and failed to take the necessary actions.

79. Together with the Sub-metro Engineers and some of their Building Inspectors, we inspected unauthorised developments within the various sub-metros to check whether the Works Department inscribed 'stop work' on unauthorised structures and if the developers were still building without permit after the directive. We identified 15 uncompleted buildings without permits that had been marked "STOP WORK, PRODUCE PERMIT" (See examples in Picture


3). However, the Metro Works Engineers said KMA had not fined or prosecuted them as required by Act 925.



Source: Field inspections by Audit Team (August 2022)

80. Additionally, we saw six other buildings that the Sub-metro Engineers confirmed were without permits but had not taken steps to stop them. Examples of such developments in the Subin and the Manhyia North sub-metros are shown in Pictures 4A and 4B.

81. The Assembly is losing substantial revenue that could have been realized through fines and penalties; processing fees; and permit fees from the developers who had built without permits and as a deterrent to others who might do same.

Picture 4A: 4 storey construction of Abraz International School at Duase in Manhyia North Sub metro without permit and no “stop work” inscription	Picture 4B: 4 storey construction of Benstel School at Asafo in Subin Sub metro without permit and no “stop work” inscription
	

Source: Field inspections by Audit Team (August 2022)

82. Interviews with the Sub-metro Engineers showed that areas like Atasomanso Aboaso and Amanfrom new site within the Nhyiaeso and Bantama Sub-metros had no planning schemes with which the Assembly could use to validate for conformity to issue building permits. The Head of PPD confirmed this and added that, ideally, no development should have taken place in those areas as the Assembly had not issued permits for applicants to develop. He said the Assembly has not prepared the planning schemes for those areas because the State acquired them and should not have been developed by individuals but the Assembly has not been able to prevent development in these areas over the years.

83. We also observed that most of the buildings at the Atasomanso Aboaso and Amanfrom New Sites were not aligned and closed to each other (See Picture 5) because they were not monitored to conform with building requirements. This minimises daylighting and natural ventilation in the neighborhood; and prevent

easy access of emergency services such as ambulances, fire tenders and police patrols.

Picture 5: Unauthorised developments at Amanfrom in Bantama sub-metro

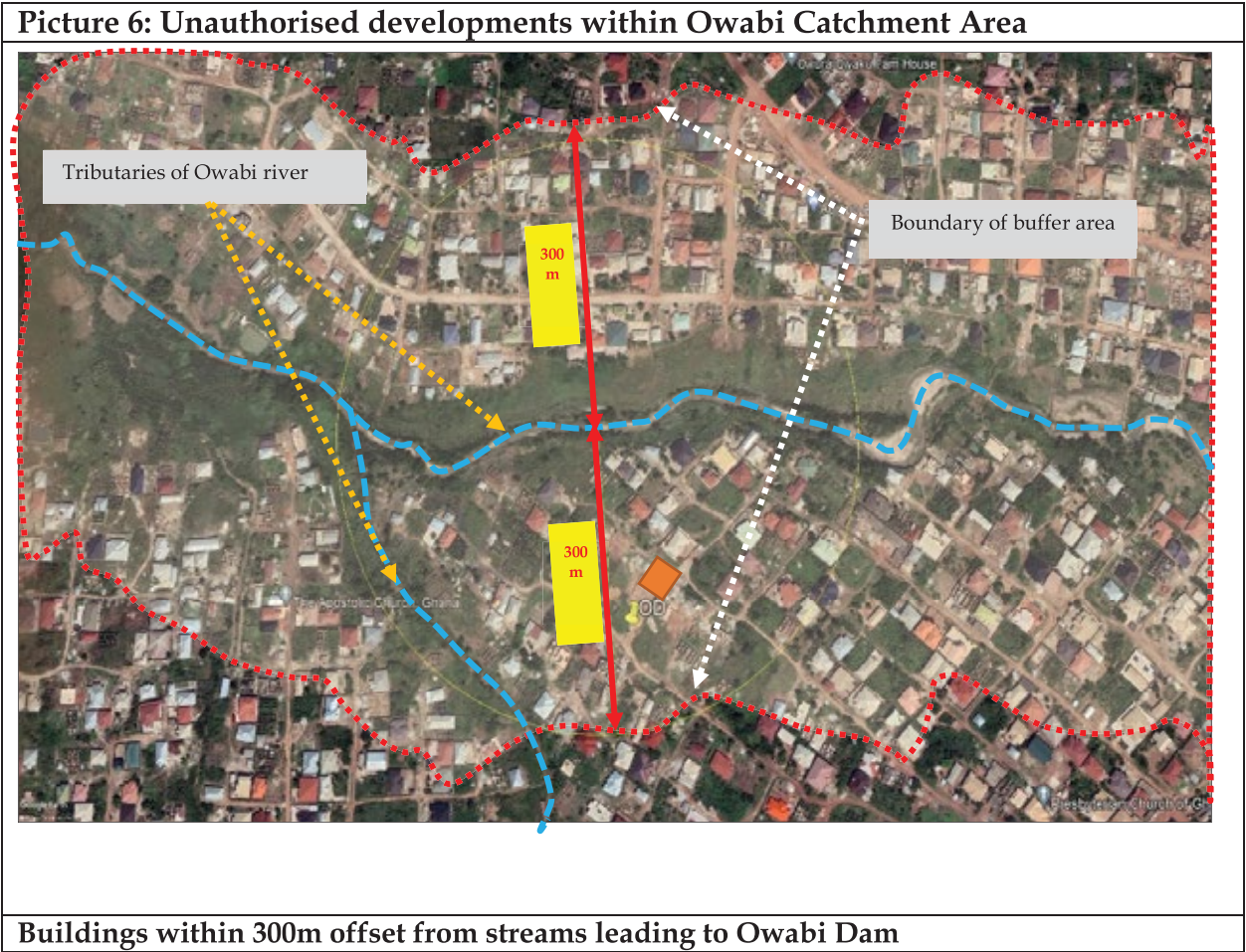


Buildings constructed close to each other

Source: Field inspection by Audit Team (August 2022)

84. During the inspections, we also found buildings near water bodies that were closer than the 300-meter requirement in the 2013 Riparian Buffer Zone Policy, which could have been prevented through regular monitoring and application of sanctions. For instance, there were buildings within the Owabi catchment area in the Bantama Sub-metro, which were closed as five meters from the Owabi tributaries as shown in Picture 6. A similar situation existed at Anyinam in the Nhyiaeso Sub-metro where buildings were located about five meters from the Akotosu River. At Duase in the Manhyia North Sub-metro, buildings were sited about seven meters from the Susua Stream. We observed that portions of the lands

within the buffer zone along the stream had been filled with laterite in preparation for construction. According to residents around these catchment areas, they experienced flooding whenever the rivers overflowed their banks during rainstorms.



Source: Field inspection by Audit Team (August 2022)

Conclusion

85. The MWD of KMA did not regularly monitor physical developments within the metropolitan area to ensure that people did not build without permit, and at unauthorised areas. KMA failed to sanction people who developed without building permits. The Assembly also lost revenue that could have been realised from issuance and enforcement of building permits such as fines, penalties, processing fees, and permit fees from those who built without authorisation. It

also encouraged haphazard developments, encroachment of buffer zones, and developments ahead of planning schemes.

Recommendations

86. We recommended that:

- The MWE should collaborate with the Sub-metro Engineers and make the necessary arrangements for means of transport for Building Inspectors and/or employ information technology for regular monitoring of physical developments within the metropolis,
- KMA should take steps to prevent developments in areas acquired by State; and where possible, the Assembly should prepare planning schemes and regularise developments in areas where people have built without permit to enable it to realise any revenue due,
- The MWE should ensure that Building Inspectors desist from treating permit application receipts as building permits, as such developers may not have paid the necessary permit fees to obtain building permits,
- KMA should implement measures that will ensure that developers who build without permits pay the appropriate fines, penalties, and fees to the Assembly, and
- Use the issuance of building permits to increase their revenue generation.

Auditee's response

87. *Management agreed to the findings and the recommendations. They added that:*

- *The Assembly is procuring vehicles to help in the work of the Works Department in managing the post permitting process and to check people undertaking unauthorized development,*

- *The Assembly has also resolved that the honourable elected members of the Assembly are to report any development in their jurisdiction to the Works Engineer and the Physical Planning Officer accordingly. If the Assembly members are working to this effect the issue of development without permits and building in unauthorised areas will be a thing of the past,*
- *The only areas without planning schemes are areas which were acquired with an Executive Instrument (E.I) and not until the E.I is revoked or elapsed, planners cannot prepare planning schemes for those areas, and*
- *The Owabi Catchment Area is a National Security Issue and dates back to the 1990's. Currently, the Ghana Water Company limited is resolving the issues with the Asantehene's Lands Secretariat.*

3.5 Overall conclusion

88. Despite the steady progress made by the Kumasi Metropolitan Assembly (KMA) regarding the issuance and enforcement of building permits, the KMA did not approve most of the building permit applications it received within the stipulated 30 working days. It also failed to inspect permitted developments to ensure compliance with permit conditions. The KMA did not regularly monitor physical developments and failed to sanction people who developed/or commenced construction without building permits.

89. These led to developments without permits; buildings on water ways; encroachment of catchment areas; development in areas without planning scheme; non-conformity to permit conditions and building standards, and loss of revenue to the Assembly.

APPENDIX 'A'

Detailed Audit questions, assessment criteria and sources of criteria.

No.	Audit questions	Audit criteria	Source of criteria
1	<p>Objective 1: Issuance</p> <ul style="list-style-type: none"> How many building permit applications did KMA approve/reject within the audit period? How long did it take KMA to approve each of the building permit applications? 	<ul style="list-style-type: none"> The SPC after considering each application will decide whether a developer's application is approved, refused or deferred for further information and assessment. The SPC decision shall be taken within 30 working days of submission of the application 	<ul style="list-style-type: none"> Section 3.4.3.5 of the Development Permitting Guidelines 2015 of the Town and Country Planning Department
2	<p>Objective 2: Enforcement</p> <ul style="list-style-type: none"> How did KMA plan to monitor on-going projects with permits? How often did KMA conduct stage to stage inspection of permitted projects and what activities did they carry out? Who were those involved in carrying out stage-to-stage inspection of on-going permitted project? How did the works department handle developers who did not comply with permit conditions? How many certificates of Habitation were issued by KMA during the audit period? 	<ul style="list-style-type: none"> An officer of the Planning and Building Inspectorate Unit, whether employed by the District Assembly or engaged as an outsourced person, shall monitor physical development to ensure compliance with the approved permits and with the provisions of this Act. Where a developer did not comply with the conditions of an approved building permit, we expect KMA to revoke the permit or impose additional conditions to that permit. A person shall not use a building for any purpose or permit a building to be used for a public purpose unless a Certificate of Habitation for that 	<ul style="list-style-type: none"> Sections 115(1), 159(1) and 161 of LUSPA Act 2016, Act 925 section 159. (1) Section 4.1.1.1.1. of the Local Government Service, Works Department Operational Manual, 2018 National Building Regulations, 1996(L.I. 1630)

		<p>building has been issued by the District Assembly.</p> <ul style="list-style-type: none"> ■ We expect the Metro Works Department (MWD) of KMA to inspect each stage of construction to ensure that developers build according to approved permit conditions. 	
3	<p>Objective 3: Monitoring</p> <ul style="list-style-type: none"> ■ How did KMA plan to monitor physical developments? ■ How often did KMA monitor physical developments? ■ Who were those involved in the monitoring of physical developments? ■ How did the KMA handle developers who developed without building permit? 	<ul style="list-style-type: none"> ■ MWD is to put in place monitoring and evaluation systems for management of activities and works to ensure value for money. ■ MWD is to ensure that developers build according to the laid down planning scheme of the areas. ■ MWD is to monitor the activities of developers on daily basis. ■ A person shall not undertake any physical development of the land without a permit issued by the Assembly ■ We expect KMA to sanction developers who put up a building without first obtaining a building permit. 	<ul style="list-style-type: none"> ■ Section 8.5 of its operational manual. ■ Function of the Works Department. ■ Regulation 11 of National Building Regulations 1996, (LI1630 ■ Section 113 (1s) of LUSPA, 2016 Act 925 ■ Section 177 of the LUSPA Act 2016, Act 925.

APPENDIX 'B'

Details of 60 Applications Sampled

NO.	APPLICATION NO.	DATE OF APPLICATION	APPROVAL DATE	LOCATION	TYPE OF BUILDING
1.	ODU/SEC.11/22/1	04-Feb-22	29-Apr-22	SUBIN	COMMERCIAL
2.	BAN/SEC.2/22/4	14-Feb-22	16-May-22	BANTAMA	RESIDENTIAL
3.	PAT/SEC.20/22/1	14-Feb-22	16-May-22	NHYIAESO	RESIDENTIAL
4.	OAM/SEC.54/22/1	28-Mar-22	29-Apr-22	SUBIN	MIXED
5.	DA/SEC.54/22/2	18-May-22	08-Jun-22	NHYIAESO	COMMERCIAL
6.	AFO/SEC.13/22/3	08-Mar-22	15-Mar-22	SUBIN	COMMERCIAL
7.	NET/SEC.41/22/2	24-Feb-22	15-Mar-22	MANHYIA	MIXED
8.	NSO/SEC.19/22/3	1-Mar-22	15-Mar-22	NHYIAESO	RESIDENTIAL
9.	FAN/SEC.34/22/5	22-Mar-22	29-Apr-22	NHYIAESO	RESIDENTIAL
10.	RIG/SEC.18/22/1	11-Jan-22		NHYIAESO	COMMERCIAL
11.	NSO/SEC.19/21/17	1-Sep-21	31-Jan-22	NHYIAESO	RESIDENTIAL
12.	NET/SEC.5/21/2		1-Nov-21	MANHYIA	RESIDENTIAL
13.	NTE/SEC.5/21/1	12-Oct-21	1-Nov-21	MANHYIA	CIVIC
14.	RIG/SEC.18/21/19	12-Oct-21	1-Nov-21	NHYIAESO	RESIDENTIAL
15.	FAN/SEC.34/21/9	26-Mar-21	15-Mar-22	NHYIAESO	RESIDENTIAL
16.	NSO/SEC.19/21/13	14-Jul-21	31-Jan-22	NHYIAESO	COMMERCIAL
17.	NSO/SEC.19/21/12	21-Jun-21	29-Jul-21	NHYIAESO	PETROL STATION
18.	RIG/SEC.18/21/7	25-May-21	4-JUN-21	NHYIAESO	RESIDENTIAL
19.	RIG/SEC.18/21/20	10-Dec-21	31-Jan-22	NHYIAESO	COMMERCIAL
20.	BSA/SEC.47/21/6	14-Dec-21	31-Jan-22	NHYIAESO	CIVIC
21.	ZON/SEC.7/20/1	23-Dec-20	11-Feb-21	MANHYIA	RESIDENTIAL
22.	SUN/SEC.1/20/4	23-Dec-20	11-Feb-21	BANTAMA	RESIDENCE
23.	BSA/SEC.41/20/4	14-Aug-20	11-Sep-20	MANHYIA NORTH	RESIDENTIAL
24.	PAT/SEC.20/20/2	3-Jun-20	11-Sep-20	NHYIAESO	RESIDENTIAL
25.	ODU/SEC.11/20/7	21-Oct-20	30-Nov-20	SUBIN	COMMERCIAL
26.	ODU/SEC.11/20/6	12-Jun-20	11-Sep-20	SUBIN	COMMERCIAL
27.	BAN/SEC.2/20/1	21-Jul-20	8-Jun-20	BANTAMA	MIXED
28.	DAN/SEC.54/20/6	10-Dec-20	11-Feb-21	NHYIAESO	RESIDENTIAL
29.	OAM/SEC.15/19/1	14-Jan-20	5-Mar-20	SUBIN	CIVIC
30.	ODU/SEC.11/19/3	14-Jan-20	5-Mar-20	SUBIN	COMMERCIAL
31.	DAN/SEC.54/19/1	18-Jan-19	23-Jan-19	NHYIAESO	COMMERCIAL
32.	FAN/SEC.34/19/10	10-Dec-19	5-Mar-20	NHYIAESO	RESIDENTIAL
33.	ANO/SEC.42/19/2	19-Nov-19	5-Mar-20	BANTAMA	MIXED
34.	FAN/SEC.34/19/3	20-Jun-19	25-Oct-19	NHYIAESO	RESIDENTIAL
35.	NET/SEC.4/19/3	2-Jul-19	25-Oct-19	MANHYIA	COMMERCIAL

36.	FNT/SEC.12/19/1	15-Oct-19	25-Oct-19	SUBIN	RESIDENTIAL
37.	FAN/SEC.34/19/6	15-Aug-19	25-Oct-19	NHYIAESO	RESIDENTIAL
38.	FNT/SEC.12/19/2		5-Mar-20	SUBIN	RESIDENTIAL
39.	SUN/SEC.1/19/1	13-May-19	23-Jan-19	BANTAMA	COMMERCIAL
40.	RIG/SEC.18/19/1	14-Jan-19	25-Oct-19	NHYIAESO	RESIDENTIAL
41.	DAN/SEC.54/18/1	7-Jun-18	23-Jan-19	NHYIAESO	RESIDENTIAL
42.	FAN/SEC.34/18/20	29-Oct-18	23-Jan-19	NHYIAESO	RESIDENTIAL
43.	FAN/SEC.34/18/22	4-Dec-18	25-Oct-19	NHYIAESO	RESIDENTIAL
44.	FAN/SEC.34/18/22	9-Nov-18	23-Jan-19	NHYIAESO	RESIDENTIAL
45.	BSA/SEC.47/18/2	23-Aug-18	23-Jan-19	MANHYIA NORTH	MIXED
46.	FAN/SEC.34/18/17	25-Apr-18	15-May-18	NHYIAESO	RESIDENTIAL
47.	ODU/SEC.11/18/3	31-Jan-18	8-Mar-18	SUBIN	COMMERCIAL
48.	SUN/SEC.1/18/1	23-Feb-18	8-Mar-18	BANTAMA	RESIDENTIAL
49.	OAM/SEC.15/18/1	26-Apr-18	15-May-18	SUBIN	RESIDENTIAL
50.	NET/SEC.4/18/2	1-Nov-18	23-Jan-19	MANHYIA	CIVIC
51.	NET/SEC.14/17/5	26-Sep-17	19-Oct-17	MANHYIA	RESIDENTIAL
52.	BSA/SEC.47/17/2	15-May-17	19-Oct-17	MANHYIA NORTH	RESIDENTIAL
53.	SUN/SEC.1/17/1	8-Jun-17	19-Oct-17	BANTAMA	COMMERCIAL
54.	RIG/SEC.18/17/2	23-May-17	19-Oct-17	NYIAESO	COMMERCIAL
55.	BSA/SEC.47/17/4	11-Jul-17	23-Jan-19	MANHYIA NORTH	PETROL STATION
56.	FAN/SEC.34/17/16	30-Nov-17	8-Mar-18	NHYIAESO	RESIDENTIAL
57.	BSA/SEC.47/17/3	15-May-17	19-Oct-17	MANHYIA NORTH	CIVIC
58.	ODU/SEC.11/17/4	2-May-17	19-Oct-17	SUBIN	COMMERCIAL
59.	BSA/SEC.47/17/1	10-Apr-17	19-Oct-17	MANHYIA NORTH	MIXED
60.	BAN/SEC.2/17/1	11-Apr-17	19-Oct-17	BANTAMA	RESIDENTIAL

APPENDIX 'C1'

Details of Documents Reviewed

Document reviewed	Reason for review
Technical Sub Committee & Spatial Planning Committee file	<p>To assess what decisions the committee made in relation to building permits.</p> <p>To determine the number of building permit applications reviewed and approved at each meeting.</p> <p>To establish the recommendations for approval of building permit applications</p>
Building Permit Applications Register	To determine the number of applications received each year.
Building permit register	
Area planning schemes	To identify if the PPD marked out area which are prohibited for construction.
Metro works Dept. monitoring reports	To identify areas that the MWD monitored and the challenges they encountered
Budgets and expenditures of Physical planning and Metro works Dept.	To determine what the assembly spent in with regards to building permit and the results they achieved.
Receipt books	To determine which services payments were made for in relation to building permit acquisition.
Annual reports	To determine what activities were undertaken within the year, the challenges faced and how it was resolved.
Staff personal files	To access if staff qualifications and competencies are suitable for the service to be rendered
Register of issued permit certificates	To determine which applicants paid permit fees and collected permit certificates after approval
Development application files	To determine whether due process was followed in issuing permits

APPENDIX 'C2'

Details of 50 Development Application Files Reviewed

No.	PERMIT APPLICATION DETAILS			
	APPLICATIONS No.	PURPOSE	PLOT No.	LOCATION
1	NSO/SEC.19/21/17	Dwelling (2S)	8	Adiembra (TUC)
2	BSA/SEC.47/17/1	Dwelling (3S)	13	Buokrom
3	BSA/SEC.47/17/2	Dwelling (SS)	10	Duasi
4	BAN/SEC.2/17/1	Residential / Commercial (2S)	6	Bantama
5	ODU/SEC.11/17/4	Commercial (6S)	70 & 70A	Adum (O. T.A.)
6	DAN/SEC.54/21/3	Warehouse (2S)	07 & 09	Ssokoban
7	NET/SEC.41/20/2	Commercial (4S)	151	Mbrom
8	SUN/SEC.1/20/4	Dwelling (2S)	31	Adumanu
9	DAN/SEC.54/20/6	Apartment (3S)	53	Daban
10	SUN/SEC.1/19/1	Commercial (2S)	12	Suntreso
11	FAN/SEC.34/18/21	Dwelling (2S)	71	Atasomanso
12	RIG/SEC.18/21/19	Dwelling (3S) 2Units	3B	Ridge / Danyame
13	NTE/SEC.5/21/1	Church (SS)	4A	Dichemsu
14	BSA/SEC.47/18/2	Dwelling (3S)	28	Duase
15	NSO/SEC.19/21/13	Hotel (2S)	4	Ahodwo
16	ODU/SEC.11/22/1	Commercial (4S)	499	O. T. B.
17	OAM/SEC.15/22/1	Mixed Use (3S)	01 & 02	New Amakom
18	BSA/SEC.41/17/3	Worship and Education (3S)	3	Atinpongya
19	ODU/SEC.11/20/6	Shops / Offices (5S)	229	Adum
20	ZON/SEC.7/20/1	Dwelling (3S)	51	Zongo Extension
21	NSO/SEC.19/21/12	Petrol Filling Station (2S)	56B	Adiembra
22	NET/SEC.5/21/2	Dwelling (2S)	12	Dichemso Extension
23	INo/SEC.40/18/2	Dwelling (2S)	31	Tafo Nhyiaso
24	FAN/SEC.34/19/10	Apartments (3S)	16	Konkromase
25	BSA/SEC.47/17/4	Petrol Filling Station (2S)	2	Duasi
26	DAN/SEC.54/18/1	Dwelling (3S)	1	Sokoban
27	NET/SEC.4/18/3	Residence / Shops (3S)	27	Mbrom
28	NAW/SEC.14/17/5	Dwelling (3S)	10	Asukwa Res.
29	ODU/SEC.11/18/2	Mixed Use (5S)	494	Adum (O.T.B)

30	NSO/SEC.19/18/1	Residence / Shops(2S)	18	Adiebeba
31	SUN/SEC.1/17/1	Office Complex (5S)	5A	North Suntreso Estate
32	FAN/SEC.34/18/20	Dwelling (2S)	16	Atasomanso
33	ODU/sec.11/20/7	Fence wall	Not Applicable	Adum
34	FAN/SEC.34/19/3	Apartment (2S)	01 & 1	Atasomanso
35	FAN/SEC.34/18/22	Dwelling (2S)	3	Atwima Amanfrom
36	NET/SEC.41/22/2	Mixed Use (2S)	84	Krobo
37	OAM/SEC.15/18/1	Hostel (3S)	10	Old Amakom
38	FAN/SEC.34/17/16	Dwelling (SS)	7	Atasomanso/Aboaso
39	NSO/SEC.19/18/2	Dwelling (2S)	12A	Ahodwo
40	AFO/SEC.13/22/3	Warehouse (SS)	Not Available	Asafo
41	NET/SEC.4/18/2	Multi-purpose hall (4S)	Not Available	Ashtown
42	FNT/SEC.12/19/2	Mast (2S)	Not Available	Asafo
43	FAN/SEC.34/19/6	Dwelling (2S)	62	Apramang
44	FNT/SEC.12/19/1	Hostel (3S)	56	N. T. E. N. (Bompata)
45	NET/SEC.4/19/3	Commercial (SS)	5	Mbrom
46	BAN/SEC.2/18/1	Commercial (2S)	Not Available	Bantama
47	FAN/SEC.34/18/17	Dwelling (2S)	4	Santasi
48	RIC/SEC.18/17/2	Shops (3S)	1A	Ridge
49	ODU/SEC.11/18/3	Shops / Offices (4S)	498	O. T. B.
50	NSO/SEC.19/18/4	Dwelling (SS)	56B	Adiembra

List of people interviewed.

1. *Physical Planning Department*

- Head of Physical Planning Department
- Officers of the Physical Planning Department

2. *Works Department*

- Metro Works Engineer
- Manhyaia South Sub Metro Works Engineer
- Manhyaia North Sub Metro Works Engineer
- Bantama Sub Metro Works Engineer
- Nhyiaeso Sub Metro Works Engineer
- Subin Sub Metro Works Engineer

Building Inspectors from;

- Manhyaia South Sub Metro
- Manhyaia North Sub Metro
- Bantama Sub Metro Works
- Nhyiaeso Sub Metro Works
- Subin Sub Metro Works

Process description for the issuance of building permit:

1. The steps involved in the acquisition of building permits are as follows:

- ❖ Clients buy application form (Jacket form) at the KMA Finance Department with an approved site plan.
- ❖ Applicant submits completed application forms and all relevant attachments such as Site Plan, Architectural, Structural, and Mechanical drawings, Land Title Certificate, (Geotechnical Report, Traffic Impact Assessment, Environmental Impact Assessment and Fire Safety Report for commercial and public structures) to the Assembly's Physical Planning Department and pays a submission fee.
- ❖ The Building Unit of the Physical Planning Department assesses the applications to ensure that application forms have been completed and all relevant documents attached.
- ❖ The Building Unit visits the sites to assess the existing condition and report to the TSC.
- ❖ Permit fees are calculated by the MWD and submitted to the TSC.
- ❖ The TSC vets the documents (Site Plans, Drawings, Land Title Certificate) to ensure they meet the required standards and make recommendations to the SPC.
- ❖ The SPC approves, defers or refuses applications based on the recommendations submitted by the TSC.
- ❖ Applicants that have their applications approved make payment of the permit fees and collect their Development Permit Certificate at the MWD.

Process description for the enforcement of building permit:

The Assembly's Task Force monitors all developments within the metropolis to identify:

a. Buildings without permit

- ❖ Issue stop notice to developers to produce permit and inscribe 'stop work, produce permit' on unauthorised buildings.
- ❖ Recalcitrant developers are issued second and third notices to stop work and are made to pay fines.
- ❖ Where intransigent developers are adamant to final notice, they are sent to court for Prosecution.
- ❖ Demolition of unauthorised structure

b. Building with permit

- ❖ Stage-by-stage inspection to ensure compliance with permit conditions.
- ❖ Prepare health and safety report on completed buildings.
- ❖ Issue certificate of habitation.

c. Buildings contrary to permit requirements.

- ❖ Enforcement notices are issued demanding the immediate stoppage of developments contrary to permit requirements.
- ❖ Where a developer does not comply with an enforcement notice, the permit may be revoked, or additional conditions imposed to permits which may be subject to the payment of a penalty.
- ❖ Recalcitrant developers are sent to court for Prosecution.

MISSION STATEMENT

The Ghana Audit Service exists

To Promote

Good governance in the areas of transparency, accountability and probity in Ghana's Public financial management system

By auditing

to recognised international standards

And

reporting audit results to Parliament