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MINUTES OF THE 229TH MEETING OF THE TENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 19TH FEBRUARY 2015

- PRESENT: Her Excellency the Governor, Ms Christina Scott
- The Honourable Hubert Hughes, Chief Minister and Minister of Finance,
Economic Development, Investment, Commerce and Tourism and Minister
of Labour and Immigration and Minister of Social Development and Health
- The Hon Deputy Governor, Mr Stanley Reid
- The Honourable Jerome Roberts, Minister of Lands, Physical Planning, Human
Rights, Environment, Gender Affairs and Agriculture and Fisheries and Minister
of Education, Library Services, Sports, Youth and Culture
- The Honourable Evan Gumbs, Minister of Infrastructure, Communications,
Utilities and Housing
- The Honourable Acting Attorney General, Ms Michelle Daley
- Mrs Jewelle Fleming, Clerk to Executive Council
- IN ATTENDANCE: Mrs Chanelle Petty-Barrett, PS, ELSYC
Mrs Dawn Reid, Education Services Planner
Mr Geoff Thompson, Consultant
Mr Leslie Hodge, DLS
Ms Marisa Harding-Hodge, TIO
Mrs Mary Clare Haskins-Banton, Crown Counsel
Dr Wycliffe Fahie, PAS, FIN
Dr Aidan Harrigan, PS, FIN
Mr Bancroft Battick, Chief Engineer
- ABSENT: The Honourable Attorney General, Mr Rupert Jones

EX MIN 15/111

CONFIRMATION OF THE MINUTES

Council agreed that the Minutes of the 227th and 228th Meetings held on Thursday 5th February and Thursday 12th February 2015 respectively and the Minutes of

Special Meetings held on Friday 6th February and Monday 9th February 2015 should be confirmed at the Meeting of Executive Council to be held on Tuesday 24th February 2015.

EX MIN 15/112

EX MIN 15/98 EX MEM 15/18 APPOINTMENTS TO THE MEDICAL BOARD

Further to EX MIN 15/98 of 12th February 2015, Council agreed that the matter be further deferred to the next Meeting of Executive Council to be held on Tuesday 24th February 2015.

Council authorised the issue of the action sheet before confirmation of the Minutes.

Action: PS, HSD; MINS OF GOV'T

EX MIN 15/113

NEW EDUCATION DEVELOPMENT PLAN 2015 TO 2020 – BRIEFING TO EXECUTIVE COUNCIL

The following persons joined the Meeting:-

Mrs Chanelle Petty-Barrett, PS, ELSYC
Mrs Dawn Reid, Education Services Planner
Mr Geoff Thompson, Consultant

Council noted that the Ministry of Education was in the process of developing a new Education Development Plan for 2015 to 2020 and that the services of Mr Geoff Thompson, Consultant had been secured. Mr Thompson would be working along with Mrs Dawn Reid, Education Services Planner on the development of the plan.

Mr Thompson said that he had consulted with various stakeholders while on his visit to Anguilla from the 9 – 20 February to determine what they wanted/ envisioned for education in Anguilla. The Consultant pointed out the importance of continual training of teachers and the need for functioning and up-to-date equipment at schools. He also pointed out that discussions must be held with the financial experts and other key persons concerning priority spending and the importance of education being a top priority area.

The Hon Chief Minister/Minister of Finance said that what Anguilla needed was a strong economy.

The Hon Minister of Education thanked the Consultant for his good work. He stated that he was proud as to where Anguilla was educationally when compared to other countries in the region. The Hon Minister further stated that there were signs of improvements in some areas but that there was always more that could be done as long as resources were available. He admitted that the continual training of teachers had been overlooked. The Minister spoke of the overall environment being conducive to learning, the overall infrastructural maintenance of schools and the modernisation of systems to enhance the education system. He pointed out that

he would want an assessment of the community centres as to what was being offered and what was working for Anguilla. He also made mention of child friendly initiatives in schools.

Mr Thompson informed Council that the draft Education Development Plan 2015 – 2020 would be ready for April and that he returns to Anguilla in May and the draft EDP would then be submitted to Executive Council for consideration.

Council thanked the Education officials and Mr Thompson for their invaluable work and encouraged them to continue to press forward for the development of a comprehensive Education Plan for Anguilla.

Action: PS, ELSYC; ESP; MINS OF GOV'T

EX MIN 15/115

EX MEM 15/58 THE CASE OF RETIREES WHO DID NOT QUALIFY FOR GRATUITY AND PENSION UNDER THE OLD LEGISLATION OF THE COLONY OF ST. CHRISTOPHER/NEVIS/ANGUILLA AND ALSO DO NOT QUALIFY UNDER THE CURRENT LEGISLATION OF ANGUILLA

Dr Aidan Harrigan, PS, FIN and Dr Wycliffe Fahie, PAS, FIN joined the Meeting.

Council agreed that there should be further discussion on this matter between the Hon Deputy Governor, PAS, FIN, Public Administration and the Attorney General's Chambers.

Action: DG; PAS, FIN; PS, PA; HON AG; PS, FIN; PS, EDICT

EX MIN 15/116

EX MEM 15/59 WORK PERMIT APPLICATION REFUSALS

Council agreed that the paper should be deferred.

Action: PS, MHA/IMM; PAS, MHA/IMM

EX MIN 15/117

EX MEM 15/60 APPLICATION FOR DUTY EXEMPTION FOR THE SEVENTH-DAY ADVENTIST CHURCH

PS, FIN and PAS, FIN remained for discussion.

Council agreed that duty exemption should be granted to the Mount Fortune Seventh-Day Adventist Church (c/o Pastor Trent Berg) on an Allen Organ to be used for the development of the church worship.

The estimated duty loss to the GoA is EC\$18,495.53.

Council authorised the issue of the action sheet before confirmation of the Minutes.

Action: PS, FIN; PAS, FIN; COC; FO

EX MIN 15/118

EX MEM 15/61 FILLING OF THE POST OF HIV PROGRAMME OFFICER

Council:-

- (i) noted that the Programme Officer HIV had tendered her resignation effective 29th May 2015;
- (ii) noted that the views of all the Permanent Secretaries were sought on the filling of the post and that all but one supported the filling of the post;
- (iii) further noted that budgetary provision had already been made within the 2015 budget for the post of Programme Officer HIV; and
- (iv) agreed that the post of Programme Officer HIV should be filled.

Council authorised the issue of the action sheet before confirmation of the Minutes.

Action: PS, HSD; PS, PA; PS, FIN; PS, EDICT; BD

EX MIN 15/119

EX MEM 15/62 FILLING OF VACANT POSITION – CLERK TO THE LEGISLATIVE COUNCIL

Council:-

- (i) noted that the position of Clerk to the Legislative Council would become vacant on 12 July 2015 due to the retirement of the current post holder;
- (ii) noted that the views of all the Permanent Secretaries were sought on the filling of the position and favourable responses were given;
- (iii) additionally noted that budgetary provision had already been made within the 2015 budget for the post of Clerk to the Legislative Council; and
- (iv) agreed that the post of Clerk to the Legislative Council should be filled in accordance with established procedures.

Council authorised the issue of the action sheet before confirmation of the Minutes.

Action: PS, PA; PS, FIN; PS, EDICT; BD

EX MIN 15/120

EX MEM 15/63 DRAG RACING – ADDITIONAL INFORMATION ON PARAMETERS FOR RACING

PS, ELSYC remained for discussion.

Further to EX MIN 15/50 of 22nd January 2015, Council:-

- (i) approved the parameters set out in EX MEM 15/63 (attached) pending legislative amendments being made;

- (ii) endorsed the parameters as the bases on which officials should prepare detailed drafting instructions so that the Attorney General's Chambers could prepare the necessary legislative amendments to provide a mechanism for:-
 - (a) the use of the Jeremiah Gumbs Highway for testing of cars for drag racing during particular times; and
 - (b) immunity from prosecution for racers participating in and spectators at the event; and
- (iii) noted the revised cost of EC\$50,000.00, which was to be further considered by Executive Council (this amount had not been budgeted for in the Department of Sports' budget, as Anguilla Motorsports Inc. was not an Association currently registered with the Sports Department).

During discussion, Council asked the PS, ELSYC to include further details for the following:-

Section (c) Road Conditions

- i. specify whose responsibility it would be to ensure that the road was ready for practice races.

Section (e) Safety and Insurance

- vi. consideration as to how the amount for Public Liability Insurance will be determined; and
- vii. identify clearly who will assume ultimate responsibility for ensuring that cars and drivers meet regional safety standards before testing.

The Hon Minister, Sports said that the dialogue between the Drag Racing Association and the Ministry had been positive.

Action: PS, ELSYC; DIR, Y & C; AG; PS, FIN; PS, EDICT

EX MIN 15/121

EX MEM 15/64 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – OCTAGON ENTERPRISES LTD – REGISTRATION SECTION WEST END, BLOCK 17709 B, PARCEL 48, CONTAINING 2.25 OF AN ACRE WITH DWELLING HOUSE

DLS and Crown Counsel remained for discussion.

Council agreed to issue an Aliens Land Holding Licence to Octagon Enterprises Ltd, consisting of 2.25 acres of land, with a dwelling house thereon located at West End, Anguilla, subject to the following:-

- (a) payment of the following fees:-

(i)	under the Stamp Act – 5% of EC\$967,752.00	EC\$48,387.60
(ii)	under the Aliens Land Holding Regulations Act – 12.5% of EC\$967,752.00	EC\$120,969.00
	TOTAL	EC\$169,356.60

- (b) with the expressed condition that the land should be used for residential purposes and that the Licencees must not rent their dwelling house unless an application was made and written permission obtained from the Ministry of Finance, Economic Development, Investment, Commerce and Tourism (FEDICT); and
- (c) the Applicant Company agreeing in writing to undergo further development on the property within thirty-six (36) months.

Action: PS, MHA/LANDS; PS, FIN; PS, EDICT; DLS

EX MIN 15/122

EX MEM 15/65 ACQUISITION OF LANDS BY GOVERNMENT FOR ROAD IMPROVEMENTS

DLS remained for discussion.

Council agreed that Mr Okeith Gumbs should be paid in the amount of US\$6,000.00/EC\$16,129.20 for the acquisition of 0.02 acre of property (for road improvements), described as Registration Section South Central, Block 38812 B, Parcel 30 (Part of) as delineated on Survey Plan LS11-14 conditional upon the partitions and transfers being executed by Mr. Gumbs.

Action: PS, MHA/LANDS; DLS; PS, FIN; PS, EDICT; ACC GEN

EX MIN 15/123

EX MEM 15/66 EX MIN 14/223 EX MEM 14/112 OUTSTANDING TRANSACTIONS WALLBLAKE AIRPORT EXTENSION PROJECT – CONRAD BRADLEY – PROPERTY DESCRIBED AS REGISTRATION SECTION SOUTH CENTRAL, BLOCK 38813 B, PARCEL 3, CONTAINING 0.40 ACRE OF LAND

DLS remained for discussion.

Council agreed that the paper should be deferred. Council asked that PS, MICUH be asked to provide the historic details surrounding this case.

Action: PS, MICUH; PS, MHA/LANDS; DLS

EX MIN 15/124

EX MEM 15/67 REVIEW OF ANGUILLA FINANCE LTD FINANCIAL STATEMENTS

Council agreed that the paper should be deferred.

Action: PS, FIN

EX MIN 15/125

EX MEM 15/68 EXTENSION OF THE TERM OF APPOINTMENT OF SPECIAL ADVISOR, SAMUEL WEBSTER

PS, FIN and PAS, FIN remained for discussion.

Council agreed that the term of appointment of Mr Samuel Webster, Special Advisor to the Honourable Minister of Infrastructure, Communications, Utilities and Housing and the Honourable Minister of Home Affairs should be extended for the term of the current administration.

Action: PS, MICUH; PS, MHA; MINS OF GOV'T; PS, FIN; BD

EX MIN 15/126

EX MEM 15/69 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – TIMOTHY SALTER MEDICINE PROFESSIONAL CORPORATION – REGISTRATION SECTION SOUTH EAST, BLOCK 79113 B, PARCELS 203 & 204; CONTAINING 0.27 & 0.31 ACRE RESPECTIVELY

DLS and Crown Counsel remained for discussion.

Council agreed to issue an Aliens Land Holding Licence to Timothy Salter Medicine Professional Corporation to hold, in total on a freehold basis, two parcels of land containing 0.27 and 0.31 of an acre of land respectively, (totalling 0.58 of an acre), described as Registration Section South East, Block 79113 B Parcels 203 & 204 with dwelling house on Parcel 203 and Parcel 204 being a vacant adjacent lot located at Long Path, for residential purposes, with intent to rent, subject to the following:-

Parcel 203

(i)	under the Stamp Act – 5% of EC\$1,721,792.01	EC\$ 86,089.61
(ii)	Parcel 203 under the Aliens Land Holding Regulations Act – 12.5% of EC\$1,721,792.01	EC\$215,224.01
	TOTAL	EC\$301,313.62

Parcel 204

(iii)	under the Stamp Act – 5% of EC\$268,820.00	EC\$ 13,441.00
(v)	Parcel 204 under the Aliens Land Holding Regulations Act – 12.5% of EC\$268,820.00	EC\$ 33,602.50
	TOTAL	EC\$ 47,043.50

GRAND TOTAL

EC\$348,357.12
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Action: PS, MHA/LANDS; PS, FIN; PS, EDICT; DLS

EX MIN 15/127

EX MEM 15/70 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – ARGIANO LTD – REGISTRATION SECTION SOUTH CENTRAL; BLOCK 38510 B; PARCEL 45, CONTAINING 0.65 OF AN ACRE (WITH DWELLING HOUSE)

DLS and Crown Counsel remained for discussion.

Council agreed to issue an Aliens Land Holding Licence to Argiano Ltd, to hold property described as Registration Section South Central, Block 38510 B, Parcel 45, containing 0.65 acres of land, with a dwelling house thereon located at Lockrum, Anguilla, subject to the following:-

(a) payment of the following Stamp Duties:

- | | | |
|------|---|----------------|
| (i) | under the Stamp Act – 5%
of EC\$2,056,473.00 | EC\$102,823.65 |
| (ii) | under the Aliens Land Holding
Regulations Act – 12.5%
of EC\$2,056,473.00 | EC\$257,059.13 |

TOTAL

EC\$359,882.78
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(b) with the expressed condition that the land should be used for residential purposes and that the Licencees must not rent their dwelling house unless an application was made and written permission obtained from the Ministry of Finance, Economic Development, Investment, Commerce and Tourism (FEDICT).

Action: PS, MHA/LANDS; PS, FIN; PS, EDICT; DLS

ORAL MENTION

EX MIN 15/128

ZEMI BEACH RESORT & RESIDENCES: RESURFACING OF ROAD

PS, FIN; PAS, FIN/Chairman, Procurement Board, DLS and Crown Counsel remained for discussion. Mr Bancroft Battick, Chief Engineer joined the Meeting.

Council:-

- (i) noted a letter dated January 27, 2015 to the Hon Chief Minister from

Mr Jeffrey P. Goldstein, Director, Fountain Beach Residences Ltd. on the resurfacing of the dirt road leading to the Zemi Beach Resort & Residences;

- (ii) noted that the owner of Zemi Beach Resort & Residences had undertaken to build the road so that it could be completed for the grand opening of the Resort scheduled for October 2015;
- (iii) agreed that the request by the Director, Zemi Beach Resort & Residences for a dollar for dollar offset in future room accommodation taxes for laying out the money to build the road was not acceptable;
- (iv) agreed that discussions be held with GoA and the Director, Zemi Beach Resort & Residences on whether some other mechanism could be put in place for the offset in the second phase of the development rather than the accommodation tax proposal;
- (v) agreed that given the urgency of this matter, that a request be made to the Procurement Board for an expedited procurement process; and
- (vi) mandated MICUH to provide the technical specifications for the road, to begin the tendering process.

The DLS, supported by the Chief Engineer indicated that, once the road had been acquired by the GoA, it should be gazetted and declared a public road under the Roads Act.

Council further agreed to an update on Thursday 5th March 2015.

Council authorised the issue of the action sheet before confirmation of the Minutes.

Action: PS, MICUH; PAS, FIN/CHAIR, PB; PS, FIN; DLS; CHIEF ENG; HON AG; PS, MHA/LANDS

EX MIN 15/129

UPDATE ON WASTE MANAGEMENT

Council agreed to an update on Waste Management at the Meeting of Executive Council to be held on Tuesday 24th February 2015.

Action: PS, HSD; CHIEF PROC OFF
